

SHARE PERSPECTIVES



A NEWSLETTER FOR CLIENTS AND FRIENDS OF SHARE LAWYERS

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FREE DISABILITY BOOKLET

Call (416) 488-9000 for your free copy of Disability Benefits Denied: What To Do When The Insurance Company Denies Your Disability Claim.



scan with your smartphone to be directed to our website

IN PERSON: Jayne Williams

Breast Cancer Patient Denied Critical Illness Benefit Due to Alleged Misrepresentation

As a busy dance teacher, mother and wife, Jayne Williams had many responsibilities to fulfill on a daily basis. Maintaining good health and a balanced life were important to her, as was having a reliable financial protection plan in case she became ill. She purchased life and critical illness insurance coverage when her first child was born – about seven years prior to receiving a life-changing diagnosis.



Jayne Williams felt crushed when her insurance company alleged she had made a false claim.

TROUBLING TEST RESULTS

During a routine breast exam, Jayne's family physician detected a lump in her left breast and immediately ordered a biopsy. When the tests came back a week later, Jayne, at 46-years-old, was diagnosed with breast cancer.

INSURANCE COMPANY REQUESTS COMPLETE MEDICAL HISTORY

Jayne had surgery to remove the tumour and began adjuvant chemotherapy. Due to the effects of chemo, Jayne had to stop working. She tried to remain positive. Knowing she had insurance coverage gave her the peace of mind to focus on getting through her physically and emotionally taxing cancer

treatment. She filed a claim with the insurance company for her \$250,000 critical illness benefit. The insurance company responded to Jayne after many weeks, requesting her complete medical records.

POLICY VOID DUE TO ALLEGED MATERIAL MISREPRESENTATION

After taking months to review Jayne's claim, the insurance company sent her a letter stating that she had omitted medical information on her initial application for coverage. Due to this so-called misrepresentation, her policy was void. They included a cheque with their letter. It was a return of the premiums she had paid for the last seven years. Jayne felt crushed.

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TEAM PROFILE: Elsa Voyazis, Receptionist



Elsa. Her bright smile and sense of humour make colleagues and visitors alike feel welcome.

Elsa is one of the firm's receptionists. She joined Share Lawyers in 2011 after obtaining her Legal Administration diploma from Seneca College.

If you have ever visited our offices in Toronto, you will have been greeted warmly by

In addition to welcoming clients to the office and directing their calls on the phone, Elsa has numerous administrative duties and ensures our clients receive correspondence in a timely manner.

"It's always a pleasure to see our clients walk through the door or to speak to them on the phone. It gives me great satisfaction to make them feel comfortable and valued. That's what it's all about."

Elsa is a proud mother of two young ladies, Patricia and Anastasia, who are currently pursuing post secondary studies. [SP](#)

Inspiration

"Three rules: I do not eat too much; I do not worry too much; and, if I do my best, I believe that what happens, happens for the best."

- Henry Ford

IN PERSON: JAYNE WILLIAMS (continued from page 1)

Her husband was working but they needed a second income, or in this case, her insurance benefit, to make ends meet. At one of the most challenging points in her life, she was faced with the disappointment and feelings of utter betrayal when her insurance safety net did not come through for her and her family.

SHARE LAWYERS SETTLES DISPUTE

Jayne retained Share Lawyers to take her case on a No Fees Unless We Win agreement and observed how swiftly and diligently the team of lawyers and law clerks began work on her file. Her anxiety slowly shifted into a feeling of hope. She knew it was just a matter of time before the insurance company would have to do the right thing.

The health information in question was a single line in Jayne's medical records dated two years before she first purchased coverage. Her physician had noted that Jayne was experiencing symptoms indicative of Major Depressive Disorder. However,

this was never relayed to Jayne and no testing or treatment was prescribed as her symptoms were later identified as acute stress.

Share Lawyers put forth a strong case using expert testimony from Jayne's physician. They noted that the questions in the initial insurance application were ambiguous and open to interpretation. Furthermore, Jayne answered all the questions on her application honestly and to the best of her knowledge.

The mediation with the insurance company's legal counsel was over quickly. The insurance company agreed to pay Jayne the full amount of her critical illness benefit. Jayne could continue her recovery without the added burden of outstanding bills. With her husband's support and the benefit amount, Jayne fully recovered and has been cancer-free for over three years. [SP](#)

[All names and identifying details have been changed to protect the confidentiality of all involved.]



ASK A LAWYER:

Lump-Sum Payouts and the 'Recurrent Disability' Policy Provision

Q: Can I request a lump-sum payout from the insurance company if I am receiving monthly benefits?

A: It is possible to request a lump-sum payout; however, many long term disability insurers will not be prepared to consider this option, and if they are, they may not be prepared to pay an amount that would be acceptable to many claimants. Insurers are often very suspicious regarding the motivation for such a request when monthly benefits are being paid, and will usually only consider paying out the claim for a significantly discounted amount.

Q: My insurance company forced me to return to work even though I am disabled. I am struggling and cannot continue working. Do I have to submit a new claim?

A: The question of whether a new claim must be submitted if you cannot continue will usually depend on the "Recurrent Disability" provision in the policy, or the clause in the policy that deals with the impact an attempt at returning to work will have on future entitlement in the event that the return attempt fails. You should carefully review the policy terms in your specific case to see how this works in your particular circumstances. [SP](#)



SHARE LAWYERS COMMUNITY DONATION PROGRAM

The Share Lawyers Community Donation Program honours clients who refer friends or family to Share Lawyers with the case accepted and client served.

For this issue a donation has been made to the Canadian Breast Cancer Foundation in honour of:

Craig W.	Nicole L.B.
Darrell B.	Pamela W.
Dylan G.	Peter D.
Krystyna M.	Reg L.
Lilian D.	Stacey B.
Margarita B.	Steve B.
Naseer K.	Yvonne C.

This is one more way for Share Lawyers to thank those who refer friends or family.

Laugh!

Bernard, who is noted for his gracious manners, was awakened one morning at 4:44a.m. by his ringing telephone.



"Your dog's barking, and it's keeping me awake," said an angry voice. Bernard thanked the caller and politely asked his name and number before hanging up.

The next morning at precisely 4:44 a.m., Bernard called his neighbor back. "Good morning, Mr. Williams. I'm just calling to say that I don't have a dog."

FAMILY NEWS

- We are pleased to welcome three new employees to the team! Our newest Law Clerk, Layla Linton; Receptionist, Cherilyn Pittaway; and Client Service Representative, Adam Gula, will contribute to our efforts to provide the best service possible for our valued clients.
- Law Clerk Christine Chang's husband, Brian, has been accepted into an Executive MBA program at the Schulich School of Business. Their eldest daughter, Brooklyn who is turning five-years-old on March 6, looks forward to helping her dad with his homework.
- Senior Bookkeeper, Joy Nastaskin, is pleased to announce that her daughter, Robyn, recently graduated from Ryerson University with a BA in Psychology.
- On December 30, 2013, Associate Lawyer Courtney Mulqueen's daughter, Catherine, was invited on to the ice after Team Canada Woman's Hockey Team finished their final game against the U.S.A. before the Olympics. Olympic Gold Medalist, Haley Wickenheiser, took her game jersey off and put it on Catherine and autographed it. It was an amazing moment and one that the family won't soon forget.



Catherine with her Olympic Jersey

You Said It!

COMMENTS FROM ACTUAL CLI-

"Excellent law firm. Compassion for the people who have been injured. Client Service Lawyer, Shira Bernholtz, was fantastic."

– Antoinette A., tort claim

"In July 2006 our daughter became disabled. She did receive disability payments after making several claims but her benefits were terminated while she was still disabled. She gave us permission to act on her behalf because she was unable due to her illness. It soon became evident that we would need the services of a lawyer with expertise in dealing with large insurance corporations. Approximately fifteen months after our initial contact we obtained a result that provided great relief to her and our family. She has now been disabled over seven years – but there is always hope."

– Ruby V., long-term disability claim

Refer a Friend

Share Lawyers is a leading Toronto law firm focused on insurance disputes in Ontario. Following an accident or illness, Share Lawyers helps people to get the support they need and deserve.

Please recommend Share Lawyers to your family and friends with long-term disabilities who struggle with private or group insurance claims.

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(416) 488-9000
1-888-777-1109

legal@sharelawyers.com
www.ShareLawyers.com

3442 Yonge Street, Toronto, ON M4N 2M9



No Fees Unless We
Win Your Case