

SHARE PERSPECTIVES

a newsletter for
clients and friends of
David Share Associates,
Lawyers

This Issue:

In This Issue:

Accidental Death
& Dismemberment
Insurance Disputes

In Person:

Derek Johnson, Independent
Truck Driver.....1

Team Profile:

Kirk Sloane, Lawyer2

Ask a Lawyer:

about Accidental Death
& Dismemberment
Insurance.....3

Did You Know:

Boating Danger,
Boating Safety4

Free Disability Booklet

For your free copy of
*'Benefits Denied -
What To Do When
Your Insurance Company
Denies Your Disability Claim'*
call 416 488-9000



DAVID SHARE
ASSOCIATES • LAWYERS

We make a personal injury
and disability claim as
painless as possible.

IN PERSON:

Derek Johnson, Independent Truck Driver



Derek Johnson was a 35 year-old independent trucker. He bought some insurance through the same agent who sold him his trucking insurance, including Accidental Death and Dismemberment (AD&D) coverage. This insurance would provide a one-time lump-sum payment of \$100,000 if he suffered an accidental injury or death as outlined in the policy.

insured just in case

Derek was not sure he needed this insurance, but it was inexpensive compared to some of the other insurance his agent promoted; he thought it would protect him financially if he suffered a serious injury. He did not think he would ever need it, but people told Derek to be insured, just in case.

assumed all okay

The unexpected did happen to Derek, while he was water-skiing behind his own boat. He had permitted his friend to operate the boat, knowing that he did not have a boating licence. Still, as a skilled water-skier, Derek assumed that everything would be okay.

propeller gets leg

On one fateful run, Derek went down into the water. When his friend circled back to retrieve him, he accidentally went right over Derek. The propeller got Derek's right leg, causing serious injury.

leg never the same – nor career

His friends quickly got Derek out of the lake and called an ambulance so that he could receive emergency medical care as soon as possible. His right leg required extensive surgery, and despite the surgeon's best efforts, the leg would never be the same. Indeed, Derek would have difficulty walking or doing many of his usual activities. In particular, he would not be able to work as a truck driver without great difficulty.

total loss of use

Derek submitted a claim through his AD&D policy on the basis of total loss of use of his right leg. If his claim was approved, then the policy would pay the \$100,000 lump sum. He would need that money to get through a period of retraining for another career, since trucking now seemed to be out of the question.

... see Page 2

TEAM PROFILE



Kirk Sloane, Lawyer

As a member of the DSA legal team, Kirk Sloane contributes his years of expertise as a negotiator, helping to ensure that each client's claim advances as much as possible to achieve the best outcome. He is also a family man and active contributor to the community.

After graduating from McMaster University in Hamilton with a Bachelor of Arts (Hon) degree in Psychology, Kirk earned his Bachelor of Laws degree from York University's Osgoode Hall in 1986. He was then called to the Ontario Bar in 1988.

Kirk met his wife, Valerie, at McMaster University. She works as a Special Education Resource Teacher providing support to students with autism spectrum disorders. Their son, Spencer, is a grade 11 student active in sports. Their daughter,

Christina, is a sophomore in Linguistics at Dalhousie University in Halifax and a summer camp counsellor.

Kirk's community involvement includes serving as Chairman of the Board of Directors for the Oakville Waterfront Festival, active membership on the Board of Trustees for Wildlife Preservation Canada, and coaching minor hockey.

"Negotiating the settlement of a claim to the client's complete satisfaction, then receiving their heartfelt gratitude," says Kirk, "provides great satisfaction for me." He adds, "Knowing that I have done my best to help a client get through a difficult period of his or her life and then move on: This makes my work as a lawyer with DSA rewarding. When they refer friends or neighbours to DSA, that's even better." 🌟

...from Page 1 IN PERSON: Derek Johnson

"In three words I can sum up everything I've learned about life: It goes on."

– Robert Frost

what claim to make

Derek also looked into making a claim through his boat insurance and his homeowner insurance. Both were declined on the basis that Derek was responsible for his own injuries; he could not sue himself under his homeowner policy. He even looked into making a claim against his friend who had operated the boat. His friend was unlicensed and uninsured, so that seemed hopeless.

DSA offers hope

Derek began to feel that the whole situation was hopeless until someone told him that David Share Associates (DSA) might be able to help.

AD&D claim

He consulted with DSA, and while they felt that the personal injury case did not have much chance, they did indicate that the claim for AD&D could be worth pursuing. The policy did have a provision

for benefits for total loss of use of a leg.

claim denied

The insurance company had denied Derek's claim. While they acknowledged that he had suffered a serious injury, they did not believe that the injury resulted in "total loss of use".

insurer persuaded by DSA

DSA pursued the matter on Derek's behalf, filing a claim with the courts. After extensive gathering of medical and occupational evidence, DSA persuaded the insurer to pay out the benefit.

substantial award

While Derek did not recover 100% of his claim, after legal costs, he recovered a substantial amount. It enabled him to pursue re-training and start putting his life back together. Derek said, "I am so glad that I kept hope, that I made that call, and let DSA handle it for me. I got the money and a new start." 🌟

Ask A Lawyer

Q: What if an accident happens when somebody without a boating license pilots a boat in Ontario waters?

A: If you are a victim in a boating accident and you have suffered serious personal injury, then you should promptly consult a personal injury lawyer to determine what chance of success you have with such a case. Not having a boating license does not mean that a claim cannot be pursued, though it could affect whether any insurance covering the boat applies. The owner of a boat should ensure that only licensed individuals operate it. It is important to contact a personal injury lawyer to check on all of this, as well as the applicable time limits to submit a claim.

Q: In what situations can people make Accidental Death & Dismemberment claims?

A: AD&D claims arise out of injuries sustained in an accident. Many group

benefit plans through work include coverage for Accidental Death and Dismemberment. Some private life and disability insurance policies also include AD&D coverage, or you might have AD&D insurance through a credit card you carry. The policy usually specifies a lump-sum payment. Payments are made for death and a list of other losses, the most obvious being loss of a limb, blindness, or other forms of dismemberment. Many claims hinge on whether “total loss of use” has occurred, as defined in the policy. When a claim has been denied, then DSA might be able to pursue the claim on your behalf. A copy of the policy is always required, along with applicable medical documentation, to establish whether the accidental injury is serious enough to support a successful claim. 📞

Share Perspectives readers are invited to write in with questions for *Ask A Lawyer*. Watch future issues for questions from your fellow readers. One question per person. Send your question to AskALawyer@sharelawyers.com.

“Nothing can stop the man with the right mental attitude from achieving his goal; nothing on earth can help the man with the wrong mental attitude.”

– Thomas Jefferson

Laugh: *The Burst Pipe*

A pipe burst in a doctor’s house. He called a plumber. The plumber arrived, unpacked his tools, did mysterious plumber-type things for a while, and handed the doctor a bill for \$600.

The doctor exclaimed, “This is ridiculous! I don’t make that much as a doctor!” The plumber waited for a moment then quietly said, “Neither did I when I was a doctor.”



You Said It!

“David Share Associates were highly professional and compassionate. Effective at securing a fair outcome, too.” – *Greg Beatty, Long-term Disability Claim*

“Shocked and angry that I was denied disability benefits, I found that allowing David Share Associates to handle everything took a huge weight off of my shoulders.”
– *Keltie Widdrick, Long-term Disability Claim*

Did You Know . . .

Boating Danger



Check yourself against the characteristics of the typical fishing or boating accident victim. If any four or more of these describe you, then you are in the high-risk group:

- male
- 18 to 64 years old
- fishing or boating in small open powerboat
- drinking alcohol
- experienced with small boats
- fishing or boating with a buddy standing up
- not wearing a lifejacket or personal flotation device 🌀

Source: *The Lifesaving Society Water Smart Survival Tips*
<http://www.lifesavingnl.ca/boatsafety.html>

Boating Safety

Along with your Pleasure Craft Operator Card, you are required by law to carry marine safety equipment when boating in Ontario waters. At a minimum, you should always have with you:

- a Canadian approved flotation device or lifejacket of appropriate size for each person on board
- buoyant heaving line at least 15 metres in length
- a watertight flashlight or Canadian approved flares
- a sound signalling device
- a paddle or an anchor with at least 15 metres of rope, chain, or cable
- a bailer or manual water pump
- a class 5 fire extinguisher 🌀

Source: *Canadian Red Cross Safety Equipment Requirements*
<http://www.redcross.ca/article.asp?id=15194&tid=024>

David Share Now Teaching Practising Lawyers

As announced in *Share Perspectives* issue 12, David Share continues teaching the Trial Advocacy course at York University's Osgoode Hall Law School as an Adjunct

Professor. David is also slated to be a Team Leader at the Intensive Trial Advocacy workshop offered this July to practising lawyers, also through Osgoode Hall. 🌀

Thanks!

David Share Associates (DSA) is a leading Toronto personal injury and disability claim law firm. DSA concentrates on serious injuries, death claims, insurance disputes, and disability coverage disputes in Ontario. Following an accident or illness, DSA helps people to get the support they need and deserve. We care enough to stand by you through

your claim and after your settlement. *Share Perspectives* is one way we keep in touch. We also respect your confidentiality. If you want us to add or remove your name and address from the *Share Perspectives* mailing list, send e-mail to newsletter@sharelawyers.com. When you recommend DSA, that is our best advertising. 🌀



DAVID SHARE
ASSOCIATES • LAWYERS

Head Office:
David Share Associates
3442 Yonge St.,
Toronto, Ontario,
Canada, M4N 2M9

Phone: 416-488-9000
Toll-Free Phone: 1-888-784-3529
E-mail: legal@sharelawyers.com
www.sharelawyers.com
www.sharedisabilitylaw.com