

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.

SETTLEMENTS

We have recently settled cases with:

- BMO Life
- Teachers Life
- SSQ
- Manulife
- Sun Life and more

IN PERSON:

Tomas Halkias Herniated Discs Cause Chronic Pain; Insurer Wants Evidence of Total Disability

Tomas had a home-based business for 15 years and he enjoyed his work very much. Although the hours were long, his schedule was flexible, which enabled him to spend time with his wife and children. Life was good.

LONG HOURS AT THE COMPUTER CAUSES LONG-TERM PAIN

Unfortunately, Tomas began to suffer severe pain in his lower back and down his right leg. Sitting was so painful he could not work at his computer the usual 8-12 hours a day he had in the past. In fact, he couldn't spend any time sitting. He wasn't even walking; he was crawling from his bed to the bathroom. There was no escaping the pain, except for powerful pain killers prescribed by his family physician, which impaired his cognitive function. Tomas' doctors told him he had a herniated disc, an injury caused by Tomas' long days working at his computer.

UNABLE TO WORK, HE APPLIED FOR DISABILITY BENEFITS

Tomas thought he had a guaranteed safety net in the form of disability insurance to protect his family, but when he applied for benefits, he was told he would require more medical evidence than his doctors' letters.



Tomas was surprised when his benefits were terminated after undergoing back surgery.

Six weeks later an MRI revealed the L5-S1 disc was not only herniated but was now sequestered. A large herniated piece of the disc had broken off and was pressing against his sciatic nerve. Tomas sent the insurance company the MRI with an additional letter from his doctor. He was told he would require additional medical evidence—a report from his physiotherapist. Finally, 4 months after the initial injury, his disability claim was approved.

Tomas underwent surgery to help reduce his chronic pain, but sitting and standing continued to aggravate his sciatic nerve. However, he continued to push forward with physiotherapy and rehab, hopeful that he would be able to return to work someday. A week after the surgery the insurance company cut off his benefits. The safety net for his family was yanked out from under him.

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Laugh!

A pregnant woman gets into a car accident and falls into a deep coma.

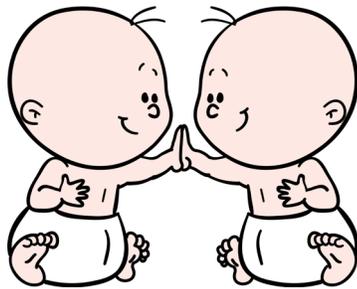
Asleep for nearly six months, she wakes up and sees that she is no longer pregnant. Frantically, she asks the doctor about her baby.

The doctor replies, "Ma'am, you had twins! A boy and a girl. The babies are fine. Your brother came in and named them."

The woman thinks to herself, "Oh no, not my brother—he's an idiot!" Expecting the worst, she asks the doctor, "Well, what's the girl's name?"

"Denise," the doctor says.

The new mother thinks, "Wow, that's not a bad name! Guess I was wrong about my brother. I like Denise!" Then she asks the doctor, "What's the boy's name?"



The doctor replies, "DeNephew."

INSPIRATION:



"Happiness is not something ready-made. It comes from your own actions."

- Dalai Lama

IN PERSON: Tomas Halkias (continued from page 1)

TOTAL DISABILITY? PROVE IT.

For the next two years, Tomas appealed the denial by cooperating with the insurance company's never-ending requests for medical documentation from doctors, physiotherapists and chiropractors. Every one of his efforts was met with the same response from the insurance company - FURTHER MEDICAL EVIDENCE REQUIRED. He tried to return to work but this only made the pain worse. Almost two years after the first surgery an MRI indicated an even larger sequestered disc pressing against the sciatic nerve. The insurance company would not accept the MRI as sufficient medical evidence. They also claimed that because Tomas could check his email for a few minutes each day that he was not totally disabled. The pain was so intense and disabling a second surgery was performed. Frustrated and discouraged, and made to feel like a fraud by the insurance company, Tomas was about to cancel his policy and give up. Then he saw an ad for Share Lawyers in a magazine.

He called and explained his situation on the phone. Wendy Hamilton immediately offered sympathy and validation. She explained that total disability does not mean a person can't do anything. There was hope. She also explained he would only pay Share Lawyers if they won his case.

HOW SHARE LAWYERS HELPED

An appointment was set with David Share, who reviewed Tomas' medical and financial records. David accepted his case and explained the legal process and fees. A tremendous burden was lifted from Tomas' shoulders. The Share Team worked diligently on behalf of Tomas and kept him informed throughout every step of the case. Just two months later they reached a settlement with the insurance company. Tomas received all back payments from the past two years and the insurance company agreed to continue paying him his monthly benefits. Share Lawyers restored his family's safety net. [SP](#)

DID YOU KNOW:

How Insurance Companies Define “Total Disability?”



The general definition of total disability during the “own occupation period” is that you are unable to do the substantial duties of your own job because of illness or injury.

When the definition of disability changes to “any occupation” the insurance company wants you to believe that it means if you are not able to do any job then you are eligible for benefits.

We believe that the “any occupation” wording of most policies means that if you continue to be totally disabled and cannot do an equivalent job, at the equivalent level of experience and the equivalent pay scale, then you are eligible for continuing benefits into the future. [SP](#)

ASK A LAWYER:

Plaintiff Involvement & Critical Illness Insurance

Q: How much input does a Plaintiff have at mediation?

A: The Plaintiff plays an integral role in instructing lawyers at mediation. While guidance and direction must be provided by the lawyer representing the plaintiff at mediation, ultimately, the decision to submit, accept and/or reject any settlement proposals that are made at mediation are up to the Plaintiff. It is important to trust your lawyer at mediation as they should have a lot of experience in dealing with matters at mediation, but you should ensure that you ask questions if you don't understand what is going on during the process as once settlement is reached, it is important to understand that the case is usually concluded at that time.

Q: How is critical illness insurance different from disability insurance?

A: Critical illness insurance generally provides a lump sum payment as specified in the policy if you are diagnosed with an illness set out in the policy. It is important to understand that most critical illness policies have a detailed description of the type of illness or condition that will qualify for the payment. Being disabled from gainful employment may not be relevant to entitlement to a payment under a Critical Illness policy. Each policy has specific terms and conditions, which must be reviewed carefully. [SP](#)

DO I HAVE A CASE?

We have launched a new tool on [ShareLawyers.com](#) that helps you determine whether an experienced lawyer at Share Lawyers can assist you with your disability insurance claim.

Answer a few simple questions and receive an answer instantly. It's that simple.



YOU SAID IT! COMMENTS FROM ACTUAL CLIENTS

"We thank you very much for the great job you have done for us. I felt reassured after my first consultation at your office. After a long battle with my insurance company, someone believed in me during the most difficult time in my life. I can now focus on getting better. I will strongly recommend your firm to anyone I come across in need of legal assistance."

- Mary L., long-term disability claim

"We thank you for your relentless efforts to settle this matter. It has been a pleasure working with you and we hope to have the opportunity to recommend you to family and friends, or anyone who is desirous of finding a law firm to represent them."

- L.D., long-term disability claim

"From the first consultation with David Share to the last day I found Share Lawyers to be very helpful, courteous and sympathetic. Your professionalism was applaudable. I want to thank David, Shira, Courtney, Christine and Steven for their efforts. I was very impressed by them going out of their way to make me feel comfortable and helping me."

- S.S., long-term disability claim

"I wanted to let others know how extraordinary our experience has been with your firm, when following two traumatic car accidents we both sought your legal services. In the first catastrophic highway traffic collision in which my husband was the driver, your firm went well beyond the normal call of duty, delivering not just the necessary legal support that arises in such matters, always done in a professional efficient manner, but carried out with the utmost respect to our very young and thus fragile family, which, as anyone can imagine was caught in a whirlwind of shock, chaos, disbelief, and inability to function at full capacity."

-E.S. & J.S., long-term disability claim

KIDS HELP PHONE UPDATE

We are halfway through the year and very close to reaching our annual fundraising goal of \$1,000 in support of the Kids Help Phone.

1 800 668 6868
KidsHelpPhone.ca

Kids Help Phone

With your help, we have raised \$931 to help this worthy organization provide free, anonymous and confidential phone and online professional counselling services for youth.

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