

WHAT TO DO IN CASE OF A CAR ACCIDENT or SLIP & FALL ACCIDENT

- 10 things you must do after a motor vehicle accident
- How to talk to an insurance claim adjuster
- The steps you must take after a slip / trip & fall accident
- Ten mistakes people make when dealing with doctors and rehabilitation centers
- Optional driver's insurance benefits – are they worth it?
- Answers to frequently asked questions
- Know your lawyers

What you will find in this book:

Being involved in a motor vehicle or slip & fall accident is very traumatic. The last thing on a person's mind is filling out forms and calculating the amount of money necessary to put their life back together. However, the insurance claim is an official process with certain legal steps that need to be taken. This book will give you the necessary information on how to deal with a motor vehicle or slip & fall accident effectively.

10 Things you must do after a MOTOR VEHICLE ACCIDENT

- 1. Call the police.** Even if the accident is minor, the injuries from it might not be apparent right away. You must notify the police in order to be eligible to claim benefits or compensation from an insurance company. If possible, take digital pictures (you can use your cell phone) of damages to your car and body. Always get a copy of the police or collision report.
- 2. Record the contact information** of any people who were witnesses to the accident and become in any way related to your accident (e.g., doctors, collision center employees, firefighters, police officers, etc.).
- 3. Get in touch with a lawyer immediately** and then your family doctor. You have **30 days after receiving an insurance claim package** to send the necessary forms to the insurance company. Your lawyer and medical specialists must work together in order to help you fill out all the necessary forms correctly and prevent the insurance company from denying your claim.
- 4. Notify your own insurance company** about the accident not later than **7 days** after the accident in order to become eligible for any benefits.



5. **Find out whether you have other health insurance coverage**, such as benefits from employment, university, your spouse, etc. These benefits will need to be exhausted before motor vehicle insurance benefits can be used.
6. **Attend the necessary assessments and rehabilitation treatments** suggested by your medical specialists and lawyer. This is essential to improve your health and gather evidence to obtain a larger settlement.
7. **Save and organize a copy of every document and item** relevant to your accident or insurance claim, such as a police report, your insurance policy, letters from the insurance company, medical prescriptions, medicine bottles, income tax forms, receipts for all relevant expenses (e.g., medical treatments, parking), etc.
8. **Record all ongoing changes in your health** after the accident and how they affect your regular daily activities (e.g., working, housekeeping, child caring, sleeping, climbing the stairs, etc.).
9. **Act fast.** There are many deadlines involved in the insurance claim process. Make sure that you know the major deadlines, such as submitting a claim against the driver who caused the accident **within 2 years** after the accident.
10. **Make sure that there is no information** about the accident or your health on online social networks (e.g., Facebook, Twitter). Insurance companies have the right to access your online social networks and draw conclusions, which may make them unwilling to settle your case early and for a large sum.

How to talk to an insurance claim adjuster

The insurance claim adjuster is a person assigned by an insurance company to determine how much money the insurance company should pay to a person involved in a motor vehicle or slip & fall accident. The main goal of every insurance claim adjuster is to minimize this amount.

DON'Ts:

- Do not provide more than basic information about your accident (e.g., date, place and type of the accident) to the insurance company before you talk to a lawyer, who will prepare you for the interview;

- Do not allow the claim adjuster to visit you at home before you see a lawyer. The purpose of such a home visit is usually to ask you questions for several hours in order to take an official statement from you. Without a lawyer's assistance, some of your answers may be misinterpreted by the adjuster and may negatively affect the amount of your settlement;
- Do not allow the claim adjuster to record your conversation on video or audio;
- Do not talk to anyone from the insurance company after you hire a lawyer – at that point, everyone has to talk to you through your lawyer;
- Do not give information about any potential witnesses of the accident at this time;
- Do not provide information about your doctor, medications, or pre-existing medical conditions. Your lawyer and doctor will do it for you in the appropriate format and documents;
- Do not give originals or copies of any documents the claim adjuster;
- Do not agree to anything and **DO NOT SIGN ANYTHING.**

DOs:

- Record the name and contact information of the claim adjuster;
- Provide your full name, address and telephone number;
- Take notes of the conversation and immediately request a copy of the notes made by the claim adjuster;
- Ask the claim adjuster if they know any witnesses of the accident and get their contact information.

The steps you must take after a SLIP / TRIP & FALL accident at any store, mall, or city public place

Step 1:

Call the ambulance and wait for its arrival. Paramedics will record the conditions, time, and severity of your injuries. Take a copy of the hospital report, if there is one.



Step 2:

Record contact information of any people who witnessed the accident and later become in any way related to your accident (e.g., bystanders, paramedics, doctors, etc.).

Step 3:

If possible, **call the security guard** at the place where you fell and ask them to document the accident. Take a copy of their report.

Step 4:

Take a photograph of the place where you fell, the substance or object that caused you to fall, and the injuries you sustained, even if you can only do it with a cell phone.

Step 5:

Contact a lawyer within 2 days of the accident. The lawyer will prepare and forward the relevant documents to appropriate insurance companies within the necessary deadlines. If you are unable to contact a lawyer soon after the accident at any city public place, notify your municipality about the accident in writing not later than 3 days after the accident.

Step 6:

Save the shoes that you wore when you fell. Also, take a clear photo of your shoes to prove their condition at the time of the fall.

Step 7:

Find out the information about the official weather conditions at the place and time of the accident by reviewing the historical weather data at www.climate.weatheroffice.gc.ca. Print out this information and give it to your lawyer.

Step 8:

Get every document relevant to your accident (e.g., receipts, security reports, contact information, etc.), and provide all of them to your lawyer.

Step 9:

Update your lawyer and doctor about all the changes in your health after the accident and their effect on your ability to work, perform basic tasks at home, care for yourself and your children, etc.

Ten mistakes people make when dealing with doctors and rehabilitation centers after an MVA or SLIP & FALL injury



- 1. Not seeking immediate medical attention after the accident.** It will be hard to prove that your injury was serious if you did not get medical help very soon after the accident.
- 2. Not informing your doctor about every pain and discomfort you feel as well as all of your pre-existing health conditions.** You will not get the right treatment for your injury and you will not get a large settlement from an insurance company if you provide incomplete information. Give all this information in writing to your doctor, so that nothing is missed in their report.
- 3. Not insisting that your doctor refers you for a specific medical assessment.** Be very detailed in explaining your injuries to the doctor, so that they are satisfied that you require a specific medical assessment (e.g., MRI, CT scan, X-Ray, etc.).
- 4. Not attending or being late to medical appointments.** The history of your attendance will be available to the insurance company and may cause them to believe that your injury was not serious and you did not attempt to get better.
- 5. Not informing your doctor about the negative effect of your injury on your ability to work and perform daily activities of living.** If this information is mentioned in a doctor's report, it will add a lot of credibility to the statements that you make to the insurance company.
- 6. Discussing with your doctor the details of your legal case or lawyer's advice.** Remember that everything you discuss with doctors is not privileged and they may be required to repeat this information in court. Thus, do not discuss the strategy or any other details of your case with your doctor.

7. **Not taking medications as prescribed by your doctor.** Do not give the insurance company a chance to say that you are not following your doctor's advice, as this will seriously hurt your case. If any medications cause side effects, request a different medication from your doctor.
8. **Not getting psychological assessment and treatment.** Compensation for psychological injuries (e.g., post-traumatic anxiety) is usually only awarded if such injuries are medically documented and treated.
9. **Not completing your medical treatment.** Stopping or significantly delaying your treatment may show to the insurance company that your injury has healed when, in fact, it did not. This will affect the amount of compensation that you receive, especially for future medical treatment.
10. **Not accumulating and organizing medical documents.** Keep contact information of every doctor you visit as well as all medical referrals, prescriptions, reports, work restrictions and other documents. All these documents are evidence supporting your claim for compensation.

Optional driver's INSURANCE BENEFITS – are they worth it?

Most likely you have recently received an updated driver's insurance policy. Have you read it?

Recent laws have canceled most of the benefits, which were previously given to every driver for their standard monthly premium. Insurers forgot to mention: it may cost very little to get these benefits back, but it will make a world of difference in case of a car accident. Ask your insurance company how much it will cost to:

- Increase income replacement benefits from \$400 per week to \$600, \$800, or \$1000;
- Increase your medical and rehabilitation benefits from \$50,000 to \$100,000;
- Increase attendant care benefits from \$36,000 to \$72,000;
- Return housekeeping and caregiver benefits.

For more information about other optional benefits go to www.mustknow.ambridgelaw.com

Answers to Frequently Asked Questions

Q: Do I need a lawyer to get compensation for my injury?

A: Always. First of all, there is no need to pay the lawyer before they win. Second, the lawyer is a specialist in gathering evidence and presenting it to the insurance company and court to prove to them that you deserve a larger settlement. Third, the lawyer will also help to remove stress and complexity from dealing with a large insurance company. Finally, hiring a lawyer will ensure that your case is taken seriously by insurance companies, your case is settled earlier, and you get the most money for your injuries and losses.

Q: I was in a motor vehicle accident where I was not at fault, what are my rights?

A: You have the right to request accident benefits from your own insurance company, which should pay for your medical assessments and treatments as well as some other benefits, if applicable in your case (e.g., income replacement, housekeeping, childcare, etc.). You also have the right to sue the insurance company of the driver who caused the accident to get compensation for your pain and suffering, economical losses, physical and psychological injuries, as well as psychological damage to your spouse, even if your spouse was not involved in the accident.

Q: The driver, who hit my car, took off right after the accident and I cannot identify them, from whom do I get compensation?

A: First, you have the right to request accident benefits from your own insurance company (usually in the ranges of \$3,500, \$86,000, or \$2,000,000). Second, you can sue your own insurance company to get up to \$200,000 as further compensation for your injuries and losses.

Q: If I were a passenger and a family member of the driver who caused the accident, can I still get compensation?

A: Yes. It is important to remember that you will be compensated by the insurance company of the driver and not the driver personally. The amount of settlement you receive will significantly outweigh any possible increases in insurance coverage of the driver and you can easily compensate the driver for that.

Q: I caused the motor vehicle accident, what is my compensation?

A: Depending on the severity of your injuries, you can receive anywhere from \$3,500 to \$2,000,000 in the form of accident benefits

from your insurance company.

Q: I notified my insurance company about the accident. What is next?

A: The insurance claim adjuster will have a long telephone conversation with you to find out as many details as possible about the accident, your health and your life. See “How to talk to an insurance claim adjuster” above for more information. In the meantime, you will need to find a good personal injury lawyer, who will assign you to a professional rehabilitation centre specializing in your type of injuries and request that you get specific treatments and assessments. Your health care provider and lawyer will fill out and send all the necessary insurance forms to claim your insurance benefits.

Cooperation between your health care provider and lawyer is essential in order for you to get the best treatment and the most money for your injuries. If you did not cause the accident, your lawyer will start preparing documents necessary to sue the insurance company of the driver who did cause the accident in order to get you the maximum compensation.

Q: Will you be able to take my case if I live very far from one of your main offices?

A: We serve 29 towns and cities across Ontario. If we accept your case, it does not matter where you are. Give us a call. We will answer all of your questions for free and will then have one of our legal professionals visit you at home, hospital or any other place.

Q: I slipped and fell inside or outside a public transport vehicle, can I get any compensation?

A: There are two possible situations. First, if the public transport vehicle hits another vehicle or object, then it is treated as a regular motor vehicle accident. Second, if you suffer an injury while the public transport vehicle does not collide with anything, then it is not treated as a motor vehicle accident. You can no longer receive accident benefits compensation from the driver's insurance company. Instead, you now have the option of suing the transportation company, for which the driver works, in order to obtain money for treatment and any losses you suffer (including benefits such as income replacement, housekeeping, child care, etc.).

Know your **LAWYERS**

1. Ambridge Law personal injury lawyers have **more than 23 years of court experience** and include a former judge – we can get you a settlement of up to **\$2 million!**
2. Our lawyers can review **your existing case** for *free* in order to see whether we can make the insurance company **pay you more money;**
3. Ambridge Law lawyers offer a **free initial consultation**, during which we will continue answering your questions for as long as necessary to explain your legal rights and come up with an initial strategy in your case;
4. You pay our lawyers **only if they win your case;**
5. Our lawyers will arrange medical treatments and assessments for you **with the leading medical professionals**, who are also experienced in preparing excellent reports for the court;
6. Ambridge Law will arrange **free transportation to rehabilitation clinics** within GTA for you;
7. Ambridge Law lawyers and staff speak Farsi, Mandarin, Cantonese, Russian, Ukrainian, Bulgarian and many other languages. If we do not speak your language, we can provide a **free interpreter for you;**
8. Our lawyers and staff will provide you with close personal attention. They will meet with you as often as you wish and **return your calls within 24 hours;**
9. Ambridge Law lawyers will provide you with **monthly status reports**, so that you always know what work has been done on your file to bring your case to an earlier settlement;
10. All the documents at Ambridge Law are scanned. Thus, **none of your documents will ever be lost or misplaced** as in other offices with thousands of papers and boxes lying around. It also makes Ambridge Law a very nature-friendly law firm.

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your motor vehicle or slip & fall accident from an
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or by sending an e-mail to:
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