

WHEN INJURY STRIKES

Contact a lawyer promptly to protect your rights

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No one expects to be injured while driving to work, or on a family trip, or walking on a sidewalk, or while enjoying a pleasant weekend. Unfortunately, if an injury does occur, one needs to know what to do and where to turn.

Every person injured as a result of the fault or negligence of another person will, in most cases, be able to initiate a lawsuit to recover damages for pain and suffering, lost income, future loss of income, impairment of earning capacity, loss of competitive advantage, and future medical and care costs. In other words, you are to be placed in the same position, as you were prior to the negligent act or omission, to the extent that money can compensate.

Legislation relating to car accidents provides its own set of restrictions, depending on the impact of the injuries on the injured person. Not all injuries sustained in a car accident will give rise to compensation. In order to obtain compensation for pain and suffering damages, it must be established that the injuries sustained in a car accident have resulted in a permanent, serious disfigurement and/or a permanent, serious impairment of an important physical,

mental or psychological function.

It is the latter definition which has given rise to numerous cases over the past 20 years. The legislation (the Insurance Act) creates a verbal threshold, i.e., a barrier which must be surmounted, in order for an injured person to sue, as well as a statutory deductible. Assuming the impairments are permanent and

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serious (or the disfigurement is permanent and serious) the threshold is met and pain and suffering damages may be awarded.

If you commence a lawsuit, there is generally a two-year limitation period or legal deadline within which to sue. While there are exceptions to this deadline, particularly with respect to children and other persons under disability, those injured in a car accident, slip and fall, or other mishap must be aware of the deadline within which to bring a legal proceeding. Generally, failure to sue within the prescribed time limit will result in the claim being

barred - your right to sue will be taken away.

For this reason, it is advisable that you seek out an experienced and capable lawyer soon after the accident or incident. This is one of the most critical decisions you will make, because choosing the right lawyer will make a world of difference to whether your case is handled efficiently and effectively, and whether the settlement negotiated or the judgment obtained at a trial provides you with the compensation you deserve.

Never forget that it is your case: you have the right to be kept fully informed about developments, to be given a timetable when the case will likely be completed, to know how much the legal fees will be, and finally, to know approximately what your case is worth. At Bogoroch & Associates LLP, we offer free consultations and would be honoured to help you. We are committed to providing our clients with effective, efficient and compassionate legal representation and to obtaining for them the best possible results.

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