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Kids Rehabilitation Hospital



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Legal Rights of Family Members

Presented by:

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Legal Rights of Family Members

1. Tort Rights

2. Accident Benefit Entitlement

3. Complicating Factors

Tort Rights

- For Immediate Family Members
- Can Claim for Loss of Care/Guidance/Companionship
- Statutory MVA Deductible (nearly \$20,000, unless over \$65,000)
- Scope of Claim (Income/Expenses/Services)

Accident Benefit Entitlement

- For anyone impacted by an MVA injury to a loved one
- See **Brochure**—explains how to properly make a claim
- Access to \$65,000 for treatment (without reducing loved one's funds)
- Can potentially recover income loss

Complicating Factors

- Lawyer may not represent the family
- Different insurers paying accident benefits
- Foreign relatives may not qualify for accident benefits
- Insurer has roadblocks they can put up to delay/deny

Conclusion

- Accidents impact the whole family
- Helping the family can help avoid downward spiral
- Major lack of awareness of legal rights
- Importance of spreading information

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THANK YOU

Please feel free to call or email with questions

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DARCY R. MERKUR

PARTNER



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LISTED IN
CANADA

Darcy Merkur is a personal injury lawyer dedicated to helping accident victims and their families following traumatic events like serious motor vehicle accidents.

In addition to being certified by the Law Society of Upper Canada as a specialist in Civil Litigation, Darcy has been recognized by his peers as an expert in Personal Injury Litigation in both the Canadian Legal Lexpert® Directory and in the Best Lawyers in Canada® publication. As well, Darcy is a proud recipient of the Dean Edgell Award, presented by the Ontario Trial Lawyers Association for his significant contribution and excellence in legal writing, continuing legal education, and leadership activities. His reputation as a leader in the personal injury field was recently acknowledged in a Toronto Sun article on auto insurance where Darcy was referred to as “one of the province’s leading personal injury lawyers.”

Cont’d.

For more information on Darcy Merkur, please visit:
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Darcy is a regular speaker at personal injury conferences, has published dozens of articles on personal injury matters and is the creator of the Ontario Personal Injury Damages Calculator.

Darcy graduated with a Bachelor of Commerce degree from McGill in 1995 and with an LL.B. from Osgoode Hall Law School in 1998.

TESTIMONIALS

"Thank you for the excellent service that you provided in handling my case against the insurance company. We want you to know that before we were referred to you, we had seen 3 other lawyers that also specialized in car accidents and they all said that I would receive a very minimum amount in settlement. You, however, were able to settle for 6 TIMES the amount that the other lawyers were predicting."

- Catherine P.

"Just want to say again, how grateful I am for the work you did in pursuing my claim for my accident this May. Thomson, Rogers came highly recommended but I didn't expect the level of service I received. I truly felt like you took a personal interest in my case and were always courteous, thorough and attentive. I always received an immediate response to all my queries. I also appreciated that you took the time to explain each step in the process to me. Most of all I am impressed with the amount I was awarded, which speaks to your ability as a negotiator. I would highly recommend your firm to anyone."

- Barbara B.

"I would like to thank you from the bottom of my heart, for the incredible assistance you and your team gave me and my family. The accident altered our lives, and you helped make the alterations bearable. It was so comforting having a knowledgeable professional like you on my team. You always made me feel safe and confident in my legal journey.

I am able to look forward to my revised life positively. I would also like to thank the staff of Thomson, Rogers. They were extremely supportive. Thank you Darcy!"

- Tammy K.

CASE OF NOTE

Resch v. Canadian Tire

After achieving an extremely successful jury verdict of \$3.5 million on behalf of an accident victim, Craig Brown and Darcy Merkur, the lawyers for the accident victim, were acknowledged by the Judge as having done a marvelous job advocating on behalf of the injured victim and his family. The Judge awarded Craig Brown and Darcy Merkur a very rare \$100,000.00 costs premium for having achieved an outstanding result. An appeal by the defendants to the Ontario Court of Appeal was later marked as abandoned.

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