

Motor Vehicle Tort Litigation: Critical Updates

Insurance Law



In-Person

Webcast

Date: Tuesday, October 22, 2019 | 9:00 am to 12:00 pm

Location: OBA Conference Centre
20 Toronto Street, 2nd Floor, Toronto

Agenda: 8:30 am Registration
9:00 am Program Commences
12:00 pm Program Concludes



Substantive Hours: This program is eligible for up to 3h 0m
The OBA has been approved as an Accredited Provider of Professionalism Content by The Law Society of Ontario.

Join us for our annual review of the key developments in motor vehicle tort litigation. Our stellar faculty of insurance law practitioners will explore what has changed over the year and examine the impact recent motor vehicle accident decisions have had on this practice area. Join us to ensure you are up to speed on all the recent changes so you can provide your client with the best representation.

Register now to canvas the fundamental issues in motor vehicle tort litigation.

Program Chairs: **Sabina Arulampalam**, Beard Winter LLP
Ali Z. Khan, Desjardins General Insurance Group – Claims Legal Department

8:30 am Registration and Coffee

9:00 am Welcome and Opening Remarks

9:05 am Threshold Update

Rick Aucoin, Beard Winter LLP

- An update on threshold case law from the past year

9:25 am Undertakings Motions and Continued Discovery

Sven Mascarenhas, Gilbert Kirby Stringer LLP

- When is an EoD “complete”
- Leave to exceed seven hour limit (and Simplified Procedure limit)
- Discuss purposes of Undertakings motions and current case law

9:45 am Summary Judgment Motions

Sonia Leith, Neinstein Personal Injury Lawyers

- Focus on liability issues:
 - When to bring them
 - What evidence is required for success
 - What the courts are saying on this issue

10:05 am Collateral Deductions

Krista Groen, Strigberger Brown Armstrong LLP

- Collateral Benefits – An Overview: Which are deductible from tort awards and which are not?
- Learn the latest on the deduction of statutory accident benefits paid before trial

10:25 am Networking Break

10:35 am Recent Cost Award Decisions

Valérie Lord, Howie Sacks and Henry LLP

- Review of *St. Marthe v. O'Connor* and *Persampieri v. Hobbs*
- For Plaintiffs: How to set up your case for a favorable cost award decision
- For Defence: How to help your clients avoid paying Plaintiff costs at trial

10:55 am Adverse Cost Insurance & Litigation Loans

Michelle Mainprize, Gorbet & Associates, Staff Counsel of Travelers Canada

- Trends in Ontario and beyond
- What is the impact on litigation?
- Disclosure of insurance and loan particulars
- Premiums and interest – litigation disbursements to be paid by the defendant

PROGRAM REGISTRATION IS ONLINE www.oba.org/pd

Questions? pd@oba.org



11:15 am **Jury Awards**

Joseph Lin, Intact Insurance

- Strategies to consider
- Examine trends from the past year

11:35 am **Mediating Challenging Claims**

Stacey Stevens, Thomson Rogers

- Identifying the challenges in your case
- Solutions to address these challenges
 - When is a pre-mediation discussion useful
 - Drafting a strong mediation memo
 - Tips for opening statements
 - Using the mediator to your advantage
- Post-mediation follow up

11:55 am Concluding Remarks

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