Motor Vehicle Tort Litigation in Ontario: Critical Updates

**Insurance Law**

**Date:** Friday, November 2, 2018 | 9:00 am to 12:45 pm

**Location:** Twenty Toronto Street Conferences & Events
20 Toronto Street, Toronto, ON M5C 2B8

**Program Chairs:**
- Lawrence A. Conmigo, Gorbet & Associates - Travelers
  Canada
- Ali Z. Khan, Desjardins General Insurance Group – Claims Legal Division Department

Join us for our annual review of key developments in motor vehicle tort litigation. Our experienced panel of insurance law practitioners will explore what has changed over the year and the impact recent motor vehicle accident decisions have had on the field of law. Register now to ensure you are up to speed on the latest issues and developments.

Register now for this important discussion of recent developments in motor vehicle tort litigation.

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8:30 am Registration and Coffee

9:00 am Opening Remarks by Chair

9:05 am **Top 10 Cases in Motor Vehicle Litigation**
- Renata Laubman, Bell Temple LLP
- Valérie Lord, Howie, Sacks & Henry LLP
  - Review top tort cases from the past year
  - Decisions will include ones:
    - Impacting motor vehicle damages
    - Liability
    - Recent interpretations of the Statutory Benefit Schedule
    - Threshold

9:40 am **Low Verdict, High Costs – Recent Trends in MVA Cost Awards**
- Paul Cahill, Will Davidson LLP
  - Discuss the significant risk Plaintiffs face of a modest recovery after a lengthy and expensive trial
  - How do the Courts assess costs for Plaintiffs who have achieved only a small success
  - Examine recent cases such as Persampieri v. Hobbs, and other cost endorsements which suggest a trend toward high cost awards to Plaintiffs even in the face of a low recovery

10:10 am **Rule 76: Making Simplified Rules Meaningful**
- Ronald Bohm, SBMB Law (Richmond Hill)
  - Jury or no Jury?
  - Should the monetary limit of $100,000.00 be raised?
  - Discuss whether the use of experts should be limited
  - Examine if costs should be restricted
  - Explore whether there should be time limits

10:40 am Networking Break
10:55 am Additional Insurance Coverage – What is Available and When
Stacey Stevens, Thomson Rogers
• Review OPCF 44 Coverage and why insureds need it
• What is a PLUP and when does it respond to a loss?

11:40 am Threshold Motions
Alex Feldbloom, Desjardins General Insurance Group
• Review recent successful and failed Section 267.5 threshold motions
• Examine what evidence the court is looking for
• Discuss if there is a trend with respect to these motions

12:05 pm Perspectives from the Bench on Threshold Motions
Moderator: Alex Feldbloom, Desjardins General Insurance Group
The Honourable Justice Mark L. Edwards, Superior Court of Justice (Newmarket)
The Honourable Justice Stephen E. Firestone, Superior Court of Justice
• Review of recent threshold trends
• Discuss what works for Plaintiffs and what works for Defendants
• Tips that apply to all parties

12:45 pm Concluding Remarks