



HIMELFARB PROSZANSKI LLP

Personal Injury Lawyers

PERSONAL INJURY RECOVERY KIT

The complete legal solution for
injury and insurance claims



↑ Recovery
Ahead

Let THE HIMELFARB PROSZANSKI LLP Advantage™
guide you on your road to recovery.

DAVID HIMELFARB



Mr. Himelfarb is head of the Litigation practice at the firm. He has extensive experience in civil litigation and has appeared before all levels of Courts and tribunals in the Province, including the Ontario Court of Appeal as well as the Supreme Court of Canada. He is acknowledged as an effective advocate and negotiator. Many of his cases have been reported and are utilized as precedents in the legal community.

His reputation and proven track record are supported by a long list of multi-million dollar settlements on behalf of his clients.

Mr. Himelfarb received his LLB from the University of Windsor in 1987 and was called to the Bar in 1989. He is a member of the Advocates Society, Toronto Lawyer's Association, Canadian Bar Association, Ontario Trial Lawyers Association and the Ontario Branch of the Canadian Bar Association.

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Dealing with an injury can be both overwhelming and devastating. Through no fault of your own, your life can change in an instant. An accident and resulting injury can seriously impact the quality of your life and that of your family.

To help you navigate the road to recovery, protect and enforce your legal rights, you need a law firm you can trust: Himelfarb Proszanski LLP is that law firm.

David Himelfarb leads a team of experienced lawyers, medical specialists and other professionals, to help accident victims and their families secure the best care and **compensation** they deserve.

“Our team takes your injury claim seriously and compassionately. We have a great track record in successfully resolving accident claims. We act with total commitment and integrity, knowing that at the end of the legal process, we will have achieved a settlement that fully appreciates the pain and suffering endured by our clients.”

David Himelfarb

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YOUR RECOVERY STARTS HERE

About The Firm

Himelfarb Proszanski LLP is a successful and respected downtown Toronto law firm with well over 100 years experience successfully litigating injury and insurance claims.

Our dedicated and award winning team of lawyers and specialists have a proven track record of success in representing all types of accident victims. We provide representation on a full range of legal matters, that include:

- Automobile and Motorcycle Accidents
 - Accident Benefits Claim (AB)
 - Tort Claim
- Boating Accidents
- Slip & Fall Accidents
- Medical Malpractice
- Disability Claims and Appeals involving:
 - Long Term Disability (LTD)
 - Canada Pension Plan (CPP)
 - Workplace Safety and Insurance Board (WSIB)
- Or any other accident resulting in:
 - Spinal injuries
 - Traumatic Brain Injuries
 - Amputation
 - Death
 - Chronic Pain

Using THE HIMELFARB PROSZANSKI LLP Advantage,TM our team is committed to helping you and your family secure the care and compensation you deserve.

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ABOUT THE FIRM

We Guarantee:

- Your case is managed by our team of professionals who are well respected by judges, other lawyers, and insurance companies which means that you or your loved one obtains the compensation you deserve.
- Your injury is assessed and your legal options are discussed with you.
- Your rights are protected and your claim is aggressively pursued.
- Your disability and other benefits are secured expeditiously.
- You receive updates throughout the entire process – Our **communication guarantee**.
- Your assessments are booked with leading physicians and specialists.
- Your rehabilitation is optimized by accessing services over and above OHIP.
- Your rehabilitation is closely monitored.
- You are made aware of the strategies designed to secure the highest possible settlement.



✓ **Free Case Evaluation**

Schedule your free no-obligation personal injury evaluation.

✓ **Hospital & Home Visits**

Visits are available free of charge anywhere in Ontario.

✓ **No Fees Unless We Win**

Our guarantee: we don't get paid until your case settles.



AREAS OF PRACTICE

Automobile and Motorcycle Accidents

- Accident Benefits
- The Tort Claim

Accident Benefits Claim

- Entitlement to Accident Benefits
- Income Replacement Benefits
- Medical and Rehabilitation Benefits
- Attendant Care Benefits
- Death Benefits
- Time Limits and Forms

Tort Claim

- Compensation
- What You Need to do After an Accident
- Pain & Suffering
- Loss of Income
- Housekeeping and Home Maintenance Expenses
- Health Care Expenses
- Attendant Care Expenses
- Claims of Family Members

Boating Accidents

Slip & Fall Accidents

Medical Malpractice

Disability Claims

- Long Term Disability (LTD)
- Canada Pension Plan (CPP)
- Workplace Safety and Insurance Board (WSIB)

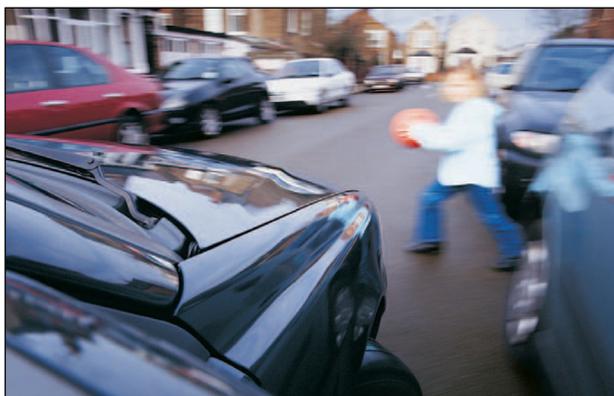


Automobile and Motorcycle Accidents

Automobile and Motorcycle Accidents are the most common type of accident in Ontario. These accidents can also lead to the most devastating injuries. The law relating to claims arising out of motor vehicle accidents is complex. It is strongly recommended that you retain one of our experienced lawyers to assist you with your claim. Ontario has a no fault system for Automobile and Motorcycle Accidents, but you can still sue the at fault driver for compensation.

You are entitled to compensation from two sources:

- 1. Accident benefits** from your own insurance company or the insurance company of any other vehicle involved in the accident.
- 2. The Tort claim** against the at fault party for compensation, including pain and suffering.



At HIMELFARB PROSZANSKI LLP
we specialize
in cases arising from automobile and motorcycle accidents.

Accident Benefits Claim

Accident benefits are available to anyone involved in a motor vehicle accident regardless of who caused the accident. Accident benefits pay for income replacement, medical and rehabilitation, attendant care, housekeeping and home modification, and death benefits.

In order to protect your entitlement to accident benefits:

- You must provide notice to the accident benefits insurer within 7 days of the accident.
 - You must complete an application for accident benefits within 30 days of receiving the application package from your insurance company.
- You must check the coverage that you have by reviewing your certificate of insurance as you may have purchased optional coverage which will enhance your benefits.
- You must submit forms from your treating health care professional and your employer in order to secure benefits.

At HIMELFARB PROSZANSKI LLP
we have extensive experience
in accident related matters.

Accident Benefits Claim

Income Replacement Benefits

The accident benefits insurer is required to pay the following weekly benefits:

- Income replacement benefits equal to 70% of your gross income, to a maximum of \$400/week unless optional coverage was purchased by you which could increase the income replacement benefit to \$1,000/week.
- A non-earner benefit of \$185/week, if you are not employed. This benefit starts 6 months after your accident.
- A caregiver benefit of up to \$250/week, if you were the primary caregiver for a person in need of care; plus up to \$50 for each additional person requiring care, as long as you sustain a catastrophic injury.

Medical and Rehabilitation Benefits

The accident benefits insurer is required to pay for a wide range of medical and rehabilitation expenses in addition to that which is paid by OHIP to a maximum of:

- \$50,000 for up to 10 years – if you suffer a non-catastrophic injury. If you purchased optional coverage, \$100,000 for up to 10 years if you suffer a non-catastrophic injury.
- \$1,000,000 over your lifetime – if you suffer a catastrophic injury.
- If you suffer a Minor Injury, only \$3,500 is available, except in certain circumstances.

Attendant Care Benefits

The accident benefits insurer is also required to pay for personal care services you may require following your accident to a maximum of:

- \$36,000 (\$3,000/month) for up to 2 years - if you suffer a non-catastrophic injury. If you purchased optional coverage, up to \$72,000 is available.
- \$1,000,000 (\$6,000/month) over your lifetime - if you suffer a catastrophic injury.
- If you suffer a Minor Injury, Attendant Care Benefits are not available.

Accident Benefits Claim

Death Benefits

The accident benefits insurer is required to pay the following on the death of a victim:

- \$25,000 - \$50,000 to the victim's spouse depending on your coverage.
- \$10,000 - \$20,000 to each former supported spouse depending on your coverage.
- \$10,000 - \$20,000 to each of the victim's dependents or more if the victim had no spouse depending on your coverage.
- \$10,000 - \$20,000 to the person upon whom the victim was dependant depending on your coverage.
- Up to \$8,000 for funeral expenses.

Time Limits and Forms

The following is a summary of some of the steps that must be taken to claim accident benefits:

- Determine which insurance company should pay accident benefits.
- You must provide notice to the accident benefits insurer within 7 days of the accident.
- Complete an application for accident benefits within 30 days of receiving the application package from your insurance company.
- Your treating health care professional and your employer must complete certain forms in order for you to access benefits.

**Let HIMELFARB PROSZANSKI LLP review
your certificate of insurance to determine your coverage.**

Tort Claim

A tort claim is a claim against the at-fault driver and is usually paid by the insurance company of the at-fault driver. The law allows you to obtain compensation from the person who caused the injury.

Compensation includes:

- Pain and suffering
- Loss of income or inability to earn income
- Housekeeping and home maintenance expenses
- Health care and rehabilitation expenses
- Attendant care expenses
- Claims by family members

What you need to do after an accident:

- Retain a lawyer who specializes in personal injury litigation.
- Give written notice of your intention to sue within 120 days of the accident.
- Apply for accident benefits.
- Commence a lawsuit within the prescribed time limit which is usually 2 years from the date of the accident.

At HIMELFARB PROSZANSKI LLP we have extensive experience in **successfully resolving tort claims.**

Tort Claim

Pain and Suffering

- Pain and suffering damages are only payable if you suffer a permanent serious impairment of an important physical, mental, or psychological function or permanent serious disfigurement, such as scarring. This is known as the **Threshold Test for Pain and Suffering**.
- The damages for pain and suffering may be subject to a monetary deductible. Currently, the monetary deductible of \$30,000.00, only applies to those pain and suffering awards less than \$100,000.00. The deductible can be reduced to \$20,000, if you purchased optional coverage.

Loss of Income

- You can claim 70% of your gross past income loss. Future income loss can be claimed at 100%.
- No income loss is payable for the first week following the accident.
- Any employment disability insurance, private disability insurance, accident benefits or disability benefits received are deductible from your claim for lost income.
- You can be compensated for income loss even if you return to work, so long as your injury compromises your ability to find suitable employment, or if your job has been modified for you to accommodate your injury.

Tort Claim

Housekeeping and Home Maintenance Expenses

- You are entitled to be reimbursed for housekeeping, home maintenance, and home modification expenses.
- You need to first seek housekeeping and home maintenance expenses from your accident benefits insurer.

Health Care Expenses

- You are entitled to claim for past, present and future health care expenses not covered by OHIP or by your accident benefits insurer.

Attendant Care Expenses

- You are entitled to claim for past, present and future attendant care expenses not covered by your accident benefits insurer.

Claims of Family Members

- Family members are compensated for the loss of care, guidance and companionship that they have suffered as a result of a death or injury to a loved one. Currently, claims for loss of care, guidance and companionship are subject to a monetary deductible of \$15,000.00 on awards less than \$50,000.00.
- Family members can also be compensated for the value of nursing services and other attendant care services provided to their loved one after an injury.
- In cases involving the death of a family member, the surviving family members are entitled to make claims for the loss of income suffered by the family as well as the loss of household services.

Boating Accidents

A significant number of people are seriously injured in boating accidents each year.

It is possible to sue a negligent boater for damages for personal injury. People who suffer serious injuries in boating collisions often have significant economic losses.

A total of \$1,000,000 can be recovered from the operator of each boat involved in the accident. In cases of recklessness, amounts greater than \$1,000,000 may be recovered.



At HIMELFARB PROSZANSKI LLP
we have experience
in cases arising from boat accidents.

Slip & Fall Accidents

Slip and fall accidents are very common. Every owner and occupier of property must ensure that people are safe when they enter onto their property. A homeowner must make sure that the driveway and steps leading into their home are in good repair and in the winter, free of ice and snow. Similarly, an owner of a shopping mall or business must make sure that its floors are free of spills and slipping hazards.

Injuries from slips and falls can be devastating. They are usually not investigated by local police departments. Therefore, it is important to obtain the names of all witnesses, have family members take pictures, if possible, and report the slip and fall immediately to the owner and occupier of the property.

If your fall was on a city sidewalk, you must provide the municipality with written notice within 10 days. It is strongly recommended that you retain a lawyer quickly to do this on your behalf. Failure to notify the municipality in time can invalidate your claim.

Compensation for slip and fall accidents include:

- Pain and suffering
- Past and future income loss
- Health care expenses
- Housekeeping and home maintenance expenses
- Family Law Act claims for family members



Report slip and fall accidents immediately.

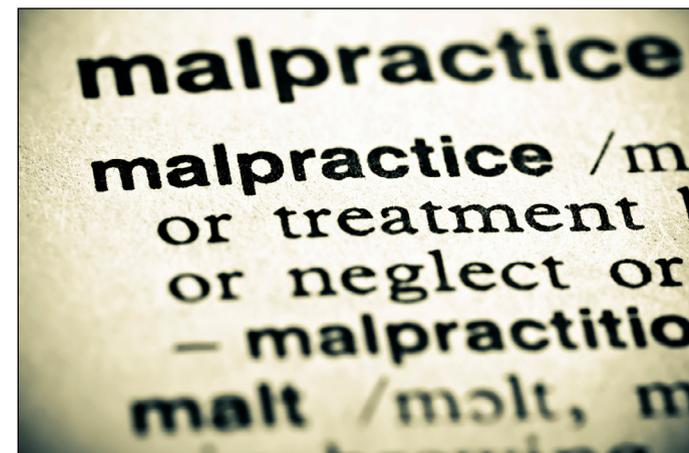
Medical Malpractice

Medical Malpractice cases are extremely difficult to prosecute.

You need to understand your rights.

David Himelfarb at Himelfarb Proszanski LLP, leads an experienced team of lawyers who have extensive insight in representing medical malpractice victims. Our lawyers are genuinely committed to securing proper and just compensation.

We have handled hundreds of cases with successful results for our clients. Our strategy is straightforward. Approach each case on its own merits and have each case reviewed by a physician to determine the extent of any negligence on the doctor or hospital. This individualized physician review takes the guesswork out of determining whether you have a case against a medical professional.



"We're well known for taking on challenging medical malpractice cases, and delivering results."

David Himelfarb

Disability Claims

Our lawyers understand the physical and emotional stress that a disability causes. Our goal is to help our clients ease the financial burden caused by a sudden loss of income.

Dealing with disability litigation can be extremely complex and stressful for you especially when the insurance company threatens to terminate your disability benefits. Whether you're suffering from long-term disability or partial disability, Himelfarb Proszanski LLP has effective strategies that can be deployed to ensure that disability benefits flow to you promptly and uninterrupted. Our firm specializes in cases involving Long Term Disability Insurance Policies (LTD), Canada Pension Plan Disability Claims (CPP) and Workplace Safety & Insurance Benefits (WSIB).

Long Term Disability (LTD)

Long Term Disability Insurance Policies are often available through your employment by way of your group plan. Some people have their own private plans. Insurers can terminate coverage quite abruptly and leave you without adequate income. This can leave you and your family in financial peril.

Our team of skilled lawyers has experience with disability claims and can move quickly to ensure the continuation of benefits. When dealing with a Long Term Disability Insurer, it is strongly recommended that you retain Himelfarb Proszanski LLP. We are experienced in handling these claims. Some people have purchased their own private plans, including income continuation and mortgage insurance.

"Our goal is to help disabled people and their families ease the financial burden caused by a sudden lack of income."

David Himelfarb



Disability Claims

Canada Pension Plan (CPP)

Himelfarb Proszanski LLP is also experienced in Canada Pension Plan Disability claims and can help you apply for these benefits and represent you in the appeal process. You may be entitled to CPP Disability benefits if you have sustained a severe and prolonged disability and contributed premiums to the Canada Pension Plan in 4 out of the last 6 years prior to your disability.

Workplace Safety & Insurance Board (WSIB)

If you have been injured at work or while you were in the scope of your employment you may be entitled to Workplace Safety & Insurance Benefits. Himelfarb Proszanski LLP has lawyers skilled in these claims and the appeal processes relating to them, including appeal hearings at all levels of appeal. Sometimes you may be able to elect out of the Workplace Safety & Insurance Benefits system and sue the at fault party for causing your injury. It is very important for you to consult with one of our lawyers to help you determine whether this is an option available to you.



Testimonials

“Mr. Himelfarb handled my claims after a devastating motorcycle accident. As an amputee, my life changed dramatically. The firm dealt with numerous insurance issues and successfully settled my case for a very large award. Not only is the firm filled with highly capable lawyers, they are also compassionate and care about their clients.”

Andree Nasvytis

“I would like to extend a sincere thank you for your assistance regarding the legal issues and my claim for disability benefits. Your knowledge and expertise led to a quick resolution and a successful outcome. From the onset, you were honest with me about my case and yet always kept me in the loop as to what was going on. I appreciated your “up front” approach from our first meeting.”

Mike Elliott

“After suffering a severe brain injury, I was approved by my doctors to go on full-time disability. My insurance company, however, stopped paying my benefits well short of the duration promised by my policy, and given the importance of the benefits to me, I decided to seek legal help. Himelfarb Proszanski LLP guided me through the complex Statutory Accident Benefits and got me back on track. I truly believe that I would not have what I have without David Himelfarb’s help.”

Duncan McKerchar

“I knew I was in the right place during our first meeting. They were intelligent, hardworking and concerned. As my case was complicated and had many angles, I saw skill and brilliance at work. I feel fortunate that they took my case.”

Debbie Anderson

Testimonials

“After my serious brain injury that I suffered while crossing the street as a pedestrian, there were serious challenges. The firm and Mr. Himelfarb were able to help me and settle my cases. They helped protect my settlement by introducing me to structured settlements. My worries about my future have now been taken away.”

Gerard Geyanaygam

“My no fault benefit claim was handled by the firm and was settled quickly and for a very good amount. The firm is extremely professional and dedicated. I would highly recommend the firm to anyone who has been involved in a serious accident.”

Victoria Addae

“Often the public perceives lawyers in a negative way; but I can honestly say that David Himelfarb has the utmost ethical standards of any lawyer that I have dealt with. He took the time to explain the particulars of my case, was always available to take my calls, always returned my calls and his team of Clerks and Assistants were equally as professional and courteous. Should I ever need legal representation, I can assure you that I will retain his firm.”

Adina Williams

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