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MOSAIC

CARRANZA LLP Summer 2017 Newsletter

One woman's journey of recovery

After a car accident, Anna Laviolette suffered from chronic pain and chronic fatigue. She just wasn't getting better. Then she took control and made positive changes in her life to help her get her strength and energy back.

Before her life-altering car accident, Anna Laviolette was a busy mom of three (Rachele, age 15, Dillon, 12, and Fairen, 9) with a typical parent's schedule – taking the kids to activities and sports, volunteering at the Pickering Museum Village, and fitting in her

part-time business around her other responsibilities.

All of that changed on a calm Sunday evening in August, 2000. Anna's eldest child was at the movies and was to get a ride home, but called at the last minute to be picked up. Just before arriving at the theatre, a vehicle passing Anna on the shoulder of the road swerved back into traffic to avoid the light pole he was about to hit. He almost missed her, but clipped the front right bumper and took Anna's car into a spin with his. Both cars stopped on the other side of the road, facing the opposite direction. The other driver went through the glass of a bus shelter, and Anna slammed into the curb with enough force to knock her rear wheel off the axle.

"It happened fast. I felt I was a very strong woman and that the injuries of stiffness and muscle pain would subside quickly. But those points of injury in my neck, jaw and spine are still with me today," Anna says.

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Long road to recovery

Anna suffered whiplash and a shoulder injury. She was eventually diagnosed with fibromyalgia, scleroderma and Sjogren's syndrome, the latter two of which are autoimmune diseases. However, Anna says it always made more sense to her to say she had chronic pain and chronic fatigue.

"My recovery surprised me. I thought I would be right back on my game within a few weeks. But the pain meds soon became a daily addiction. The fatigue continued to get worse. Doctor visits were more frequent. I had a binder full of medical specialist visits and I maintained my chiropractor, massage therapist and dentist appointments as often as required. Everyday at the beginning, then three times a week."

Anna says that one day, as she was sitting in a fibromyalgia support group and seeing the extent of some of the suffering of others there, she just had a realization that this wasn't how she wanted to live her life. She says that she refused to model that for her girls. She knows the pain of fibromyalgia, and her heart goes out to anyone that is going through it. For her, it was an impetus to explore alternatives.

She said she'd always had an open mind towards naturopaths and holistic approaches to wellness, so she asked her doctor about it. His response was along the lines of, "Well if you believe in that stuff..." but he did give her the name of a naturopath he knew had been recommended by other patients.



ANNA LAVIOLETTE

Anna feels lucky to have met this particular naturopath, whom she felt was really on top of her game in terms of treatment. Anna said that she told the naturopath that she was diagnosed with fibromyalgia, but the naturopath preferred to treat the symptoms and take it from there.

As Anna says, "she breathed new life into me, I finally started to feel a bit better." Anna started with intravenous (IV) therapy to replace

missing vitamins and essential nutrients. She began cooking with raw ingredients and whole foods, and not grabbing meals on the go. She started using tinctures (herbs) to eradicate bacteria that wasn't supposed to be there, freeing up some of the blocked energy she needed.

"I left no stone unturned in the holistic arena and sought out information everywhere. I kept sleep journals, food diaries, started learning about medication and vitamin and mineral depletion. I let food be my medicine."

Carranza: 'people first' people

Just as Anna feels she met the right naturopath for her, she is also grateful to have chosen Carranza to represent her case – and that her file landed on Moira Gracey's desk.

Anna learned about Carranza from a good friend who knew of our work in helping the injured and unsupported.

Anna says it best: "I am very glad I chose them over the list of lawyers I interviewed. Moira talked me through all the stages of defending myself and my injuries. She is clear and concise – very effective at her job. She always took the time to talk to me and help me through whatever issue we were dealing with. She is a true 'shero' in my world. She rose to the occasion when I needed so much support. The memory of her care and compassion is a very bright light in my life. All of Carranza is for that matter! They are a very professional group of 'people first' people."



MOIRA GRACEY

The journey continues to the present day

"I still go to bed early some nights, but I don't sleep all day anymore. I have movie dates with myself some afternoons when flare-ups happen. Those days get fewer and further between."

Now my 'specialist' appointments are weekly massages, osteopathy every three weeks and dentist consultations every six weeks for support-maintenance. It keeps me strong and active."

Currently, Anna is a part-time student at the Institute of Holistic Nutrition in Toronto. She is the caregiver of her 85-year-old parents, a mother, grandmother, wife, aunt and sister. "But at the very top of that list is ME. I work to protect my energy. I rest, I give myself permission to rest or just go to the movies."

Anna goes on to say, "I am honoured to pay it forward to inspire others to see that there is a light at the end of the chronic illness tunnel. When our reason for change is big enough, we can rewrite our story with a happy ending."



Long Term Disability – Know your limits

Shhhh...the limitation period is a secret in LTD claims *by: Anu Bakshi*

As part of your employment, you may have long term disability benefits (“LTD”). You may even pay a portion of your salary every pay cheque towards LTD benefits. You expect that when you need them, the Insurer responsible for your LTD benefits will help you understand the timelines associated with those benefits. Not in Ontario.



In Canada’s most populous province, the Limitations Act, 2002 imposes a 2-year limitation period for all claims in contract and tort. The discoverability principle, codified by section 5 of the Limitations Act, 2002, governs the commencement of the limitation period. The onus is on you to show that your claim is not statute-barred according to s 5(2) of the Limitations Act. This section presumes that you are aware of the facts giving rise to your claim on the day the act or omission took place, unless the contrary is proved. You must show that you behaved as a reasonable person in similar circumstances using reasonable diligence in discovering the facts related to the wrongdoing.

In the recent Court of Appeal case, *Usanovic v. PennCorp Life Insurance Company*, which was released on May 18, 2017, the court held that an Insurer does not have to disclose the existence of a limitation period. While an Insurer has a duty of good faith to act promptly and fairly when handling claims by insured, the Court held the duty does not extend to a positive one to disclose information about the policy — namely, the existence of a limitation period.

The court explained as follows: “While I have sympathy for the plea of the appellant, this Court cannot, as acknowledged by the appellant, mandate the ‘ideal’. It cannot order legislative changes. Nor can it mandate that insurers must advise insureds as to policy or statutory limitation provisions.”

The Insurer may deny your LTD benefits and offer you the option to “appeal” indefinitely, but at no time has to inform you that you must take legal steps, usually within 2 years of the first denial. It is important after the first denial to seek counsel immediately so your rights are protected as the insurer will not inform you!



Dealing With Caregiver Burnout

When you are responsible for either the full-time or part-time care of another individual, your focus shifts away from yourself and it is easy to find yourself suffering from burnout.

After all, caregivers may have families and jobs of their own, as well as other responsibilities, so it is important to find ways to cope and reduce the likelihood of caregiver burnout.

Create some “you” time once a week, carving out a couple of hours that are just for you. It should be something that you engage in because you enjoy it. Don’t feel guilty for taking this time; you are in a better position to provide care to others if you take care of yourself too.

Focus on your health as eating proper meals, remaining hydrated and getting a good night’s sleep can easily fall to the bottom of your priority list. When you are healthy and your energy levels are maintained, you are less likely to suffer from burnout and exhaustion. You are also in a better position to cope with stress.

Get support. Being a caregiver is a tough job, with many physical and emotional pressures. Try to find a caregiver support group, as others who have had similar experiences will understand and are in a better position to offer the emotional support that you need. They can also provide additional suggestions for navigating different aspects of caregiving.

Get someone else to step in from time to time. For example, rather than cooking a meal for your loved ones nightly, you can use a meal delivery service, or see if a family member can swing by with extra food that they have prepared. There are caregiving services available that can help you with many tasks, so you can take a step back and reduce the likelihood of suffering from caregiver burnout.

As a caregiver, you may have the instinct to go above and beyond to provide for everyone else. But in the long run, if you also focus on self-care, you will be a greater benefit to those whom you care for.



A personal injury firm that's actually personal

At Carranza LLP, we specialize in personal injury law. Speaking 20 different languages, we are committed to helping injury survivors achieve maximum recovery and compensation.

We specialize in the following areas of personal injury law:

- Car accident claims
- Long term disability claims
- Slip and fall claims
- Brain injuries
- Spinal cord injuries
- Paediatric injuries
- Orthopaedic injuries

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