

Sharing OUR Recovery

A quarterly newsletter designed to support victims, survivors, caregivers and loved ones of motor vehicle collisions.

SUMMER EDITION 2019

ISSUE 7

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Enjoy Summer!

The birds are chirping, the days are longer, the flowers have blossomed and although summer seems to have gotten off to a late start this year, we can only hope that the rainy days will eventually turn into sunny ones. For many survivors of motor vehicle crashes, rainy and damp weather will continue to wreak further havoc on their injuries while they recover. We are thinking about you and send you positive vibes while you recover this summer.

We have made great progress! On April 18th of this year, we launched our new and improved website with a different name including the same content. We are pleased to share with you that Crash Support Network was launched with great success! Whether you choose to read our Crash Survivor Blog written by a survivor, join our online support group or browse our informative articles, Crash Support Network is a unique website that provides a smart easy search to view information and easily make contact. Please have a look at our new website and let us know what you think! www.crashsupportnetwork.com

In our summer issue of *Sharing Our Recovery*, a lawyer shares with us her perspective on attending Examinations for Discovery, you will also hear from an author on how a "Simple Ride Home" changed her life forever and you will learn about what you should be aware of when travelling outside of Ontario.

Crash Support Network would also like to introduce you to Lisa Mary. Lisa is not only a talented young country singer, song-writer and award-winning recording artist but she is also a crash survivor. In this issue, Lisa courageously shares with us how her life was put on hold after being involved in a horrific crash as she was on her way to a show.

Lisa just released her new song "Dive" which was written to encourage other crash survivors to keep going and is available everywhere. Crash Support Network is honored to partner with Lisa Mary as a portion of proceeds from her new single "Dive" will be generously donated to Crash Support Network to support our mission. Many thanks Lisa!

Thank you to our 2019 sponsor, [Iacobelli Law Firm](#). We couldn't have done it without you!

Crash Support Network wishes everyone a safe & enjoyable summer.



A simple drive home changed my life forever. I was newly married; we had brought our first home and we both shared the excitement of our own children in the future. After being involved in an horrific car accident my life was changed forever after a simple drive home 23 years ago on November 27th 1996. My car was t-boned by a reckless P-plater doing a 360 degree donut maneuver from the other side of the road. My life changed in an instant from a simple drive home. I was transported by a micro-ambulance to the intensive care unit at a public hospital.

Due to the visual display of my x-ray of my right knee, the Orthopedic Surgeon's medical advice was to amputate my right leg from the knee down because of the compressed structural crush to my right knee and the many fragments of bone appearing on the x-ray. The reality of walking normal had no guarantee because my right knee revealed years of surgery and rehabilitation. It was the worst structural damage to a knee the Orthopedic Surgeon had seen at the time in Australia. A knee replacement was not achievable because of my age and it was also a complicated break.

I was a 27 year old young vibrant woman in the prime of my life therefore because of this rationality, the Orthopedic Surgeon decided to reconstruct my right knee. Bone graphs from my left hip were surgically removed to create the opportunity for bone fragments to knit my right knee together. Today my right leg is not fully straight vertically or horizontally. My knee flexion is at a 90 degree angle to enable me the ability and freedom to sit in a chair.

How do you smile after his sudden loss of mobility? I stumbled across an inner strength because adversity gives you the

opportunity to develop resilience. I believe to experience tragedy and trauma is not uncommon but resilience takes time to learn, master and understand.

I had to relinquish control of my life physically, emotionally, psychologically and financially. I had to gain a new perspective because it was a drastic and agonizing change to my life. Rehabilitation is not a straight line because running, jumping, climbing, dancing and walking long distances is merely a dream for me now.

I grieved the person I was before the car accident. My injuries I sustained are permanent. I am reminded each day by the scar on the top of my right eye lid because of the shattering of my car windscreen in the collision.

The recuperation of this magnitude requires determination, tears, disappointments, time, patience, courage, choice and chronic pain but most of all you have to grasp pure gratitude, hope and faith without knowing the destination. I am not represented in my book as an exceptional person but rather an ordinary young woman who was compelled by circumstances to rise above misfortune. My book is not just an autobiography but a self- help book because of the life lessons I have learned through this challenging incident.

Lisa Constantine is an author, writer and inspirational keynote speaker. For more information about her book please visit her website at: www.lisaconstantine.com



Summer Travel

Submitted by: Andrew Iacobelli, Personal Injury Lawyer

Travelling outside of Ontario with summer approaching, Ontario residents are ready for some well-deserved vacation time that may take them around the United States and the rest of Canada. One thought many citizens travelling outside of Ontario may not like to think about is getting into an accident while away from their home province. Accidents can happen at anytime and in any place. Fortunately, there are remedies available for Ontario residents in the event that they are involved in an accident while travelling for vacation or business.

Ontario Statutory Accident Benefits

Ontario's automobile insurance scheme includes first-party no-fault benefits known as Statutory Accident Benefits. These benefits are an important part of Ontario's automobile insurance scheme. If an Ontario resident is injured in a collision, whether in Ontario or elsewhere in North America, he or she may be entitled to receive Accident Benefits. The type and amount of benefits depend on the severity of the injuries sustained in the collision. Generally, Accident Benefits provide coverage for a variety of expenses including medical and rehabilitation costs, such as physiotherapy, massage therapy, and chiropractic treatment, as well as income loss. An Ontario personal injury lawyer can assist you in navigating what benefits are available to you.

Election Between Ontario Benefits or Benefits in the Jurisdiction of the Accident

Travellers may worry that they will be required to pay out-of-pocket should they get into a car accident while outside of Ontario. Ontario residents injured in a motor vehicle collision within Canada or the United States will likely have the choice of electing between Ontario Statutory Accident Benefits or first-party benefits allowed in the jurisdiction where the motor vehicle accident occurred. This is an important decision, which should not be taken lightly, as it will impact upon the quantum and duration of available benefits including medical, rehabilitation, and income replacement benefits. An Ontario personal injury lawyer experienced in cross-border claims may be able to help you make an informed choice that works best for you and your situation. In addition to accessing the no-fault Accident Benefits through your own insurance provider, you will likely also be able to claim against the insurance company of the at-fault driver.

What if the At-Fault Driver is Uninsured or Underinsured?

Another layer of complexity often present in collisions that occur when travelling outside of Ontario is the risk that the accident is caused by an underinsured or, sometimes, uninsured driver. The minimum insurance coverage differs between the various provinces and states. Many U.S. States have lower insurance requirements than Ontario, which could mean that the US driver's insurance may not fully cover your damages.



In this scenario, you, as an Ontario resident, may have a claim against your own insurance company in Ontario. This claim, which is independent from a claim against the underinsured US driver, must be commenced in Ontario, even though the accident occurred outside of the province.

Renting a Car Outside of Ontario? You May Not Have Sufficient Insurance Coverage

If you are renting a vehicle in the place where the accident occurred, you may not be eligible for accident benefits from your Ontario auto insurance policy. Ordinarily, when someone gets into an accident in a jurisdiction outside of Ontario, they have the option to receive one of: their own Ontario accident benefits, or the benefits allowed under the law of the jurisdiction of the accident. In the case where the injured person is operating a rental vehicle in the same jurisdiction as the accident, they are only entitled to the benefits allowed under the law of that jurisdiction. This could have significant consequences in the event of a serious accident. As such, it is recommended that travellers renting a vehicle, purchase supplemental travel insurance in the event of unexpected medical expenses.

Conclusion

Take the stress out of Travelling outside of Ontario by making sure you have adequate auto insurance and travel medical insurance. Cross border accident claims can be complex, so do not hesitate to contact an Ontario personal injury lawyer to ensure your rights are protected.

For more information please contact: Iacobelli Law Firm at www.iacobellilaw.com



Lisa Mary Supports Other Survivors with New Song

Submitted by: Lisa Mary, Singer & Songwriter



Lisa Mary is a Crash Survivor, a Singer and a Songwriter who hopes to inspire other survivors. July 7th 2017 was one of the best days of my life, I opened a show for one of my idols Toby Keith. In that same day I released my first album that I poured two years of my heart into. The next day I got an email asking if I would play at a private event that was happening on Lake Superior. Two weeks later, on July 22nd, my mom, grandfather and I were on the road again. We were driving on US 2; a two lane highway in the Upper Peninsula. Being the procrastinator that I am, I pulled out my ipad and started jotting down my setlist for that night's show, and in the blink of an eye, my life changed.

My body slammed into the car door, when the vehicle shifted, so did I. I flew across the backseat, smashing into the other door. When we stopped moving, it took everything in me to lift myself up only to see my mom and grandpa not moving in their seats, a smashed windshield and a truck imbedded into the side of our car, I was screaming and completely horrified. All of a sudden I felt weak, I could no longer support myself, I fell back onto the seat and my mind was in space. I was soon dragged out of the car and later found out that our vehicle was on fire, and I was the last one to get out.

A Stranger Held My Hand & Wiped My Tears

I laid on the side of the road and immediately police, EMS and fire fighters were on the scene. I remember being asked a ton of questions, but I couldn't tell you what they were asking. My brain was so consumed by the amount of pain I was experiencing as well as two very overwhelming thoughts. One of them was losing two people I love so much and the second thought was "This is all my

fault". I remember a lady by the name of Nancy Davis as I had asked for everyone's names that day but she's the only name I remember. She sat with me, held my hand, wiped away my tears and prayed with me. I'll never forget her sweet face and I will always be grateful that she was there that day. I would give anything to buy her coffee and say thank you. It took six people to lift me up on to a stretcher. Laying in the back of the ambulance felt like a movie scene, before I knew it I was laying among different colored wires and being hooked up to different machines. When we arrived to the ER, I heard my grandpa's voice call for me and as my eyes filled with tears, I answered back shouting, "I'm so sorry".

Feeling of Heartache & Worry

They put me in a bed, and doctors crowded around me. I wanted nothing more than to be left alone. I wanted so badly to call my dad as we were 6 hours away from home and no one knew what happened yet. When I was granted access to a phone, I dialed my dad's number. I said one word and I heard him fall to the floor through the phone which broke me in half. I handed the phone over to the nurse as I couldn't get the words out. I spent most of my hospital stay asking about my mom and grandfather and how they were doing. They eventually told me that my grandfather had a brain hemorrhage among other injuries and that he was going to be airlifted to an ICU unit at another hospital. I broke down in tears and asked to see him before he left. In my head, I was not letting him leave this world without saying goodbye.

Soon after, they wheeled him on a stretcher into my room. His head was covered in bandages, his face was black and blue and he was wearing a neck brace and a sling. The hardest thing I've ever done in my life was to say goodbye and tell that man how much I loved him in that moment. After many hours of tests, I was greeted by my dad and my aunt who drove up from Metro Detroit. I'd never been more happy to see familiar faces. I spent the next few days in this little no-where town while my mom continued to seek treatment and I so badly wanted to go home and leave this town in my memories.

Feeling Disconnected from Myself

The next several months were an uphill battle for me as a crash survivor. I suffered from a shoulder and head injury, and everything turned into a challenge. Getting out of bed, taking a few steps without falling or passing out, taking a shower, 24/7 assistance, all day, everyday, I felt like a burden to everyone around me. I felt completely de-humanized and like my life lacked of purpose. I'd never been more disconnected from myself.

Music had always been my identity and I felt like it was stripped away from me. Canceling my shows and projects broke my heart. I spent a lot of time in and out of doctors offices and physical therapy, feeling like a number on a page. I was no longer Lisa the person, I was Lisa the patient. I hated how everyone's life just went

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Examinations for Discovery

Submitted by: Shelley M. Martin, Personal Injury Lawyer

Legal
Piece

Examinations for Discovery are a necessary and critical step in your injury claim. A good injury lawyer will take the time to explain to you what discoveries are about and why you must go to a discovery. No injured plaintiff should ever walk into a discovery without understanding why they are there and why it is important for them to be there.

Examinations for discovery, or discoveries in shorthand, are a day or more of questions and answers. Parties to a lawsuit are required to attend and give evidence. This does not take place in a Court Room and there is no Judge. The parties and their lawyers meet in a conference room in an office building or law office. A Court Reporter administers an oath to each party to tell the truth and she then records or transcribes what is said. That transcript may then be used in your case and referred to at your Trial and any settlement discussions.

Telling the truth is key. You have taken an oath to tell the truth and truthful answers support your claims. Usually the lawyer for the defendant driver will take you through the happening of the crash, ask you questions about your injuries, your medical treatment, your job and work, and your relationships with your family. These questions must be relevant to your claims and this is a broad standard which should allow the defence lawyer some latitude to get to the details. It is your lawyer's job to object to questions that are not relevant or to say if there is a specific rule why a question may not be answered. As you know, the real defendant in a car crash is the driver's and/or car owner's insurance company. That insurance company hires the defence lawyer and gives that lawyer his instructions. That insurance company has to know the details of your claims so they can decide how much money they may have to pay or if they have to pay at all. The insurance company may use the testimony that an injured plaintiff gives at her discovery to help set the reserves. Reserves are the exposure or money they may have to pay. Once the reserves are set, it is difficult to push them higher.

Sitting In

An injured plaintiff has the right to sit in and listen to the defendant driver's discovery. That right is limited only if there is evidence that the injured plaintiff will physically or verbally intimidate the defendant driver or if they will tailor or change their evidence based on what they hear in that room. Some lawyers don't push for this. My office does. I believe it is critical for my injured plaintiff to hear what the driver has to say. Some people find it cathartic to face the at-fault driver in a non-confrontational and non-threatening controlled environment. Many cases are settled without going to trial and this may be the only opportunity that my injured client has to look the at-fault driver in the eye. For some injured plaintiffs, this may be part of their healing process. My client's presence often stops the driver and his lawyer from minimizing or trivializing their injuries, being dismissive or even rude. But it is very important that your lawyer knows you and how you feel. This is a talk you need to have with your lawyer. While some injured plaintiffs might

welcome this encounter, other plaintiffs could find it terrifying. It is my job as the plaintiff's lawyer to control the room and to control the environment. That may go a long way to easing my client's worries.

The defence lawyer and defendant insurance company also use discoveries to size up the injured client and make a calculated guess how they may present at a trial and if they will even show up for trial at all. They factor in how my injured client will appear to a Judge and Jury. If my client is unlikely to show for their own trial, it is likely both the Judge and particularly the Jury may not be very sympathetic. Jurors leave their families and workplace for weeks on end. It may be a duty but it is also a real hardship to serve. If my injured plaintiff can't or won't sit through a three to four week trial, most Jurors will not be happy. If they have to sit there, they want the injured plaintiff who started the whole thing to be there too. If the defence lawyer and the insurance company size up my client at the discoveries and think they won't attend every day of their trial, then their risk assessment is low and they won't come through with a decent settlement.

Be Supportive

Recent court cases may also support the freedom of an injured plaintiff to bring a support person or emotional anchor with her to discovery. Our Ontario Superior Court has allowed a support person to attend with the injured plaintiff at her insurer's exam. *Lipovetsky v. Sun Life Assurance Company of Canada*, 2018 ONSC 1664 (CanLII). If the importance of providing emotional support is significant enough to warrant attendance at an insurer's exam, sometimes called an independent medical exam, then what bar is there to a support person attending discovery providing the injured plaintiff has legitimate need of her and the support person is prepared to silently provide that support without being disruptive or offering evidence. In practice, few defence lawyers would object to the presence of a support companion provided there were clear ground rules and that companion did not give evidence or coach the plaintiff during discovery. Some of my past injured plaintiffs have asked for a supportive family member or friend, who is not a party to the action, ie not a Family Law Act claimant, to quietly be present in the room. This has always been indulged by the defence bar.

Your Take Away

Your injury lawyer needs to be supportive and aware of your fears, worries and stress. But your lawyer also needs to explain to you the mechanics, tactics and the skinny behind these discoveries. Like many things in life, there is a balance to be struck. It is absolutely normal to have worries and concerns about your discovery. Tell your lawyer that you are nervous and always tell your lawyer if you are in pain during your discovery. Breaks must be available. You don't have to sit for hours and suffer with pain.

Experienced injury lawyers know that discoveries are scary. But sometimes we forget. Don't be afraid to remind your lawyer this is the first time you've been through a discovery.

For more information on Martin Law Office please visit <http://www.injurylawyerontario.net/>



As a survivor of a crash, our life is unexpectedly turned upside down in a matter of seconds. We will be struggling physically, financially and emotionally. Many survivors of a crash will be endeavouring to find their new normal and it is extremely difficult when we have a significant change in our independence, our stability with employment and our social life. Connection and compassion can play a significant role in a survivor's recovery.

Here are 10 ways you can support a survivor of a crash:

Never Show Up Unannounced

If a crash survivor cannot speak to you personally, reach out to a family member or friend to see if it would be okay to stop by for a visit. **DO NOT** just show up at the hospital to see them as the survivor will be overwhelmed. Hospitals are an extremely busy place with doctors and nurses hustling about and you do not want to come at an inconvenient time. Make sure the survivor is up for the visit and be prepared as they may or may not want to see you. Don't take it personally. We understand that you are concerned but remember: It's **NOT** about you.

Stay Positive & Upbeat

If you are visiting with a survivor of a crash whether in the hospital, a rehabilitation centre or at their home, prepare yourself that they may or may not be visibly hurt. Try your best to smile as the last thing a survivor of a crash needs to see is your facial expression alerting them to how they may look. If the survivor wants to talk about the crash, listen and remain upbeat. Be supportive and let them know you are there for them. Keep in mind that some injuries are not visible. Be conscious of the amount of time that you stay for a visit as survivors need to focus on their rest and recovery.

Send Us Mail

If you are miles away and cannot visit or your schedule doesn't allow it, send them a card to let them know you are thinking about them. Enclose a note that they can read including a funny memory that the two of you may have shared. A survivor of a crash needs to feel connected and mailing a smile or laugh can go a long way. Recovery may be a life-long journey for a survivor of a crash so don't just stop with one card. Try and send them mail every so often throughout their recovery and not just on special occasions.

Don't Rush A Survivor's Recovery

One of the most common things a survivor of a crash will hear from close friends or even family members is: "You Need to Get



Over It". This is one of the worst things you can say to us. Although we survived the crash and your life has moved on, most of us feel stuck with our daily struggles and we are trying our best to return to our old selves we once knew before our crash. Telling a survivor to "Get Over It" is not tough love. Please be sensitive to our feelings as we need your support.

Do Not Disappear

A survivor of a crash will need endless support. Even though your life may get busy, try your best to stay in touch with us. As survivors recover, we will constantly feel isolated and overwhelmed. In this day and age with modern technology, a quick text to let us know that we are thought of can go a long way. There is no excuse for you to stop connecting with a survivor of a crash. Please do not leave it up to the survivor to connect with you.

Do Not Get Upset

You may be having a party at your place to celebrate a special occasion or you may be having your annual family BBQ and we have confirmed two weeks in advance that we will be attending. When the day arrives, we may have had a terrible night's sleep the night before, or we may have woken up to an extremely bad pain day. Please do not get upset, argumentative or try to convince us to come anyways when we call you to cancel. We already feel terrible that we cannot attend and do not need the added pressure. If your family is hosting something where you reside, communicate to them why you are not feeling well and kindly excuse yourself from the event that is taking place. Don't blame survivors for behaviours that are out of their control. Please understand that we would rather be having fun with you versus having to excuse ourselves.

It's Called Support

When a survivor of a crash is recovering, the last thing we want to hear is how we may have inconvenienced you. We are already struggling in more ways than you could possibly imagine as our life has literally been turned upside down. Recovery is extremely stressful for a survivor of a crash so if you are feeling frustrated, please find someone else to vent to. Always remember that we already feel like a burden and do not need to hear how our crash affected you. Everything that you may have done or are continuing to do for us during our recovery should be of good will.

Comfort Level

As a survivor of a crash, it took me numerous months before I could even get behind the wheel of another vehicle and I still feel

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nervous as a passenger. Please do not try to convince us to drive when we do not feel up to the task. Crash survivors will get back behind the wheel when they feel comfortable enough. If you have offered to drive us somewhere, be aware that we could be feeling quite anxious so try your best to make us as comfortable as possible and pay attention to the road.

Don't Ask Just Do

"Please let me know if you need anything". There it is. The statement that so many of us use when people are faced with unexpected health issues or life altering moments. Although we sincerely appreciate the gesture, survivors may be so caught up in the anticipation to get home that we may tend to forget that Auntie asked us to let her know if we needed anything. Please don't offer and wait for the survivor to ask for help. Recently, I became terribly ill as I cared for my loved one so I reached out and asked a friend if she could drop off some medication for me outside of my door as I was running a high fever and I may have been contagious. Not only did she drop off the meds, she also dropped off two bags of groceries consisting of everything that a person would need to feel better. She "thought outside of the box" and she just did it! I couldn't have thanked her enough. If you offer, please follow through with us and make sure you are available to respond quickly to our text or phone call as it may have taken all of our strength just to reach out to you. If you offered and we do not reach out to you, please don't take it personally as it is not about you. It is about us and our recovery.

The Dreaded Questions

A lot of family members and/or friends will feel anger towards the other driver(s) involved in the motor vehicle crash. Who can blame you? You are about to see your loved one go through one of the most challenging times in their lives and surviving a motor vehicle crash can be life-changing. Their injuries may or may not be visible to you and our recovery could take years. If we are involved in a law suit, please do not ask us when the case will be settled. Numerous times I found myself experiencing an "okay day" and then someone would ask me "what's going on with the lawsuit"? "When do you think it will be settled"? Although we understand that you mean well and want to make sure that we are fairly compensated for our injuries, the survivor that is having an "okay day" will suddenly find themselves thinking about their crash and the pending legal battles. Asking this question only adds undue stress to our "okay day". Please be aware that the legal system is a very long and drawn out process and only the lawyers involved may know the answer to that question. Another question that a survivor of a crash is often asked is: "When are you going to be able to return to work"? I could literally cry every time someone would ask me that question. Please keep in mind that a survivor of a crash would prefer to be working than having their life put on hold while they try to recover physically, emotionally and financially. Only our treating doctors have the answer to that question.

Supporting someone's recovery whether through friendship or family love is one of the most profound ways to impact the life of a crash survivor. Please be patient, praise our progress and be there for us when we need you.

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Lisa Mary Supports Other Survivors with New Song

on, meanwhile mine abruptly stopped. I hated watching my mom and grandfather suffer along with me, always feeling like the cause. Through it all as a crash survivor, I was lucky enough to be surrounded by great people who never left my side, two people specifically would be my dad and my boyfriend, Christian. Someone else who never left my side was God, I thanked Him every night for looking after my family but I also asked Him many of nights "Why me?" I didn't get my answer right away but in time I realized why I had to go through this.

Second Chance in Life

Survivors have this second chance at life and as a crash survivor, I look back now with a brand new perspective. I've learned how precious life really is and to never take it for granted, to not live life in fear and to always be in the moment. As an artist, I have a platform and it's important to me to do good with it. As an accident survivor, I want to use my platform to support other accident survivors, provide encouragement, to remind survivors to never give up on themselves and always trust in God.



Lisa Mary is a talented artist and a crash survivor. She is also a member of our online support group who is writing music about her experience to encourage other crash survivors that are struggling to keep going.

Lisa Mary is a talented young country singer-songwriter and award-winning recording artist out of Metro Detroit. At just 22 years old, with a four and a half octave vocal range and an electric stage performance, Lisa Mary is turning heads from industry professionals nationwide and for the past 6 years she has continued to wow audiences from all over the United States.

Crash Support Network is proud to partner with Lisa Mary and we are so grateful for her support. Every survivor of a crash can relate to her new song "Dive" which is available on all music platforms. To find out more about Lisa Mary's music please visit her website at www.lisamarymusic.com



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CRASHSUPPORTNETWORK

Our Mission is to provide online support, resources and to raise awareness for survivors that have been affected by a motor vehicle crash.



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