

## WESTSIDE

## LAW

## Don't try to hide information when making insurance claims

You will have no shortage of people offering you advice if you ever have the misfortune of being injured in a crash.

Whether it's a friend, family member or co-worker, most people seem eager to give advice about how to handle an injury claim.

The problem is, there's so much misinformation out there, some of that advice is very bad advice.

And following the bad advice can have serious impacts on your claim.

Instead of helping your case, you could end up hurting it, or possibly destroying it altogether.

By the time a lawyer gets involved, perhaps a year or so after the crash, it may be too late to repair the damage.

One piece of bad advice is to treat your claim



ACHIEVING  
JUSTICE

Paul  
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like a poker game and keep your cards very close to your chest.

Many people have heard about how an insurance company can unfairly twist or spin a piece of information.

Those people want to protect you from the same fate.

They will tell you to keep any information that might be unfairly spun to yourself.

What do I mean by an unfair spin?

Let's say you went tobogganing with your kids and landed hard. You had some pain in your lower back. You saw a

chiropractor for a handful of treatments and the pain went away over the course of two to three weeks.

Ten months later, you suffer a lower back injury in a car crash.

This time, the pain doesn't go away. This time, you are left with lower back pain for the rest of your life.

If the insurance adjuster finds out about this previous lower back incident, he or she might try to unfairly blame your chronic lower back pain on the tobogganing incident.

In order to protect yourself from unfairness, you deny any previous lower back injuries in the paperwork you give to the insurance adjuster.

The adjuster sends you to a specialist paid for by the insurance company for an assessment, and you do the same thing

again.

You do again with your physiotherapist and massage therapist.

You have no intention of pulling the wool over anyone's eyes. You are not trying to cheat.

Obviously, an injury you completely recovered from months before a crash has nothing to do with the low back injury you sustained in the crash.

You are reasonably fearful, though, about the tricks the insurance company might use against you.

Instead of protecting yourself, though, you have engineered a disaster.

When the insurance adjuster gets your medical records, the previous chiropractic treatments will show up.

They will find out about the tobogganing incident.

They will then rub their hands together with glee at the fact that you have destroyed your own case.

If you lied about that, so the argument will go, what else are you lying about?

Why should anything you say be believed? Perhaps you're making the whole thing up.

A common public perception is that car crash claimants are liars and cheats.

You are already, unfairly, treated with suspicion.

You struggle to prove that you have pain from injuries that don't show up on x-rays and MRIs.

Any hint of dishonesty on your part will throw your credibility into a tail spin that you may never be able to recover from.

I give very consistent advice to those who

consult with me about car crash injuries, and to anyone who becomes my client—be honest and forthright with everyone.

Rather than hold your cards close to your chest, lay your cards out on the table.

Take the cards that you think are bad and stick them to your forehead.

As it turns out, that previous tobogganing incident might actually be an ace.

For example, the chiropractor who assessed you back then will be able to re-assess you post-crash and give a con-

vincing comparison to the court that may be the key to proving your case.

If the bad card is really bad, well, we'll deal with it because we're going to have to deal with it anyway.

Don't make matters worse by destroying your credibility.

*This column is intended to provide general information about injury claims. It is not a substitute for retaining a lawyer to provide legal advice specifically pertaining to your case. Paul Hergott is a lawyer at Hergott Law in West Kelowna.*

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## SPENDING

## Signs too costly for council's liking

JASON LUCIW  
STAFF REPORTER

Staff had recommended council take \$80,000 from its \$334,000 discretionary fund to cover the costs, but council wasn't buying the proposal on Tuesday afternoon.

The southern sign, bearing the words "District of West Kelowna" in metallic lettering was to be made of large, horizontal cedar planks, sitting on a stone foundation near Friends' Pub.

The north sign was to bear similar features but was to stand vertically near the off ramp of the Coquihalla connector. However, staff determined that the terrain would also require the

horizontal installation.

Coun. Carol Zanon said she could not support signs of such magnitude.

"Quite frankly, for \$118,000 at this time in this community, I cannot support such a proposal," stated Zanon.

Mayor Doug Findlater said he too found the proposal too pricey.

"Yeah, I can't support it either. I think it's too rich and quite frankly I'd be quite happy with a couple of four by four department of highways types signs on wooden posts that say 'Welcome to District of West Kelowna' for \$5,000," the mayor commented.

Coun. Gord Milsom said staff must go back to the drawing board and come up with a more affordable solution.

Coun. Rosalind Neis suggested council forgo the entire sign program.

However, Coun. Duane Ophus was uncomfortable with the prospect of the project being put indefinitely on the back burner, suggesting staff to come back with a proposal at a future date that would keep the entrance signs under the established budget.

"Whatever we can get for that, I'd be okay with."

Council agreed.

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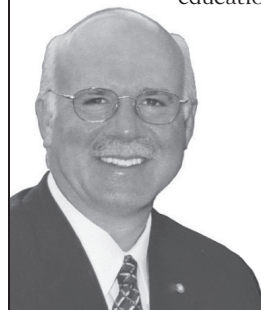
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