

But for the Plan

(When Your Child Drives Your Car Without Permission)

Sam and Patty left strict orders for their son, Joe (not their real names): **“Do not touch the car while we are away!”**.

Because of a bad driving record, the insurance company had removed Joe from the policy. So when Sam and Patty drove off for a long weekend trip in Patty's car, they didn't just warn Joe not to drive; they hid the keys to Sam's car.

Well, from the title of this story, you can probably guess what happened next. Joe and his friends found the hidden keys and drove off in Sam's car for an evening in Toronto. On the way back Joe collided with a truck on the highway.

Joe was not injured, but both of his friends were taken to the hospital. Fortunately, their injuries were not life threatening, but were serious enough to result in multiple law suits against Sam and Joe, with several parties in each lawsuit.

Sam's insurance company refused to provide any coverage, because Joe was an excluded driver under the policy. Without coverage, they were looking at having to pay hundreds of thousands of dollars in damages and lawyer fees.

Sam and Patty initially contacted a lawyer who requested a very large financial retainer. Then they remembered that Sam was a CAW Legal Services Plan member. So they called our Oakville Staff Office, and were pleased to learn that there was Plan coverage for some aspects of the litigation that they were facing.

The Managing Lawyer of the Oakville Office, Paul Vayda, represented Sam in all of the complex law suits, including a crucial claim that Paul launched against Sam's insurance company, to obtain coverage under the policy.

The end result? “Case Dismissed” !

About five years after they first walked into our office, and after a final 12-hour mediation session, a resolution was reached. All of the insurance companies, including Sam's, agreed to contribute to a fair settlement for the injured friends, without any contribution by Sam or Patty, except for what they had to contribute to their own legal costs.

But for the Plan, Sam and Patty would certainly not have achieved such a favourable result for such a reasonable cost.