

# WJP

Without Prejudice

## Personal Injuries: Under The Microscope

### Plus...

Why Effective Risk Management must be a top priority for Organizations



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Personal Injuries: Under The Microscope

Personal injuries are extremely common, and yet, almost always unexpected. They can manifest in the most surprising ways and under such varied circumstances. Some of the most common types of personal injury claims that we deal with as an engineering firm result from product liability...



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Back to the Future: No Coverage for Prior and Pending Litigation

Unlike Marty McFly, in Spinks v. Lloyd's Underwriters, 2024 ONSC 42, the Court dismissed an application by the plaintiff as their claim for valuation and confidentiality did not fall within the policy's scope. The duty to defend was also not triggered as both claims were excluded from coverage by the prior and pending litigation exclusion clause.

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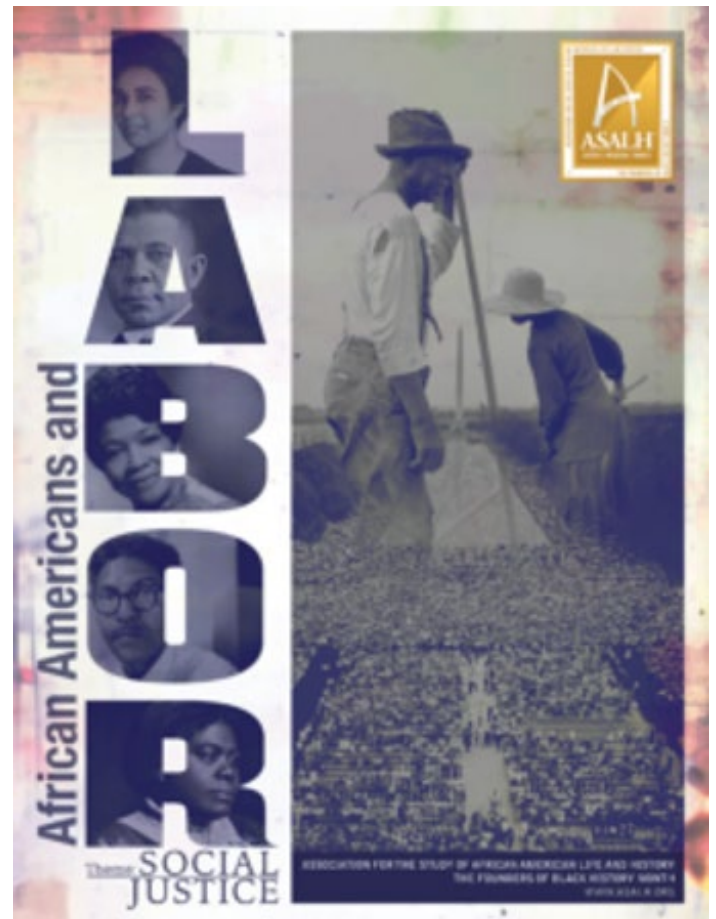
**SHAWNA GILLEN, CFEI**  
**President, CIP**

**N**ow that everyone is back into the swing of things, I am sure that you are having similar thoughts like me! Where did January go??? The Christmas holidays now seem like a distant memory, and we are in the middle of the winter counting down to the days where we can garden, enjoy a patio, and participate in outdoor activities! I wish I could enjoy this season, but my days of skiing, snowshoeing, and skating are long over due to my ever-growing intolerance of the cold!!!

February is the shortest month of the year with only 28 days and 29 days in a leap year. During my internet research on the month of February, I discovered that February is the only month where it is possible not to experience a full moon or a new moon. The last time there was no full moon was in 2018 and the next time this will occur is in 2037! In addition, the last time we did not have a new moon was in 2015 and the next time this will happen will be in 2026.

February is Black History Month. The origin of this important observance has its roots in Kent, Ohio when Black educators and students from Kent State University proposed Black History Month in February 1969. It was from January 2 to February 28, 1970, at Kent State University that Black History Month was first celebrated. By 1976, Black History Month received recognition by President Gerald Ford and observed across the United States. In Canada, Black History

Month received formal recognition in 1995. In the United States, the association, ASALH (Association for the Study of African American Life and History) (Founders of Black History Month) picks a theme for each year. The theme for 2025 is African Americans and Labor. This theme focuses on the various and profound ways that work and working of all kinds – free and unfree, skilled, and unskilled, vocational, and voluntary – intersect with the collective experiences of Black people.<sup>1</sup>



February 28 is the kick-off of the charity campaign, Capes for Kids. This is an annual charity campaign for Holland Bloorview Kids Rehabilitation Centre. Holland Bloorview is the OIAA's charity for 2024-2025. Alex Winter, a Client Ambassador representing Holland Bloorview blessed the OIAA with a heart-warming witty speech at the 2024 OIAA Holiday Party and Past President's Night. This charming and energetic 10-year-old left an impression on all of us who were present on that night. The Capes for Kids campaign started in 2017 and my first time fundraising for Capes of Kids was in 2018. It has raised over \$6M since its start. I will be participating again in 2025 and would love to

get your support.

The link to my page is:

<https://fundraise.capesforkids.ca/capes2025/myhq/group/82673>



Even my cats, Mia, Stella, and Simon participate in the fundraising as you can see from these photos of them from 2024. Last year, I received the most donations on "Caturday" when I posted these photos of these feline caped crusaders!



You can guarantee that I will be getting them involved again in the fundraising efforts for the 2025 campaign. Look out for my LinkedIn during Capes for Kids

week (February 28th to March 7th), when I will be wearing my cape but more importantly where I will be posting more pictures of the feline caped crusaders.



Our next event is the 2025 Claims Conference taking place on Wednesday, April 2, 2025, at the Metro Convention Centre. Booth and sponsorships sales are now available at [www.oiaa.com](http://www.oiaa.com). Please feel free to reach out to me with any questions. General registration will open in early February. For more information on this event and future events, please follow the OIAA's LinkedIn page at:

<https://www.linkedin.com/in/ontario-insurance-adjusters-association-oiaa-provincial-190291b2>

I welcome your comments and feedback. Please feel free to reach out to me at [sgillen@facilityassociation.com](mailto:sgillen@facilityassociation.com).

**Yours truly,**  
**SHAWNA GILLEN, CIP**  
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**(437) 962-5820**

<sup>1</sup> cite asalh.org



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# Constitution Changes

## NOTICE OF MOTION

In accordance with the OIAA Constitution; please be advised of the following proposed changes to Article 14 of the OIAA constitution.

### Article # 14 states:

The Official Journal of the Association shall be the magazine, "Without Prejudice", with editors appointed by the Executive Council. It shall record the activities of the Association and matters of general interest to the members. It shall publish all notices of motions and notice of all regular meetings.

### Article 14 shall be replaced with:

The Official Journal of the Association shall be the publication, "Without Prejudice", with editors appointed by the Executive Council. It shall record the activities of the Association and matters of general interest to the members. It shall publish all notices of motions and notice of all regular meetings.



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# SAVE THE DATE

## FEBRUARY 2025

- February 26 ..... London: Annual Curling Funspiel - Highland Community Curling Club
- February 27 .....Niagara: Curling Bonspiel - St. Catharines Golf & Country Club
- February 27 ..... Kitchener Waterloo - Subrogation Topic with Greg Brimblecombe of SBA LLP  
Breslau Schwaben Club

## MARCH 2025

- March 20 ..... Kawartha Durham - 80's Night at the Roller Rink
- March 27 .....Kitchener Waterloo - Mock Accident Benefits IE's with Evolve Assessments  
Lancaster Smoke House

## APRIL 2025

- April 24..... Kitchener Waterloo - Battle of the Bands @ Maxwell's Concert Hall

## MAY 2025

- May 1.....Georgian Bay - Past President & Elections night @ Sheba Shrine
- May 15.....Kawartha Durham - OIAA Education Day @ Deer Creek Golf Club in Ajax
- May 29 ..... London Claims Association- Trunk Trade Show & Drive-In Movie Night
- May 30 .....OIAA Provincial - Annual Golf Tournament @ Cardinal

## JUNE 2025

- June 25 ..... Kitchener Waterloo - Annual Golf Tournament @ Ariss Valley

# OIAA - EXECUTIVE COUNCIL 2024 - 2025



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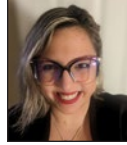
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COMMITTEE NAME	CHAIRPERSON	COMMITTEE MEMBERS	COMMITTEE NAME	CHAIRPERSON	COMMITTEE MEMBERS
<b>COMMUNICATIONS</b>			<b>BENEVOLENT &amp; COMMUNITY</b>		
Without Prejudice Editorial	Jennifer Brown	Nadine Dionne and Jeni Hamu	Charity & Gifts	Shawna Gillen	
Without Prejudice Articles	Natalie Barrow	Peter Riediger, Nadine Dionne	John E. Lowes - Insurance Institute	Emily Feindel	
WP Radio	Terry Doherty		<b>INDUSTRY</b>		
Advertising-Sales - WP, Website, Links	Nadine Dionne	Rob Fiorido, Peter Riediger	Licensing	Zohair Nassur	Nadine Dionne
Media Relations	Joel Bobb		Industry Liason	Shawna Gillen	
Website	Sherry Desai		<b>ASSOCIATION OPERATIONS</b>		
Social Media	Joel Bobb	Emily Feindel	Chapter Liaison	Shawna Gillen	
GTA Membership	Toronto Delegates		Membership	Peter Riediger	Sherry Desai, All Chapter Delegates
<b>EDUCATION</b>			Discipline	Terry Doherty	
Speakers & Meetings	Joel Bobb	Zohair Nassur	Constitution/Incorporation	Jennifer Brown	Sr. Exec.
Seminars & Education	Christine Andrews	Joel Bobb, Shawna Gillen	Handbook	Claire Richardson	Sr. Exec.
Adjuster Training	Mike Bottan		Mentoring (Ways and Means)	Shawna Gillen	Sr. Exec.
Strategic Planning	Emily Feindel	Carrie Keogh, Chrisitne Andrews	Nominating	Terry Doherty	
Bursary	Mike Bottan		Vendor Relations/Sponsorship	Emily Feindel	Terry Doherty, Joel Bobb
<b>CONFERENCES</b>			<b>ENTERTAINMENT</b>		
Toronto Claims Conference	Christine Andrews, Jennifer Brown	Kayla Helmond, Natalie Barrow, Peter Riediger, Rob Fiorido	Christmas Party & PP Night	Emily Feindel	Carrie Keogh, Joel Bobb
Career Fair - In association with Claims Conference	Michele Field/ Sheri Turner	Nadine Dionne	Golf Tournament	Sheri Turner	Kayla Helmond
			September Kick Off	Sherry Desai	Zohair Nassur, Natalie Barrow



# FOR THE MAGAZINE



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*Managing Editor*



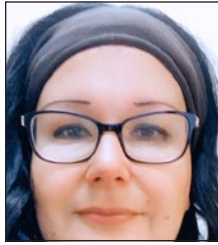
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# Why Effective Risk Management must be a top priority for Organizations

By: Peggy Mendezcuria



**A**s technology and the world evolve, new challenges lead to an increasing trend of loss, and organizations should avoid only one significant risk at all costs: the risk of doing nothing. However, if an organization takes zero risks, it will be deprived of the opportunity to try new things that can help it evolve and grow.

Successful businesses understand that risk leads to learning, and learning leads to success. Every

choice an organization makes in pursuit of objectives has risks. From daily operational decisions to the fundamental trade-offs in the boardroom, dealing with risk in these choices is a part of decision-making. Even success can bring additional downsides, such as the risk of being unable to fulfil unexpected high demand or maintain expected business momentum.

In the inherently uncertain business world, there is no reward without risk. The challenge is striking

a balance between embracing and mitigating risk. Taking risks is fundamental to achieving economic rewards and generating opportunities for growth for an organization. Here is a simple formula: Economic growth is a universal goal, and growth is driven by change. Growth is change. Change means risk, which needs to be managed to enable growth; therefore, the outcome is optimized when risk is considered in formulating an organization's strategy and business objectives.

There is no doubt that Risks are abundant and ever-present. In a world where macroeconomic and geopolitical turbulence is the norm, yesterday's recipe for success may not ensure survival tomorrow. Therefore, neglecting effective risk management could likely compromise an organization's business success and can mean the difference between success and failure.

We have likely heard or witnessed high-profile breakdowns, which serve as stark reminders of the importance of risk management. It should be at the top of an organization's agenda in the long term and day-to-day decisions made in today's fast-paced and ever-changing business landscape. Putting an operation, customers, and reputation at risk does not make for good business acumen.

This article will focus on why successfully executing effective risk management organizations is essential to a company's bottom line and highlight the three main categories of risks that can be faced.

Today's stakeholders are more engaged, seeking greater transparency and accountability for managing risk's impact while critically evaluating leadership's ability to crystalize opportunities. Know this: organizations need to be more adaptive to change and think strategically about how to manage the increasing volatility, complexity, and ambiguity of the world, particularly at the senior levels and in the boardroom, where the stakes are

highest.

In 2025, risks will continue to change and intensify. Technology is accelerating, events are intensifying, and customers are shifting and changing. This shows that risk management must remain at the top of an organization's agenda. Leaders must adjust this picture and view risks differently through in-depth analysis and interpretation of trends and reality. They must rethink and reimagine the future to make informed decisions that bring it to life.

Risk management continues to be a leadership challenge mainly because managing risk is very different from managing strategy and can counter the "can do" culture most leadership teams try to foster when implementing strategy. In some cases, leaders tend to discount the future and may be reluctant to invest now to avoid an uncertain future problem that might occur down the road. An organization's ability to weather storms depends very much on how seriously executives take their risk-management functions, especially when the sun is shining and no clouds are on the horizon.

Effective risk management is nonintuitive, and

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leaders must think systematically about the multiple categories of risks they face. Today's risk decisions are nuanced to the specific business, and understanding the qualitative distinctions among the types of risks organizations face is no longer a mere option but necessary for any organization to survive and thrive in today's complex and unpredictable business landscape.

**According to Harvard Business Review, there are three main risk categories for most organizations: Preventable, Strategic, and External risks, which we will discuss individually:**

### **Preventable Risks:**

These internal risks arise within an organization, are controllable, and ought to be eliminated or avoided. Typical examples of preventable risks are those caused by employees' and managers' unauthorized, illegal, unethical, incorrect, or inappropriate actions and those caused by breakdowns in routine operational processes. A zone of tolerance should exist for defects or errors that would not cause severe damage to the organization.

Generally, this type of risk is best managed through active prevention: monitoring operational processes and guiding people's behaviours and decisions toward desired norms. An organization may not be able to anticipate every circumstance or conflict of interest that an employee might encounter, but providing guidelines clarifying the company's goals and values is an appropriate defence against preventable risks.

A well-crafted mission statement articulates the organization's fundamental purpose, serving as a "true north" for all employees. It should be communicated to and understood by all employees.

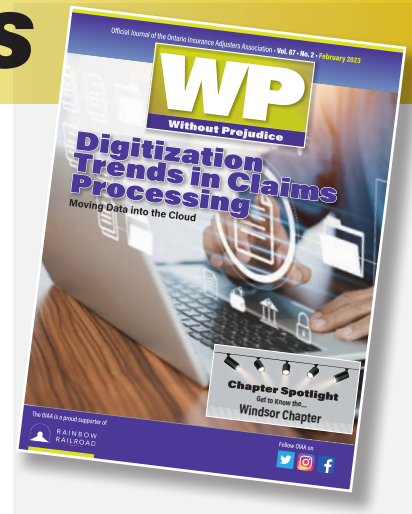
Organizations should articulate the values that guide employee behaviour toward principal stakeholders, including customers, suppliers, fellow employees, communities, and shareholders. Clear value statements help employees avoid violating the standards and risking the organization's reputation and assets.

A strong corporate culture clarifies what is not allowed by explicitly defining boundaries, which can effectively control actions.

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Whilst well-intentioned, articulating statements of mission, value, and boundaries doesn't ensure good behaviour. Leaders must serve as role models and demonstrate that they mean what they say. In addition, strong internal control systems, such as the segregation of duties and an active whistleblower program, can reduce misbehaviour and temptation. Organizations must invest in a capable and independent internal audit department to continuously check employees' compliance with internal controls and standard operating processes to detect and deter violations.

### **Strategic Risks:**

As mentioned earlier, organizations voluntarily accept some risks to generate superior returns from their strategy. This risk differs from preventable risks mainly because they are not inherently undesirable. This category of risk cannot be managed through a rule-based control model. Instead, organizations will need a risk management system designed to reduce the probability that the assumed risks materialize and to improve the organization's ability to manage or contain the risk events should they occur. Organizations with effective risk management processes will take on higher risk and reward ventures than their competitors with less effective risk management.

### **External Risks:**

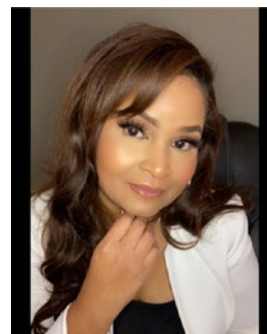
This risk category arises from events outside the organization beyond its influence or control. These can include natural and political disasters and major macroeconomic shifts, requiring another approach. Leaders must focus on identifying and mitigating their impact by tailoring their risk management processes to these different categories and having open and explicit risk discussions, which is easier said than done. Extensive research reveals that individuals have strong cognitive biases that discourage them from thinking about and discussing risk until it's too late.

In conclusion, the world is undergoing multiple long-term structural transformations, which are global, pervasive and charged with momentum. Organizations must remember that not all risks are equal and must be carefully evaluated and analyzed. There's no doubt that risk must not be taken lightly,

and too much risk exposure is unsustainable. Successful businesses also understand that without risk, there's no reward. Organizations must embrace a proactive risk appetite mindset to harness the power of risk to effect positive change, align risk with strategy, and facilitate calculated risk-taking. They must also recognize that Calculated risks maximize opportunities, improve processes and decisions, and drive competitive advantage.

By integrating risk management with the overall business strategy, an organization can align its risk appetite with its strategic goals and objectives, ultimately growing the business and improving the bottom line with compelling benefits.

Positive change is impossible without taking risks, but conscious risk-taking must be calculated, not based on a dice roll. Organizations that recognize they must take risks to thrive don't simply plunge thoughtlessly into situations based on a gut feeling, which can lead to considerable harm. However, active and cost-effective risk management, where leaders think strategically about the multiple risk categories, can help neutralize any possible bias on how the world is viewed.



### **Peggy Mendezcuria, Claims Director, AmTrust International, Canadian Operations**

Insurance Claims and Risk Management Professional with 25 years in the insurance industry in various roles, including learning and development, operations management, and industry

engagements. She is a part-time professor, teaching claims-related courses at Centennial College and the Insurance Institute of Canada.

She obtained her master's in risk management and business performance leadership from York University's Schulich School of Business.

She believes that people are organizations' most important assets, so learning and development and employee engagement are essential to her. She is passionate about supporting, educating, training, and leading others to realize their highest potential.

Outside of work, she enjoys producing regular blogs about leadership, writing children's books, listening to all genres of music, and enjoying lake and deep-sea fishing.

You can check out her blog at [leadershipbypeggy.com](http://leadershipbypeggy.com).

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# Personal Injuries: Under The Microscope

By: Dinu Matei



**P**ersonal injuries are extremely common, and yet, almost always unexpected. They can manifest in the most surprising ways and under such varied circumstances. Some of the most common types of personal injury claims that we deal with as an engineering firm result from product liability, which includes faulty machinery and malfunctioning household items; workplace injuries which can range from minor cuts and bruises to severe accidents involving heavy machinery or

exposure to hazardous materials; and slip and fall accidents caused by poorly maintained walkways, uneven surfaces, as well as building code violations.

There are, of course, other categories of personal injuries which as engineers we do not investigate, including medical malpractice, animal bites, defamation or emotional distress. All the same, Origin and Cause has been involved in a large number of diverse and complex investigations involving personal injury



claims. For the purpose of this article, I am going to discuss some examples focusing on product liability.

### Faulty Wheelchair

In this incident, a disabled person was attempting to cross the street in his electric wheelchair, when suddenly he lost control and the wheelchair flipped over. The person was thrown from the wheelchair which then landed on top of him, causing additional injury as it weighed in excess of 100 kilograms. When we examined the wheelchair, we found nothing wrong with the wheels, brakes or battery, but, with the joystick. The joystick controlling the movement of the wheelchair was not secured by a set screw, which would prevent it from coming loose. As a result, it simply separated from the shaft, making the device uncontrollable. We concluded that the accident was caused by a manufacturing design deficiency. Had the joystick been properly secured in place, the accident would not have happened. The manufacturer of the wheelchair was ultimately held accountable for the accident.

### Waiting Room Chair Failure

This case, which also involved a chair, occurred in

a travel agency waiting room. One day, a father was sitting in the incident chair, holding his child, when the chair collapsed and the child fell headfirst onto the floor, sustaining injuries. We were requested to investigate and provide an independent engineering opinion on the most probable cause of the accident. Our complex investigation revealed that the chairs, which were made overseas, exhibited poorly welded joints. These substandard welds, having large undesirable porosities, diminished the load-carrying capabilities of the chairs. As a result of the investigation, the plaintiff received compensation – not from the manufacturer, who was based in China – but from the national distributor. Additionally, 800 similar chairs across Canada had to be taken out of service.

### Toilet Bowl Rupture

In an upsetting and unusual case, a fragment from a ruptured toilet bowl severed the artery of a young girl who was sitting on the toilet at the time of the incident. Luckily, she survived but the question of how this happened remained. Toilets are made of vitreous china, a type of ceramic material made from a mixture of clay, kaolin, silica, feldspar, and water. The



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liquid clay is poured into a mold and left to set for a specific time. After the toilet pieces are shaped, they are dried in an oven to remove excess moisture. Any residual porosity left in the material will act as a stress concentrator and eventually will cause the component to break, which is exactly what happened to the toilet in this instance. Our investigation, including microscopy examination and porosity measurements, found that the incident toilet was substandard and that it exhibited excessive porosity. The internal residual stresses can remain locked in for extended periods of time, and this would explain why the accident occurred years after the toilet was installed. As a result of our investigation, the manufacturer was held liable for the accident.

### Ladder Collapse

In this tragic accident, a roofer was scaling a multi-position ladder when it collapsed, causing him to fall and paralyzing him from the waist down as a result of his injuries. The ladder was preserved and subjected to a joint destructive examination involving multiple parties: the manufacturer of the ladder, the manufacturer of the hinges, the distributor, the seller, and the plaintiff. The failure occurred at an aluminum hinge, which had fractured completely. Laboratory examination by scanning electron microscopy revealed the cast aluminum hinge exhibited undesirable porosity which resulted in diminishing load-carrying capabilities. The manufacturer of the ladder hinge was able to positively determine the foundry where that specific hinge was cast, and the foundry was held liable.

### Dental Lamp Fracture

A dental lamp is a specialized lighting fixture used in dental practices to provide focused, adjustable, and bright illumination during procedures. This lamp is typically mounted above the dental chair and is adjustable, having flexible arms, allowing the light to be directed precisely where it's needed. The arms of the lamp are connected through hinges to

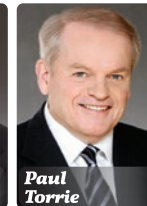
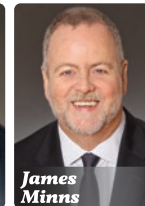
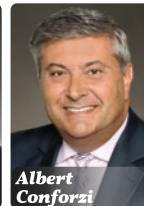
provide versatility in positioning and movement. In this instance, during a routine checkup, one of the mounting brackets for a hinge broke and the lamp fell onto the patient's head, causing severe injuries. The complete fracture of the lamp arm occurred at one of the threaded connections of the bracket. Further examination of the fracture surface under a microscope revealed the presence of features referred to as beach marks, which are always associated with a degradation mechanism known as fatigue. Fatigue is a progressive and localized damage that occurs in a material when it is subjected to repeated or fluctuating stresses over time. In this case, the fatigue was caused by an improperly torqued mounting screw, which created a stress concentrator where the failure was initiated. The accident was attributed to a maintenance issue, and both the contractor and the dental practice were held liable.

### Car Accident

In this fatal accident, a young driver lost control of his vehicle and hit two cyclists head-on in the oncoming lane, one of whom died instantly. The blame for the accident was cast on a fractured tie rod. The question brought to us: Was the fractured tie rod the problem?

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Was it corroded, fatigued, defective? Did it fail first, leading the driver to lose control of the vehicle? Our investigation included metallurgical evaluation and scanning electron microscopy of the fracture surface and revealed that the tie rod failed by ductile overload, or, in other terms, it failed as intended. This sounds bizarre, I know. But it is a term used in materials engineering, and it means that the material failed after its ultimate strength (the maximum stress a material can withstand before failure) was exceeded and not due to a defect. The tie rod condition was not the problem; it fractured as a result of the impact. Microscopic examination of the fracture surface revealed the presence of features called dimples, which are always associated with ductile overload fracture. Metallurgical evaluation of the microstructures did not reveal any gross metallurgical deficiency in the material. As a result, we were able to conclude that the tie rod did not contribute to the accident.

Personal injuries can significantly impact an individual's life. Whether due to an accident, negligence, or intentional harm, they can lead to physical pain, emotional suffering, financial burdens, and long-term disability. Personal injury claims seek to compensate the injured person and hold negligent parties accountable. This quest to find fault often leads to finger-pointing. One party alleges a manufacturing defect, another tries to blame it on user error, and still another asserts that the issue is clearly improper installation or lack of maintenance or a design deficiency or any number of other causes. The point being, that there is no shortage of opinions, and plenty of blame to go around. But as this article hopefully illustrates, determining the true cause requires a thorough understanding of how systems, products, and materials are constructed and how they behave under different conditions. It's critical that conclusions are based on thorough, scientific evaluation rather than assumptions or mere surface-level observations. Personal injury claims are not just about establishing blame but about uncovering the

truth with precision and clarity, ultimately leading to improved safety practices and better lives.



**Dinu Matei, M.Sc., P.Eng.,  
Consulting Engineer  
Senior Consulting Forensic  
Engineer, Materials  
Engineering**

Dinu is a Lead Engineer with Origin and Cause. He has more than 30 years of experience in the industry, including more than 23

years in Mechanical, Materials, Product, and Equipment Failure Investigations. Dinu has been the lead investigator on more than 2,500 complex and multidisciplinary investigations in those fields for the insurance industry, risk managers, law firms, manufacturing companies, and private clients. Dinu is a Registered Professional Engineer in the province of Ontario, is designated as a Consulting Engineer, and has been qualified as an expert witness in the Court of King's Bench of Manitoba and Saskatchewan.

Dinu has participated in 23 multi-national projects which resulted in the development of new materials and processes. He has taught at undergraduate and graduate levels on materials science and engineering and on failure analysis, and is an active mentor for engineers in training. Dinu is a member of the American Society for Metals (ASM International), American Society for Mechanical Engineers (ASME), Association for Materials Protection and Performance (AMPP, formerly known as NACE, National Association of Corrosion Engineers). Throughout his career, Dinu has delivered both technical papers and presentations at several international conferences on materials science and engineering.

Dinu's experience and expertise is in a variety of complex metallic and non-metallic (plastic) materials/mechanical failures, mechanical systems and equipment failures, product liability, corrosion, oil spills, residential and commercial plumbing systems and appliances failures, personal injuries associated with product failures, break and entries, insurance fraud, and sprinkler system failures.

## Follow OIAA!



# Chapter Spotlight

## Get to Know the... WINDSOR CHAPTER

### President's Message

Our chapter kicked off the year with our annual Chili Cookoff. We had over a dozen chefs cooking various types of Chili. We even had a vegetarian Chili and it was great! Many members attended for a wonderful lunch. I am not allowed to say who won! 2025 will be the 20th anniversary of the first OIAA Chili Cookoff which started in Windsor. We plan on a very special Cookoff and I am sure it will be well attended.



Our golf Tournament, "Driving for Deb" was another huge success. Over 100 golfers attended and we raised \$10,500.00 for the Windsor Hospice. I am always so proud of all our members contributions to this great cause and event.



The Windsor



chapter showed their spirit at our annual Holiday lunch. Christmas carols were sung, and many laughs were had. Over a \$1,000.00 was raised to our Downtown Mission as well as a trunk load of canned goods!

It is always great to see our adjuster members and vendors in person at our events. So much can be learned by such contacts including tips on our own claims handling and who may be able to help us with some challenging claims.

Many thanks to Peter Riediger and Earnest Mashingaidze for their strong work in putting together our events. We all look forward to seeing more members attend our events and please contact us if you wish to join our executive.

**Sincerely,**  
**William Humphrey, BA, FCIP, CRM**  
**President, OIAA Windsor Chapter**

## Chapter Delegate's Message

As the Windsor chapter delegate for the Ontario Insurance Adjusters Association, it is both an honour and a privilege to serve and represent such a dynamic and dedicated community. Over the past two years, my journey with the OIAA has been immensely rewarding, and I am grateful for the opportunity to contribute to this remarkable organization.

Reflecting on the past year, I am filled with pride as I think of the events we have hosted together. From the vibrant energy of the September Kick-Off event to the joy and camaraderie of our annual Holiday Party, each gathering has been a testament to the strength and spirit of our industry. These events are more than just opportunities to meet; they are platforms that foster meaningful connections, encourage collaboration, and strengthen the bonds between adjusters, vendors, and industry partners.

Volunteering at these events has been one of the most fulfilling aspects of my role. Witnessing the enthusiastic participation, the exchange of ideas, and the genuine connections being formed reaffirms the importance of the OIAA's mission. These moments remind us of the value of staying engaged, not only to keep pace with the evolving landscape of our industry but also to build relationships that will shape its future.

The OIAA events serve as a vital bridge, creating open channels of communication and dialogue across all facets of the insurance world. They provide an invaluable forum for professionals to come together, share insights, and collectively navigate the challenges and opportunities that lie ahead. It is through these conversations and collaborations that we continue to strengthen our industry and uphold the high standards of service and professionalism that define what we do.

As we move forward into 2025, I encourage all members to continue

engaging, participating, and supporting our initiatives. Together, we can ensure that the OIAA remains a vibrant and impactful force within the insurance community. Thank you for your trust, enthusiasm, and support. It is your commitment that makes this association truly exceptional.

I look forward to seeing many of you at our upcoming events both in Windsor and throughout the province and to another year of growth, collaboration, and success.

**Warm regards,  
Peter Riediger  
Windsor Chapter Delegate**



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# Chapter Spotlight

Photos from the...

## WINDSOR CHAPTER GOLF TOURNAMENT

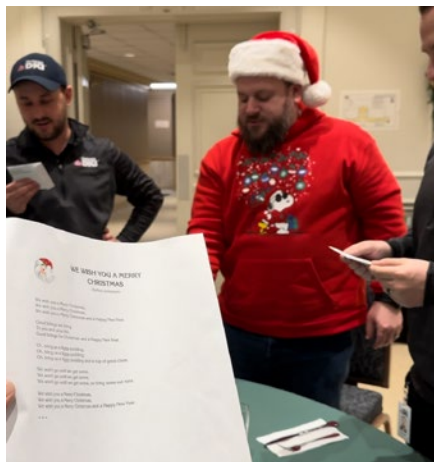




# Chapter Spotlight

Photos from the...

## WINDSOR CHAPTER HOLIDAY PARTY



# Back to the Future: No Coverage for Prior and Pending Litigation

By: Rory Love



**U**nlike Marty McFly, in *Spinks v. Lloyd's Underwriters, 2024 ONSC 42*, the Court dismissed an application by the plaintiff as their claim for valuation and confidentiality did not fall within the policy's scope. The duty to defend was also not triggered as both claims were excluded from coverage by the prior and pending litigation exclusion clause.

## Overview

Jonathan Spinks and Gavin Dabron had a business partnership involving several companies worldwide. Their relationship broke down, leading to lawsuits in Ontario and Australia in 2017. In 2018, the disputes

settled through mediation in Ontario. Ultimately, Spinks' company purchased Dabron's shares with an agreed price. As part of the resolution, the parties exchanged full and final releases, which prevented relief for future claims. Sourced purchased a management liability policy from Lloyd's Underwriters.

In February 2021, Dabron sued Spinks again, and alleged breaches of the settlement terms, breach of confidence, and intentional infliction of emotional harm. Dabron claimed that the share purchase price was disclosed to his former wife, and he sought damages and rescission of the settlement.



He specifically claimed that the defendants breached a confidentiality agreement regarding the sale of his shares and added a valuation claim, alleging fraudulent and negligent misrepresentation in the valuation of Sourced, which resulted in a lower settlement amount for his portion of the shares.

Later, Dabron amended his claim, alleging negligent or fraudulent misrepresentations to the accounting firm that prepared the company's valuation, seeking damages of \$50 million. Spinks sought defense from Lloyd's under the above policy, which was denied. Spinks then filed for a declaration that Lloyd's had a duty to defend the action.

### Relief Sought

The applicants sought a declaration that Lloyd's had a duty to defend Dabron which was triggered by the pleadings rule. That being, if the statement of claim alleges facts, if true, would require Lloyd's to indemnify one or more of the applicants, then Lloyd's would have to provide a defence.

The Court analyzed the duty to defend versus the duty to indemnify. At paragraph 34, the Court acknowledged that the duty to defend is broader than the duty to indemnify, as it arises even if the obligation to indemnify might not arise.

The duty to defend turns on the "mere possibility" that a claim within the policy may be successful. This duty is triggered if, on a reasonable reading of the statement of claim, a claim within coverage can be inferred, even if broad assertions are made.

In *SIR Corp. v. Aviva Insurance Company of Canada*, 2023 ONCA 778, at para. 40, the Court outlined the three-part process when interpreting insurance contracts:

- The principles of interpretation applicable to insurance policies are well settled. The primary principle is that when the language of the policy is unambiguous, the court should give effect to its clear language, reading the policy as a whole.
- Where the policy language is ambiguous, the general rules of contract interpretation provide guidance, including the rule that effect should be given to the reasonable expectations of the parties, as long as the interpretation is supported by the text of the policy. Similar insurance policies should be construed consistently. These rules should be applied to

resolve an ambiguity, not to create one.

- Where ambiguity remains after the application of these rules, the *contra proferentem* rule applies to construe the policy against the maker, the insurer. This gives rise to the precept that coverage provisions are interpreted broadly and exclusions clauses narrowly.

### Decision

The conclusion of the Court was that the applicants had proven the potential for the valuation claims, and the confidentiality claims. As such, they were deemed to be alleged "wrongful acts" within the scope of the insurance policy. Therefore, Lloyd's would be required to defend these claims, unless it could establish an exclusion. The Court examined various exclusion clauses, including breach of contract, known matters, professional services, and prior and pending litigation. Ultimately, the Court concluded that Lloyd's duty to defend was not triggered due to the prior and pending litigation exclusion clause. There was no doubt in the Court's mind that the confidentiality claims and valuation claim arose directly from the previous round of litigation between Dabron and the applicants and were therefore excluded by the terms of the policy.

### Key Takeaways

Spinks analyzes an exclusion that is not necessarily dealt with on a regular basis but is a really interesting decision. The case highlights the importance of reading a policy as a whole and even where the fact patterns are unique, the three-pronged principles as outlined in *SIR Corp.* must always be considered when coverage is to be determined.

See: *Spinks v. Lloyd's Underwriters*, 2024 ONSC 42



### Rory Love

"Rory's practice is focused on insurance defence and he regularly deals with matters relating to CGL, personal injury, motor vehicle liability, municipal liability, product's liability, property damage and errors and omissions. He has attended court of behalf of national, international and self-insured clients for various motions, pre-trials, case conferences, applications and hearings. He has extensive experience with alternative dispute resolution, successfully mediation many claims. Prior to joining the legal profession, Rory worked as a claims adjuster, providing him with a unique perspective that is directly applicable to his daily work."



# 2025 CLAIMS CONFERENCE AGENDA AND SEMINAR SCHEDULE



## TUESDAY, APRIL 1, 2025

12:00pm – 4:00pm..... Exhibitor arrival and booth set up

## WEDNESDAY, APRIL 2, 2025

10:00am – 4:00pm..... Trade show floor open

SEMINAR

**A**

9:30- 10:30 AM

### Mastering Catastrophe Response: Key Strategies for Property Adjusters

Presented by: David Mercer

**Location**

Room 104 A

**Max. Capacity**

190

**“In the wake of catastrophic events, the role of a property adjuster is both critical and challenging. This seminar will equip attendees with key strategies to navigate the complexities of catastrophe response with confidence and efficiency. Topics will include effective capacity management to prevent operational bottlenecks, identifying vendors with proven CAT response capabilities, and setting realistic expectations with stakeholders. Additionally, the session will emphasize the importance of mental wellness during high-pressure events, offering practical tools to maintain focus, resilience, and professional integrity. From understanding the impact of “the 28th day” to cultivating mindfulness and self-awareness, attendees will gain actionable insights to thrive in the demanding field of catastrophe response”**



#### David Mercer, Vice President, ServiceMaster Restore

David Mercer began his career in the restoration industry with a ServiceMaster Restore franchise in Owen Sound, Ontario, where he gained hands-on experience in the field. His drive and commitment to excellence soon led him to assume roles in project management and branch management in Brantford, Ontario. These positions allowed him to deepen his expertise in operational oversight and team leadership, building a strong foundation for future success.

Seeking to broaden his perspective and skill set, David joined Contractor Connection, where he honed his abilities in performance management. This role was pivotal in developing his capacity to analyze and improve operational efficiencies while maintaining strong partnerships with stakeholders.

In a full-circle moment, David returned to ServiceMaster in 2017, where he embarked on a journey of progressive leadership. Over the years, he has held various strategic roles, each contributing to his growth as an industry leader. His vision, dedication, and ability to foster collaboration have culminated in his current role, where he leads the ServiceMaster Restore Canadian network with a focus on innovation, operational excellence, and strengthening customer relationships.

SEMINAR

B

9:30- 10:30 AM

**Lessons in Leadership From Ted Lasso**

Presented by: Laura Emmett and Elizabeth Brotten

**Location**

Room 104 B

**Max. Capacity**

190

**Explore the future of leadership from a unique and entertaining perspective, focusing on how we can apply the leadership approach of the entertaining sports comedy, Ted Lasso, to our workplaces. We will delve into how Ted's "be a good person, respect others, and judge no one" philosophy can help your organization not just survive, but thrive, in changing and challenging times. This presentation will include entertaining examples from Lasso, the fictional English soccer coach, and share the top ten ways organizations can apply Lasso's unique style to build success and satisfaction.**



**Laura Emmett, Partner, SBA Lawyers**

She has a diverse practice where she focuses on bodily injury claims, cyber liability, and privacy law. She is the co-author of an annual publication, "The Annotated Statutory Accident Benefits Schedule." Laura is a Past President of the Canadian Defence Lawyers and was the youngest person to hold the position. Presently, she is a Bencher for the Law Society of Ontario, which governs all lawyers and paralegals in the Province.



**Elizabeth Brotten, Partner, Foley Mansfield**

Elizabeth Brotten is a Partner in Foley Mansfield's Minneapolis office, a member of the firm's Executive Committee, and chair of the firm's Products Liability practice group. She defends clients in product liability and toxic tort cases throughout the United States. She currently serves as President of the Minnesota Defense Lawyers Association.

SEMINAR

C

9:30 AM - 10:30 AM

**No Stone Unturned: Cyber Investigation Techniques**

Presented by: Brian Sartorelli and Sarah Bunder

**Location**

Room 104 C

**Max. Capacity**

190

**A session that delves into the dynamic world of cyber investigations tailored specifically for insurance professionals. In this interactive presentation, we'll uncover the secrets of geospatial OSINT (Open Source Intelligence) and show you how extracted valuable insights from social media accounts to enhance your investigative efforts.**

**An opportunity to learn from industry experts who will guide you through practical applications and real-world scenarios.**



**Brian Sartorelli, CPIO-MI, CSO**

**President and CEO, Investigative Risk Management**

Brian Sartorelli has built an illustrious career in providing consultative and advisory risk management and investigative services to Fortune 500 companies on both national and international stages. His expertise was honed through a distinguished career in law enforcement with the Department of National Defense, where he specialized in drug enforcement, undercover operations, and criminal investigations. Brian's career has encompassed major crime and joint forces operations across all three levels of law enforcement agencies.

Brian has successfully managed significant investigations, including billion-dollar cases and numerous multi-million-dollar civil litigations for both the legal and insurance industries. His analytical acumen ensures the thoroughness and professionalism of complex investigations, employing major case management principles to oversee large-scale investigations.

A respected figure in the investigative and risk management community, Brian is a prolific public speaker and has delivered keynote presentations at numerous national and international industry events. He designs and conducts seminars across various industry sectors, offering tactical and strategic advice within his investigative specialization. Additionally, Brian is a well-published author, contributing white papers, articles, and publications on corporate risk management and investigative services."

**Cont'd...**



**Sarah Bunder, CCII, CSM**

**Certified OSINT Specialist/Supervisor, Investigative Risk Management**

Sarah Bunder is a dedicated OSINT specialist with over a decade of experience in the investigation industry. Throughout her career, Sarah has held various roles, including report writing, video editing, and scheduling, before focusing on open-source intelligence investigations (OSINT).

Sarah's training includes a certificate in Internet for Investigators from the Ontario Police College, obtained through Toddington International. She furthered her education with the York Region Police and under the guidance of Michael Bazzell, a former member of the FBI's Cyber Crimes Task Force. Continuing her education, Sarah has recently completed courses in Criminology, Forensics, and Python Script. In her role, she conducts online investigations to gather information on claimants' activities for pre-employment checks, due diligence, or insurance claims, ensuring the information is archived using the company's best practices for future use.

SEMINAR

D

10:30 AM - 11:30 AM

**Navigating Labor Market Challenges in Restoration with AI and Technology**

Presented by: Nelson Higgins

**Location**

Room 104 A

**Max. Capacity**

190

**This presentation for OIAA Claims Conference 2025 will discuss the current state of the labor market in the restoration industry, wage pressures, and how AI and documentation technologies can help mitigate these challenges. The talk will provide insights on improving efficiency, accuracy, and overall operational effectiveness through technological advancements.**



**Nelson Higgins, XCT, Vice President, DocuSketch**

Nelson is the Vice President, North America at DocuSketch. Prior to DocuSketch, Nelson was the founder and COO of XTR Consulting Inc. His home base is in Halifax, NS, Canada, but he covers projects throughout North America. He currently holds an XCT (Xactimate Certified Trainer) certificate and has held this designation for over 10 years. With more than 35 years experience in the insurance industry from both the contractor and adjuster perspectives. He is experienced in all aspects of scoping and estimating property damages of residential and commercial buildings and has been involved in completing estimates and projects of all sizes through completion. He has gained a vast amount of knowledge on leveraging new technologies to help clients with in depth documentation and the cycle of a claim.

DocuSketch™ helps users with a complete accurate estimate including 360 walkthroughs, accurate sketch and detailed Xactimate or Symbility estimates of the damages in days not weeks.

SEMINAR

E

10:30 AM - 11:30 AM

**Designer, Builder, and Municipal Liability in Construction Claims**

Presented by: Yasser Korany & Kayla Kwinter

**Location**

Room 104 B

**Max. Capacity**

190

**The 1992 Building Code Act (BCA), which regulates the Ontario Building Code, provides that it is the role of everyone who "causes a building to be constructed" to ensure that it is constructed in accordance with the BCA, the building code, and with any permits issued for the building. The obvious intent of the BCA is that health and safety are shared responsibilities between designers, builders, and building officials.**

**Understanding the professional and legal obligations and responsibilities of the various parties at the design, permitting, and construction stages is crucial to determining liability and successfully pursuing remedies when construction does not satisfy health and safety standards. In this seminar, the presenters will explore the potential liabilities of designers, contractors, and municipalities that may arise at each project stage and will share the view of the Canadian courts on the duty of care of the involved parties.**



**Yasser Korany, KSI Engineering**

Yasser Korany is a Consulting Forensic Engineer and the Managing Principal of KSI Engineering, a firm that specializes in investigating property insurance claims and provides construction litigation support.

**Cont'd...**

He is a certified senior member of the National Academy of Forensic Engineers in the USA and has been qualified numerous times as an Expert Witness. Prior to calling Ontario home, he was a Professor of Structural Engineering at the University of Alberta. He was recently recognized with the distinction of Fellow of the Canadian Society for Civil Engineering.



**Kayla Kwinter, Torkin Manes LLP**

Kayla Kwinter is a Partner in Torkin Manes LLP's Construction Law and Litigation Groups. She has considerable experience with the Construction Act and has broad experience acting for clients on complex litigation matters, including regular appearances before Judges and Associate Judges of the Superior Court of Justice, Construction Lien Associate Judges, and the Ontario Court of Appeal. She served on the Construction and Infrastructure Law Section Executive of the Ontario Bar Association from 2018-2021.

SEMINAR



10:30 - 11:30 AM

**Emerging Trends and Challenges in the P&C Industry; Insights from Claims Leaders**

Presented by: Gianna Aimola – VP Claims, Allstate Canada  
Erik Martensson – AVP, Supply Chain, Property Claims, Aviva  
Andy Dykstra – AVP, Enterprise Fraud & Investigative Services, Co-operators  
Tracy MacDonald – President & CEO, Trillium Mutual  
Joel Bobb (Moderator) - Claims Specialist, Axis Capital

**Location**

Room 104 C

**Max. Capacity**

190

**A panel discussion about the emerging trends and challenges within the P&C Industry as viewed by Claims Leaders across the industry. Moderated by Joel Bobb of Axis Capital.**



**Gianna Aimola, Vice President - Claims, Allstate Canada**

With 20+ years in the industry, Gianna leads the claims operation for Allstate Canada, overseeing the strategic and operational direction for the team. Over her career, she has led various multi-year transformational initiatives. Gianna has deep operational expertise, and a track-record of strengthening claims performance, enhancing the customer experience, while improving loss costs and efficiency. She holds a CIP designation, and a Bachelor of Science (Hons) from the University of Toronto.



**Erik Martensson, AVP Supply Chain, Property Aviva**

Erik Martensson believes despite constant and changing headwinds, the Canadian Claims industry can persevere and improve. As AVP Supply Chain | Property, Erik is responsible for managing Aviva's Appraisal and Property Vendor resources. He's spent 20 plus years in the industry, starting on the Property Restoration Vendor side, before moving onto field and leadership roles with Definity prior to Aviva. His work interests include proactive claims management, appraisal, large loss, catastrophe response, mentorship, and vendor partnerships. Passionate about improving organizational outcomes while removing bottlenecks and barriers, Erik is focused on the importance of building cooperative relationships aligning towards positive results. In his free time Erik is a busy father of three and community volunteer through his love for youth sports and activities.



**Andy Dykstra, Associate Vice President - Enterprise Fraud, Co-operators**

Andy leads Co-operators Enterprise Fraud Program and Investigative Services, overseeing fraud and management strategy along with his team's investigations within the property and casualty side of the business. Prior to joining Co-operators, Andy spent several years in a variety of roles related to fraud management. His education background includes a bachelor's degree in political science from Western University and a Master of Management from St. Mary's University.

**Cont'd...**



**Tracy MacDonald, CEO, Trillium Insurance**

Tracy has an extensive background in P&C claims management and leadership. Starting her career as a multi-line claims adjuster 31 years ago and progressing through claims leadership roles with a National Carrier.

In her current role, Tracy serves the membership and Board of Trillium Mutual Insurance located in Listowel, Ontario as CEO. She leads the organization focused on protection for Agriculture and Rural members championing the spirit of Mutuality, strategic planning, corporate governance, and stakeholder relations. Tracy holds a Bachelor of Arts degree in Economics from the University of Guelph as well; she is a Fellow Chartered Insurance Professional (FCIP).

When she's not leading Trillium Mutual Insurance, Tracy enjoys the outdoors and spending time with family and friends. Currently in progress, she has a goal to complete the 900km trek of the Bruce Trail.



**Joel Bobb, Claims Specialist, Axis Capital**

Joel began his claims career in 2017 as a Claims Assistant at Desjardins. Since then, he has held various adjusting roles across different lines of businesses such as Accident Benefits, Casualty and Specialty. He joined AXIS in 2024 as a Claims Specialist where he continues to handle Casualty and Specialty Claims. Joel is also a major advocate for the Insurance Industry, this is represented by his involvement in associations such as Ontario Insurance Adjuster's Association, Canadian Association for Black Insurance Professionals and Young Insurance Professionals of Toronto. His work with these associations involves, facilitating outreach to students and young professionals, acting as an ambassador, and organizing networking events.

SEMINAR



11:30 AM - 12:30 PM

**Tort Update**

Presented by: Ian Gold and Adam Bucci

**Location**

Room 104 A

**Max. Capacity**

190

**Casualty Update: A Year In Review**

**Another year has come and gone, and there have been important developments in the case law on a wide variety of issues relevant to the insurance industry. Ian and Adam will discuss their picks for the top 10 insurance cases of the last 12 months(ish) and anticipated trends to keep a lookout for in the future.**



**Ian Gold is a founding partner of Thomas Gold Pettingill LLP.**

**Areas of Practice & Experience:**

Ian Gold resolves problems for his clients. He is a skillful civil and commercial litigator having extensive trial experience with judges and juries. His practice spans all fields, but emphasizes complex insurance litigation.

Ian is also counsel to a number of insurance companies, including some of Canada's largest insurers. He has litigated insurance coverage and bad faith claims, and has defended a wide variety of claims, including motor vehicle accidents, fire losses, construction negligence, product liability, occupiers' liability, municipal liability, slip and fall liability, libel and slander claims, and social host liability. Ian also regularly defends professional liability claims involving architects, engineers and other design professionals.



**Adam Bucci is a partner at Thomas Gold Pettingill LLP.**

**Areas of Practice & Experience:**

Adam joined Thomas Gold Pettingill after first gaining a wealth of experience in civil litigation at the Crown Law Office of the Ministry of the Attorney General. Adam's practice at the firm includes defending complex insurance matters involving occupiers' liability, tavern liability, municipal liability, sports liability, product liability, professional negligence, and motor vehicle insurance claims. Adam also regularly represents insurers in first-party insurance claims under CGL and homeowners' policies. Adam has represented clients before the Superior Court and the Divisional Court of Canada.

**Cont'd...**

SEMINAR



11:30 AM - 12:30 PM

**A Brief Introduction to Concussions**

Presented by: Dr. Jason Swain

**Location**

Room 104 B

**Max. Capacity**

190

**The presentation will provide attendees with the basic tools to understand head injury cases, and in particular, Concussions. We will discuss the cause of concussions, the severity indices, and the various types of chief complaints that may accompany a mild traumatic brain injury. The attendees will learn about the different types of disciplines that may be required to assess and manage a concussion claim. The purpose of the presentation is to get claims adjusters more comfortable with concussions in general.**



**Dr. Jason Swain, Hons BSc, MBA, DC, CFE, CICE – President and Chief Operating Officer**

Dr. Swain is a member, in good standing, of the College of Chiropractors of Ontario, the Canadian Chiropractic Association and the Ontario Chiropractic Association. He is licensed to practice in the Province of Ontario. Dr. Swain holds an Honors Bachelor of Science Degree from the University of New Brunswick, a Doctor of Chiropractic Degree from the Canadian Memorial Chiropractic College, and a Master of Business Administration Degree from the University of Fredericton. He is a Certified Functional Abilities Evaluator (ARCON) and a Certified Independent Chiropractic Examiner through the American Board of Independent Medical Examiners (ABIME). Dr. Swain has completed Certificate courses in the application of the American Medical Association Guides to the Evaluation of Permanent Impairment. Dr. Swain is the President and Chief Operating Officer for A.R.S. Assessment Rehabilitation Services Ltd., a leading provider of Independent Medical Evaluation services across Canada.

SEMINAR



12:30 - 1:30 PM

**The Future of Property Claims Estimating**

Presented by: Joel Dagenais

**Location**

Room 104 B

**Max. Capacity**

190

**Property Claims Estimating is poised for significant transformation, driven by advancements in technology, shifting customer expectations, and evolving industry practices.**

**Here are the key trends shaping the future of property claims estimating:**

- **Automation and AI-Powered Adjusting**
- **Remote Assessments and Virtual Inspections**
- **Data Analytics and Predictive Modeling**
- **Customer-Centric Approaches**
- **Climate Change and Catastrophe Response**
- **Enhanced Collaboration and Workflow Management**



**Joel Dagenais, COO - Property Estimating Solutions, Verisk**

Joel Dagenais is the Chief Operating Officer for Property Estimating Solutions at Verisk. Joel has over 35 years of experience in the insurance industry. His first experience began in high school as a summer job, as a laborer restoring a fire damaged retail lumber store. Joel went on to be a framing contractor that turned into a successful full-service restoration contracting firm (First General Services) with 17 offices in the province of Québec. Joel's been with Verisk for 21 years which started as a consulting opportunity for the Canadian market.

**Cont'd...**

SEMINAR



12:30 - 1:30 PM

**A Look Forward: Top 10 AB Cases of 2024 & Important Updates.**

Presented by: Andrea Lim

**Location**

Room 104 B

**Max. Capacity**

190

**Review of the Top 10 AB cases from 2024 and other important updates that may change future handling.**



**Andrea Lim, Partner, Dutton Brock LLP**

Andrea R. Lim, a Partner of Dutton Brock LLP, has practised in the area of insurance defence with an emphasis on first party accident benefits since 2009. Ms. Lim graduated from University of Windsor Law in 2008, and articulated with Dutton Brock LLP. She also received a Master of Arts degree from Queen's University, and her Honours Bachelor of Arts from the University of Toronto, Trinity College. Ms. Lim is currently serving as the President of the Medico-Legal Society of Toronto (MLST) and is a Past-President of the Canadian Defence Lawyers – Legal Association Canada, 2022-2023. She was the recipient of the 2016 Richard B. Lindsay Q.C. Exceptional Young Lawyer Award, and the inaugural Medico-Legal Society of Toronto Dr. Grant Farrow Award in 2021. Ms. Lim has authored various published articles regarding first party accident benefits in Ontario, including "My Beautiful Dark Twisted Fantasy: Combining Physical and Psychological Impairment", Toronto Law Journal, June 2012, and "The Fine Line Between Custodial and 'On Call' Care", Claims Canada, October 2012. She is the Co-Author of the Annotated Statutory Accident Benefits Schedule, an annual text, which is now in its 9th edition, as published by LexisNexis. Ms. Lim has also been recognized on the Best Lawyer Directory since 2023, and 5-Star Insurance Lawyers in 2021.

SEMINAR



12:30 - 1:30 PM

**Canadian Underwriter's Mental Health Survey Report from the P&C Industry**

Presented by: David Gambrill, Editor-in-Chief, Canadian Underwriter  
Tammie Kip - Director, Claims Digital Transformation and Chief of Staff to the COO, Allstate Canada & Co-Founder, FIHT (Friends of the Industry Healing Together)  
Christina Fuda - Mental Health Training Coordinator, Communications and Public Affairs, Ontario Shores Centre for Mental Health Sciences

**Location**

Room 104 C

**Max. Capacity**

190

**Last year, Canadian Underwriter conducted its inaugural 2024 survey of mental health in the Canadian property and casualty industry.**

**As (bad) luck would have it, the survey was conducted during the busiest claims period in Canadian adjusting history, with four major NatCats causing more than \$7 billion in damage in less than a month. Not surprisingly, CU found our industry survey respondents reporting a high state of anxiety.**

**Many people in our survey said they were reluctant to speak about their mental health concerns with their supervisors or peers, for fear they would appear "weak" or incapable.**

**Let's talk about that.**

**Join us our panellists in a seminar to discuss the results of CU's mental health survey. Learn the signs and signals that someone needs help. And discover the resources available for those who seek support in handling a mental health issue.**

**MODERATED BY:**

**David Gambrill  
Editor-in-Chief, Canadian Underwriter**



David has been a journalist for more than 17 years, mainly in the trade press. He is now the Editor-in-Chief of Canadian Underwriter, a trade publication serving Canada's property and casualty insurance industry. This is his second time as a senior editor at CU, leading the publication from 2005-2012, and again from 2017 until now. Over the course of his career, his work has appeared in Law Times, Canadian Lawyer, Occupational Health and Safety (OHS), The Kingston Whig-Standard, Ottawa Citizen, Maclean's, and CBC radio. He began his journalism career as editor of the weekly community newspaper, The Woolwich Observer. He has a Master's degree in Political Science and a Graduate Diploma in Journalism from Concordia University.

**Cont'd...**



## PANELLISTS:



### Tammie Kip

#### Director, Claims Digital Transformation and Chief of Staff to the COO, Allstate Canada

With 30 years of experience in the insurance, education, and not-for-profit sectors, Tammie Kip is an accomplished professional and Board Member known for expertise in leadership, claims, digital transformation, and organizational redesign. Focused on transformative growth, Tammie uses Human-Centered Design and strategic leadership to drive organizational change and deliver customer-focused products and services.

As a published author of *Your Extraordinary Self*, *Developing the Leader Within*, and *Finding Wellness Through Compassion*, Tammie is devoted to helping individuals and organizations achieve results by championing leaders and increasing awareness within one's self and of others.

Tammie chairs the Insurance Institute of Canada's Ethics Committee, is a former council member of the CIP National Society and Past President of the Ontario Insurance Adjusters Association. She's been recognized as one of Insurance Business Canada's Top 35 Most Influential Women in Insurance and is a past recipient of the CIP Society's Emerging Leader Award.

A dedicated philanthropist, Tammie co-founded a mental health not-for-profit, FIHT (Friends of the Industry Healing Together) and served as President and Board member of the Jennifer Ashleigh Children's Charity.



### Christine Fuda

#### Mental Health Training Coordinator, Communications and Public Affairs, Ontario Shores Centre for Mental Health Sciences

Christina Fuda is the Mental Health Training Coordinator at Ontario Shores. With a decade of experience, she has trained thousands of individuals nationwide through mental health workplace training workshops and seminars.

Christina has been invited to speak at several international conferences and has been featured on Breakfast Television and Global News, where she shared her expertise on improving workplace mental health. At Ontario Shores, she has played a pivotal role in establishing partnerships with organizations such as Ontario Power Generation, General Motors, The City of Toronto, The Beer Store, Marine Atlantic, and several colleges and universities, among many others.

She holds a Master's degree in Developmental Neuroscience Psychology and a Bachelor's degree in Psychology. Christina is passionate about using her expertise to educate diverse communities on the importance of creating mentally healthy and safe work environments.

## SEMINAR



1:30 - 2:30 PM

### Large Loss Evolution

Presented by: Tom Streek

### Location

Room 104 A

### Max. Capacity

190

**Next to liability-type claims, a large loss will cost the most and take the longest to resolve/complete. Whether these claims are caused by wind, water, or fire, the industry is seeing some changes in how they are handled and processed.**

**Catastrophic losses recently experienced with the Halifax and Jasper wildfires continue to expose various challenges, creating new learning opportunities that can transfer across other boundary lines and claim scenarios.**

**Due to AI and recent online information, insured policyholders are becoming more aware of best practices and options, which can create unique issues to overcome.**

**Separate sectors of contractors are beginning to segregate; highly effective emergency restoration contractors are best suited for their specific roles, and large/total loss specialized contractors are being directed to those types of claims accordingly.**

**Ongoing building code changes and varying engineering approaches create the need to be aware of new pivoting details.**

**Tom will present a dynamic large loss case study for an in-depth, open forum review to showcase how involved and complex those types of claims are in the industry.**

**Cont'd...**



**Tom Streek, Chief Executive Officer, Rebuild Response**

Tom has over 35 years of construction experience covering commercial and residential projects. Having grown up in his father’s prior family business, the longstanding delivery of quality and integrity has been a staple throughout his current province-wide large insurance rebuild company, Rebuild Response Group, and custom home business, Harmony Homes.

With an ongoing passion and insight for teaching/training, Tom inspires students and professionals alike by sharing his experiences, which include the East and West Coast catastrophic loss of wildfires in the past couple of years and countless large losses across Ontario.

Tom leads a strong network of large loss builders within Ontario and is currently developing into the East Coast through a developed franchise model/network to provide some of the best insurance industry service and customer care experiences possible.

SEMINAR



1:30 - 2:30 PM

**Intelligence Tradecraft: Principles for Advanced Investigations**

Presented by: Garrett McGinn, Partner

**Location**

Room 104 B

**Max. Capacity**

190

**The breadth of modern investigations has grown rapidly over the past decade. Traditional social media and background checks, one-crew surveillance and interviews are no longer the only tools at a professional’s disposal. More information than ever before is available to the end-users of intelligence and yet traditional investigative patterns have persisted. This has wasted client money, lead to unimaginative investigations with unimpactful results, and has fostered a divide between what clients need and what investigator deliver.**

**Understand how the private intelligence community has evolved via an examination of geospatial and geosocial investigations, device forensics, video and imagery upscaling, international investigations, multi-crew and unmanned surveillance operations and how to leverage these capabilities to maximum effect.**

**Many investigative solutions which are considered “advanced” are far more accessible and affordable than many believe. This session will provide clarity to professionals and improve their understanding of a variety of modern techniques for uncovering and leveraging information.**

**Specifically, the session seeks to educate the attendee on the four main disciplines of private intelligence gathering: Open Source Intelligence, Geospatial Intelligence, Signals Intelligence and Human Intelligence. By utilizing a more diverse set of tools, the end-user of intelligence enables themselves and their organization to deliver a compelling defense against high-value litigation and threats.**



**Garrett McGinn, Partner, DigiStream Investigations**

Garrett McGinn is a Partner with DigiStream Investigations’ R&D Department and its complex investigations company UpStream Intelligence. He has over 17 years of investigative experience and is a Certified Fraud Examiner, a licensed Private Investigator and holds a master’s degree in Transatlantic Relations from Jagiellonian University in Krakow Poland, and a bachelor’s degree in International Relations from the University of California, Davis. Mr. McGinn trained in advanced surveillance tactics in the United Kingdom, achieving a Level III Advanced Award in Foot & Mobile Surveillance. Prior to his employment with DigiStream in 2006, Mr. McGinn was a Research Analyst for Glass, Lewis & Co., an institutional investment advisory firm.



# CLAIMS CONFERENCE 2025

METRO TORONTO  
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APRIL 2, 2025

## TRADESHOW EXHIBITOR **BOOTH REGISTRATION:**

**Price:** \$1,750 + HST

Includes access for 5 individuals to Tradeshow and Seminars.

**Online Registration:** September 18th, 2024 @ 10:00 am

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- ⇒ Company name scrolling on the OIAA website as a Diamond sponsors
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- ⇒ Standalone acknowledgement with company logos on signage at the event
- ⇒ Acknowledgement with logos and links in the WP
- ⇒ Premier Social Media Package, may include:
  - Live shout out to visit your booth at the event
  - Company profile linked in posts when acknowledging your contributions
  - Company Logo on Social Media Platforms
  - Standalone recognition posts on social media platforms 3 times a month<sup>3</sup>
  - Recognition as a Diamond Sponsor on platforms once formally a sponsor
  - Recognition posts the day of the event

## GOLD SPONSORS \$2500 4 AVAILABLE

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- ⇒ Acknowledgement with logos and links in the WP
- ⇒ Social Media Package, may include:
  - Company Logo on Social Media Platforms
  - Recognition as a Gold Sponsor on platforms once formally a sponsor
  - Company profile linked in posts when acknowledging your contributions
  - Recognition posts on social media platforms 2 times a month January-March 2025
  - Recognition posts the day of the event

## SILVER SPONSORS \$1000 8 AVAILABLE

- ⇒ Company name scrolling on the OIAA website as a Silver sponsors
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- ⇒ Acknowledgement with logos in the WP<sup>2</sup>
- ⇒ Social Media Package, may include:
  - Company Logo on Social Media Platforms
  - Recognition as a Silver Sponsor on platforms once formally a sponsor
  - Company profile linked in posts when acknowledging your contributions
  - Group recognition posts on social media platforms 2 times a month January-March 2025
  - Group recognition posts the day of the event

## BRONZE SPONSORS \$500 UNLIMITED

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- ⇒ Social Media Package, may include:
  - Company Logo on Social Media Platforms
  - Recognition as a Bronze Sponsor on platforms once formally a sponsor
  - Group recognition posts on social media platforms once a month January-March 2025
  - Group recognition posts the day of the event

FOR MORE INFORMATION VISIT  
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<sup>1</sup> Ad to be provided by the sponsor

<sup>2</sup> Monthly acknowledgements in WP will start the month after purchase and run until May 2025

<sup>3</sup> Monthly social media acknowledgements will start the month after purchase and run until March 2025



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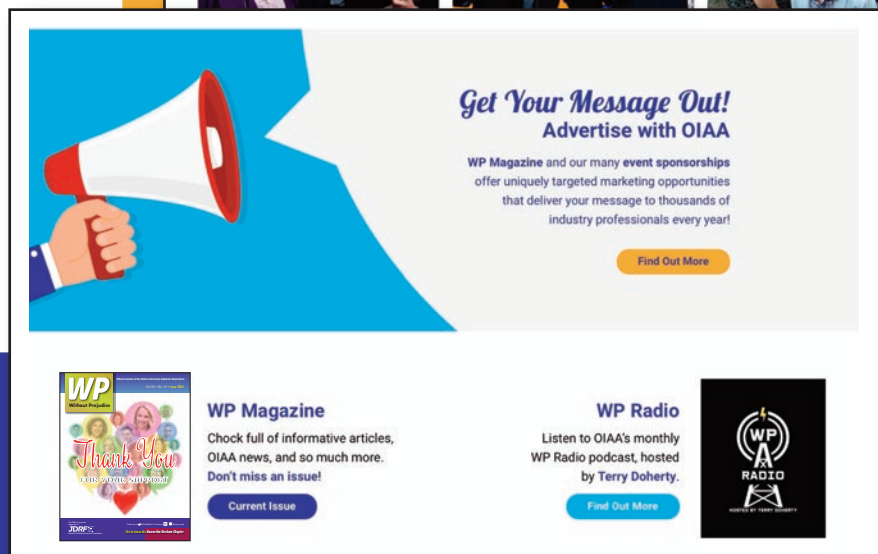
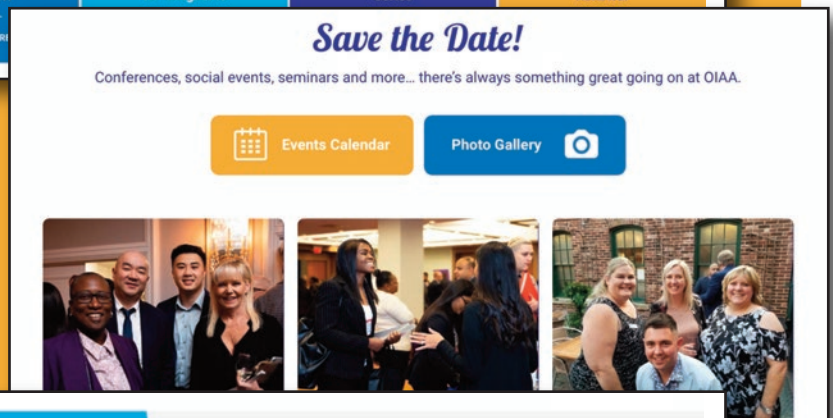
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Bookkeeper:	WENDY BARBOUR, FCIP	
Chapter Delegate:	MICHELE FIELD, FCIP	Trillium Mutual Insurance Company
Website:	www.londonclaimsassociation.com	
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Vice-President:	CHRIS JOLLIFFE, B.Sc., CIP, CFEI	Leading Edge Claims Services Fonthill
Treasurer:	BRIAN HORNYAK	Portage Mutual Insurance
Secretary:	ERIC GRIFFI	Crawford & Company Canada Inc.
Director:	JEFF EDGE, CIP, CFEI	Leading Edge Claims Services Fonthill
Director:	CHAUSSIE LAWSON, FCIP, CRM	Portage Mutual Insurance
Director:	MIKE RAGONA	Sedgwick
Director:	AVERY EDGE	Leading Edge Claims Services
Chapter Delegate:	ROB FIORIDO, CIPm	Portage Mutual Insurance
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Treasurer:	GREG MCAULEY	The Co-operators Sault Ste. Marie
Secretary:	TBD	
Director:	DAVID K. MARSHALL	Crawford & Company Canada Inc. Sault Ste. Marie
Director:	JESSE VERMETTE	Crawford & Company Canada Inc.
Director:	AMI LOWE	Claims Pro Inc. Sudbury
Director:	DAN ROSS	Northern Adjusters – Sudbury
Director:	BOB PALANGIO B.ED. B.S.C.	Optimum Insurance Company- North Bay
Chapter Delegate:	MIKE BOTTAN, CIP, CFEI	Crawford & Company Canada Inc. New Liskeard
<b>OTTAWA</b>		
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Vice-President:	TBA	
Treasurer:	TBA	
Secretary:	TBA	
Director:	TBA	
Chapter Delegate:	MAYA PANCHMATIA	Definity Insurance
Website:	www.ovaa.ca	
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Website:	www.wearetiaa.com	
<b>THUNDER BAY</b>		
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Treasurer:	KIM LEPERE, CIP	ClaimsPro
Secretary:	KIM LEPERE, CIP	ClaimsPro
Director:	DAVID KIRYCHUK, BA, CFEI	Crawford & Company (Canada) Inc.
Director:	SANDRA FREEMAN	Intact Insurance
Chapter Delegate:	CLAIRE RICHARDSON, BA, CIP	Sedgwick
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Treasurer:	ERNEST MASHINGADZIE MBA, CIP, ACS	ClaimsPro Inc.
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Director:	TBD	
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