

From Melanie's Desk: Ask a Personal Injury Lawyer



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We thought we'd do an article answering some questions that we get asked most often as a personal injury lawyers.

What if someone hits my vehicle and there is no damage (or very little damage) to my vehicle, but there is damage to their vehicle. They don't want to file a police report. Should I agree?

In certain circumstances, such as when you are *sure* there is no damage to your vehicle and you are *sure* you have no injuries, then it may be unnecessary to file a police report.

There is also a risk to you if you do not file a police report and you later develop injuries/symptoms which are related to the accident. In cases where damage has been caused to your vehicle requiring repairs, it may be useful to file a police report to document the accident and preserve your future interests.

Example 1: Someone rear ends you and your trailer hitch goes through their front grill.

There is no risk to you because you have no property damage

or injuries, so you don't need a police report. The other person then would have to pay for their property damage on their own. This may be a benefit to them if they don't want to have their car insurance premiums go up. This actually happened to a family member.

Example 2: Someone rear ends you and offers to get your rear bumper painted.

There is some risk to you if the person doesn't pay. This situation happened to me a few years ago. The person let their foot off the brake and gently rear ended me. Their license plate imprinted in my back bumper. I agreed to let them paint it and they did. We didn't file a police report. There were no injuries. I was pretty annoyed at the time because the person was talking on their phone.

What if the person who caused the accident wasn't charged with anything? Can I still bring a lawsuit if I am injured?

Injury lawsuits are based on a civil standard of liability.

This means, more likely than not, who caused the accident? So it doesn't matter if the other person was actually charged or convicted or not.

What if the person who caused the accident was impaired by alcohol or other substances?

If you are charged and convicted of a criminal offence in relation to causing the car accident, your car insurance company could decide to only cover you to \$200,000, which is the statutory minimum, instead of covering you for the \$1 million (or more) that you would normally have on your policy.

If you are the victim in this scenario and you have your own insurance, you can sue your own insurance under something called Family Protection Coverage and get the coverage topped up to \$1 million (or more) depending on what you have for your own policy of insurance. I carry \$2 million of insurance just in case I am ever in a catastrophic accident. I want there to be plenty of insurance money to pay for damages.

If the car accident was my fault, or it's a single vehicle collision, can I still open a file for Statutory Accident Benefits?

Yes – Statutory Accident Benefits are attached to your own vehicle. If you are in an accident you use these benefits to recover, regardless of who was at fault for the accident.

If I open a file for Statutory Accident Benefits, will it affect my car insurance premiums?

Car insurance premiums are based on a number of different factors. The insurance

company can do a search to see if you have been in an accident, so they can find out this information even if you don't tell them.

If you are "at fault" for an accident and don't have accident forgiveness as part of your insurance policy, then the insurance company can use an at-fault accident to increase your premiums. If you were not "at fault" for an accident, opening a file for Statutory Accident Benefits should not increase your insurance premiums.

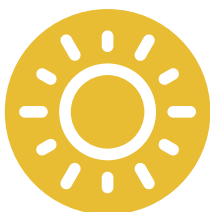
If I am injured in a car accident, why do I have to use my benefits or spouse's benefits BEFORE my car insurance pays? This seems so unfair.

Insurance companies have gotten together and made car insurance the payor of last resort. So, if you have Greenshield or Sunlife etc. (any type of extended health care benefits) you have to use those first. Then you can use your car insurance benefits, which are called Statutory Accident Benefits.

Do I have to use the service provider that my insurance company sends me to?

Service providers are people like physiotherapists, massage therapists, chiropractors, occupational therapists, speech language pathologists, etc. Your insurance company may suggest someone to you that they prefer, but you have the freedom to choose whom-ever you want to work with.

There are so many more questions we get asked regularly. I think we may need to continue this another month! If you have any questions that you'd like us to answer, please let us know. We love to educate others!



Time springs forward by one hour during the night on March 12th. Don't forget to reset your clocks before bed!



Cooking Corner: Corned Beef and Cabbage

The beef brisket spends **6-10 days in the fridge**, and then the meal requires at least 2.5 hours to cook. This recipe makes **6-8 servings**.

Ingredients

FOR THE BEEF AND THE BRINE

- 1 (4 to 5 pound) beef brisket, trimmed
- 2 quarts water
- 3/4 cup kosher salt
- 1/2 cup brown sugar
- 2 teaspoons of pink salt *See Chef's Note
- 1 cinnamon stick, broken into several pieces
- 1 teaspoon mustard seeds
- 1 teaspoon black peppercorns
- 8 whole cloves
- 8 whole allspice berries
- 12 whole juniper berries
- 2 bay leaves, crumbled
- 1/2 teaspoon ground ginger
- 2 pounds ice

FOR THE CORNED BEEF AND CABBAGE

- Cheesecloth
- Kitchen twine
- 3-5 cloves of peeled garlic
- 1 tablespoon of black peppercorns
- 3 bay leaves
- 1-2 carrots, coarsely chopped
- 2-4 potatoes peeled and coarsely chopped
- 1 small head of cabbage cut into 8 wedges

Instructions

1. Place the water into a large 6 to 8 quart stockpot along with: salt, sugar, pink salt, cinnamon stick, mustard seeds, peppercorns, cloves, allspice, juniper berries, bay leaves and ginger. Cook over high heat until the salt and sugar have dissolved. Remove from the heat and add the ice, then stir until the ice has melted. If necessary, place the brine into the refrigerator until it reaches a temperature of 45°F. Once it has cooled, place the brisket in a 2-gallon zip top bag and add the brine. Seal and lay flat inside a container, cover and place in the refrigerator for 6-10 days. Check daily to make sure the beef is completely submerged and stir the brine.
2. After 6-10 days, remove the brisket from the brine and rinse well under cool water.
3. Cut 3 squares of cheesecloth and lay them on top of each other. Place 3-5 cloves of peeled garlic, 1 tablespoon of black peppercorns, and 3 bay leaves into the center of the cheesecloth, then tie the cheesecloth into a sachet using the kitchen twine.
4. Place the brisket and sachet into a pot just large enough to hold the meat and cover with water by 1 inch. Set over high heat and bring to a boil. Reduce the heat to low, cover and gently simmer for 2 hours.
5. After 2 hours, add the carrots and potatoes.
6. 20 minutes later, add the cabbage.
7. Continue to simmer until the meat is fork tender, then turn off the heat. Extract sachet from the broth and discard. Remove the brisket from the pot and thinly slice across the grain.
8. You can serve the corned beef and cabbage without the broth on a plate, or in a bowl with the broth. Enjoy!

*Chef's Note

Pink salt is also known as InstaCure number 1 or Prague Powder. It is 93.75% table salt and 6.25% sodium nitrite. It is used at a rate of 1 teaspoon per 5 pounds of meat. The pink salt in this recipe can be substituted for 2 tablespoons of salt peter.

Mind Body Connection: Why You Should Practice Breathing

Did you know that your lungs will lose about 12% of their capacity between the age of 30 to 50? This trend is even more drastic after we turn 50. A reduced lung capacity puts stress on the internal organs, which can lead to chronic problems, such as: high blood pressure, immune disorders, and anxiety.

One way to maintain your lung capacity is to practice taking deep breaths. James Nestor, author of *Breath: the New Science of a Lost Art*, asserts that practicing the *perfect breath* will improve your overall health and feelings of well-being.

Nestor says, "The perfect breath is this: breathe in for about 5.5 seconds, then exhale for 5.5 seconds. That's 5.5 breaths a minutes for a total of about 5.5 litres of air." Try placing your hands on your belly as you inhale and notice how it inflates like a balloon. Try placing your hands on your ribcage and notice how your ribs expand outwards. Imagine directing your breath into your entire ribcage, including the back.

Practicing breathing is a safe and cost-free way to improve your health, and you can do it almost anytime!



About Us: Who Do We Work With at Velocity Injury Law?

- Sometimes our clients are the families of loved ones who have died in a tragic accident.
- Most of our clients became injured as a result of a motor vehicle collision or slip and fall accident.
- Sometimes our clients are residents of a nursing home who have been injured.
- Some clients have not been involved in an accident, but have become ill. They look to us to help them with their short-term and long-term disability claims.
- Most of our clients are from Windsor and Essex County, but occasionally people from other parts of the province request our services. We have some clients in Chatham-Kent, Sarnia, London, Toronto and a few in northern Ontario.

For more information about our services, visit our website: www.VelocityInjuryLaw.com or give us a call at **519-946-4300**.