

**SUMMARY ADVICE FORM  
FOR A FALL**

TO:

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 (Name)

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 (Address)

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 (City, Province, Postal Code)

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 Home and Work Phone Numbers

FROM: KUBITZ &amp; COMPANY

 Lawyers  
 1716 10<sup>th</sup> Avenue S.W.  
 Calgary, Alberta T3C 0J8

DATE OF FALL: \_\_\_\_\_

This Summary Advice Form provides general information about your rights resulting from your fall. Because of its general nature, it is not intended to provide legal advice. Specific legal advice about your situation should be sought from one of our lawyers.

1. **NON-RETAINER** – We are not your lawyers unless you and we sign a Contingency Agreement, or we send you a signed Retainer Letter. Unless you formally hire us, we will **not** open a file, or doing anything to protect your interests in this matter.
2. **TWO YEAR LIMITATION PERIOD** – You must sue within two years of the date of the fall. If you fail to do so, your claim is statute-barred and you will not receive any money from the person or insurer responsible for the fall. **Make a note of this very important date.**

**NOTICE PERIODS.** If the fall occurs on municipal, provincial or federal property such as a road or sidewalk, there are notice requirements that may be as short as 21 days, which, if not met, can bar your action. The relevant statutes need to be reviewed and the notice provisions need to be met. <sup>1</sup>

3. **PRACTICAL STEPS TO TAKE**

- a. Take photographs or videotape of the scene of the fall, of whatever caused you to fall, and of any visible injuries as soon as possible.

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<sup>1</sup> For example, *Municipal Government Act, RSA 2000 c. M-26 Part 13* and *Public Highways Development Act, RSA 2000, c P-38, s. 38.*

- b. Preserve your footwear. Take photos of the soles and do not wear them again.
- c. Attend upon your family doctor **immediately**, and give him or her regular updates every two or three months until you have either healed or your claim has been resolved. Start treatment with a physiotherapist or a chiropractor as soon as possible, if recommended.
- d. Focus on function. Keep track of the day to day activities that you have trouble doing. Keep a record of how your injuries impair your ability to work, go to school, or do your normal activities of daily living. Give your doctor a copy of this record as you update it.
- e. Do not provide any statements or authorization forms to the insurance adjuster for the person that caused the fall (the “Defendant”).

#### **4. BENEFITS YOU CAN CLAIM NOW**

You should claim any benefits available to you either through your work or other insurance. These are called “No Fault” benefits. Speak with your own benefit provider and ask what benefits are available to you (often the benefits provider will not volunteer this information unless you specifically ask).

#### **5. BENEFITS AVAILABLE WHEN YOU SETTLE OR AFTER JUDGMENT**

You can claim for:

- pain and suffering;
- past and future income loss;
- out of pocket expenses and future treatment expenses;
- loss of ability to do your house or yard work;
- volunteer services;
- your spouse may have a claim for loss of consortium; and
- other losses.

#### **6. RECORDS**

Open a file for yourself. In it, place copies of **all** paperwork including photographs, forms signed by you, all bills, receipts, and invoices, as well as details of the amounts involved, the dates incurred, and the reason for incurring the expense. (This information should be kept on a separate sheet of paper. Do not write on the original document). Insurers and the Court usually insist upon receipts being provided for any item claimed. If you give any documents to anyone, keep a copy for your records.

Keep track of the hours you miss from work.

#### **7. THIRD PARTY ADJUSTER**

Do not deal with the at fault party's insurance company or adjuster (called the "Third Party Adjuster"). He or she is working for the insurance company of the person that hurt you and will do his best to minimize your recovery. If you hire a lawyer, then tell the Third Party Adjuster to deal with your lawyer. If you do not hire a lawyer, then do not deal with the third Party Adjuster until you are ready to resolve your claim (just remember that there is a two year limitation period). Third Party Adjusters sometimes hire private investigators to conduct video tape surveillance or speak with your friends or neighbours.

**WE ALSO CONFIRM THAT:**

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\_\_\_\_\_ Per: \_\_\_\_\_  
(Date) KUBITZ & COMPANY

I confirm receipt of a copy of this document on this \_\_\_\_\_ day of \_\_\_\_\_,  
20\_\_.

\_\_\_\_\_  
(NAME)