

ICBC applauded for rooting out insurance scammers

Liar. Cheater. Scammer. The very words leave an unpleasant aftertaste.

A distaste for those who lie, cheat and scam is a common human experience.

Is it because each of us has been lied to, cheated, or scammed, and have felt the sharp pangs of betrayal?

Each of us feels it to the extent fraudsters and scammers cheat ICBC.

Recent news has ICBC pointing at fraudulent claims as a reason for their request to increase

our auto insurance rates 6.7 per cent

ICBC refers to a newly uncovered "jump-in" scheme where relatives of someone who has actually been in a crash pretend that they were in the crash as well, pretend to be injured, and submit claims for those pretend injuries.

We throw our full support behind the Special Investigations Unit of ICBC's efforts to uncover these sorts of fraudulent schemes and bringing the scammers to

justice. An exposed liar or cheater who is brought to justice leaves an aftertaste sweeter than honey.

I am enjoying that sweet aftertaste after reading two recent court decisions related to one ICBC claim.

The first decision, rendered in March 2015, is the judgment, following a 33-day trial.

This decision tells a riveting story of fabrication, exaggeration and attempted witness tampering that ends with a judgment in

favour of the plaintiff of \$36,042.30.

The second decision, rendered Aug. 26, 2015, is the same judge's decision about the costs of that trial.

Generally speaking, costs is compensation paid by the unsuccessful party to the successful party for expense incurred in the litigation process.

The normal costs award is in favour of the plaintiff. In this very unique case, the plaintiff is recovering none of her costs and instead is having to pay costs to the defence.

The plaintiff's settlement offer leading up to the trial was \$2,000,000.

The defence had offered to pay her \$250,000.

How wonderful that her greed led her to reject the defence offer and

Achieving Justice

PAUL HERGOTT



inconsistencies, which the trial judge reviewed item by item, and they were far from innocent.

The judge introduces the laundry list with the following: "The evidence of the plaintiff with regards to that incident was only the beginning of her attempts to fabricate evidence so as to exaggerate what had occurred, her injuries and their effect on her life since 2008. This section of my reasons for judgment dealing with the lack of credibility of the plaintiff could consume many, many more pages than I will record, but I will highlight certain aspects of the evidence in the following discussion."

Just one of the inconsistencies referred to

by the judge was the stark difference between how the plaintiff moved at the trial and her movements that had been recorded in video surveillance.

At trial, she "... exhibited considerable physical discomfort, rarely turning her head to either side." Whereas there was nothing of the sort apparent in 16 days of video surveillance.

What are the financial consequences to the plaintiff? I expect that she will be facing costs consequences well in excess of \$100,000 after the dust settles.

Do you want to read the court decisions yourself? E-mail me and I'll send you the links.

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