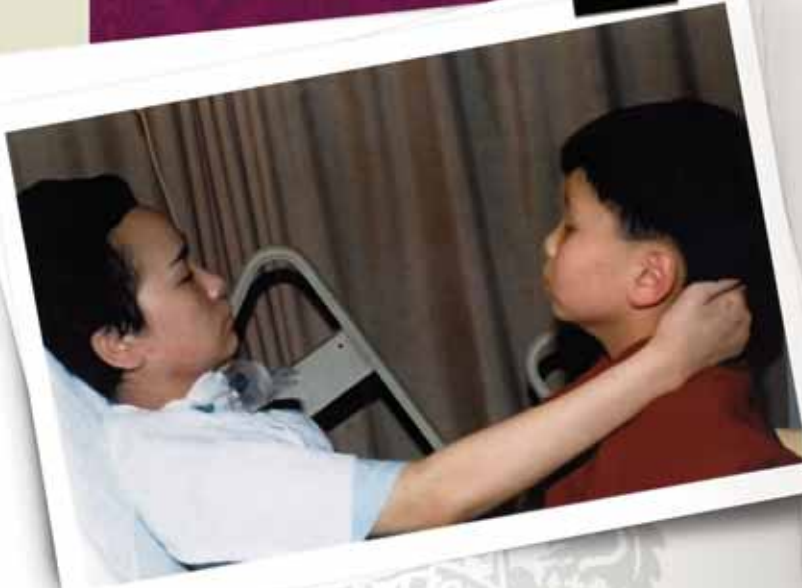


# GLUCKSTEIN & ASSOCIATES LLP

P E R S O N A L I N J U R Y L A W Y E R S

E News

October 2007



Supreme Court of Canada



**Docket**

31572

Zurich Insurance Company, et al. v. Estate of Yuan Yuan Wu (also known as Rebecca Wu), deceased, by the Trustees of her Estate, Zhi Chen and Fu Li Zhang,, et al.

(Ont.) (Civil) (By Leave)

Date	Proceeding	Filed By
2006-12-19	Close file on Leave	
2006-12-08	Copy of formal judgment sent to Registrar of the Court of Appeal and all parties	
2006-12-08	Judgment on leave sent to the parties	
2006-12-07	Decision on the application for leave to appeal, CJ Cha Ro. The application for leave to appeal from the judgment of the Court of Appeal for Ontario, Number C43454, dated May 17, 2006, is dismissed with costs. Dismissed, with costs	
2006-11-06	All materials on application for leave submitted to the Judges, CJ Cha Ro	
2006-09-15	Book of authorities	Estate of Yuan Yuan Wu (also known as Rebecca Wu), deceased, by the Trustees of her Estate, Zhi Chen and Fu Li Zhang.
2006-09-15	Respondent's response on the application for leave to appeal. Completed on: 2006-09-15	Estate of Yuan Yuan Wu (also known as Rebecca Wu), deceased, by the Trustees of her Estate, Zhi Chen and Fu Li Zhang.
2006-08-17	Letter acknowledging receipt of an incomplete application for leave to appeal	
2006-08-16	Application for leave to appeal. (C/A Order issued/rec'd Oct. 4/06) Completed on: 2006-11-14	Zurich Insurance Company

**NEW LAW!**

# APPEAL

*An  
Unconscionable  
Wrong*

JUDGEMENT OF THE SUPREME COURT OF CANADA



# APPEAL

## *An Unconscionable Wrong*

ON A PLEASANT August evening in 1996, *Rebecca Wu* was crossing Wellesley Street in Toronto. This beautiful young woman, wife and mother, was struck by a vehicle which knocked her violently to the ground.

*The driver was drunk*, and subsequently, convicted and sent to jail.

This, however, did nothing to help her, her husband and young son, or her parents *cope* with her *catastrophic brain injuries*.



While earlier court decisions seemed to support the insurance company's position, Bernard Gluckstein did not hesitate in deciding that this was an *unconscionable wrong* which had to be righted.

Her parents came immediately from China to look after her and found that she had been left with paralysis down one side and severe cognitive impairments.

Rebecca became a client of GLUCKSTEIN & ASSOCIATES LLP, and we set about to ensure that she received her full accident benefit entitlements. Unfortunately, Rebecca's condition was so serious, that these benefits were insufficient to cover all of her treatments. To deal with this problem, GLUCKSTEIN & ASSOCIATES LLP arranged for a mediation, or settlement meeting, with the insurance company responsible for the accident benefits, and negotiated a multi-million dollar settlement, all of which had to be approved by court order.

Tragically, Rebecca passed away shortly after the mediation and before court approval. The insurance company reneged on the settlement agreement, and refused to pay a single penny to Rebecca's child and family.

A legal proceeding was brought against the insurer to enforce the settlement, and when this was unsuccessful, the court decision was appealed to the Ontario Court of Appeal. Gluckstein & Associates LLP clients were completely successful on appeal and the original multi-million dollar settlement was reinstated by the court.

The insurance company then sought to overturn this court decision by applying for leave to appeal to the Supreme Court of Canada. Last autumn, the Supreme Court refused to hear the appeal, meaning that the case was over and the settlement was binding.

While it had been a long process, the results were very gratifying. Not only did our clients receive substantial compensation by reason of the judgment, but new law was established for Canadians cases with similar facts. It was very satisfying for us to be able to achieve significant justice for our clients.

GLUCKSTEIN & ASSOCIATES LLP was also able to settle Rebecca's court case regarding pain and suffering, as well as other losses for a substantial amount, which significantly strengthened her family's financial situation.

While we all shared the family's sorrow at Rebecca's untimely passing, we can only hope that she would have been pleased to see that her family had been financially taken care of because of our persistent efforts. It was an honour for GLUCKSTEIN & ASSOCIATES LLP to have been given the opportunity to represent Rebecca Wu and her family. **G+A**

### 15th Interurban Spinal Cord Injury Conference

"Research To Reality"

Hamilton, Ontario

25, 26 October 2007

TOPICS: Living with Chronic Health Issues, Neurological Repair and Recovery, Motivating Clients, Alternative Health Modalities, and more.

INFORMATION:

<http://www.spinalcordinterurban.org>



### Steppin' Up

Palais Royale, Toronto

25 October, 2007

St. John's Rehab Hospital presents "Steppin' Up" in support of rehabilitation that gives ordinary people back their lives following traumatic injuries, burns, cancer, strokes, amputations, organ transplants, cardiac surgery orthopaedic surgery.

INFORMATION:

[http://www.stjohnsrehab.com/fnd\\_abt.htm](http://www.stjohnsrehab.com/fnd_abt.htm)

### Coming Together: Quilting the Pieces After Brain Injury

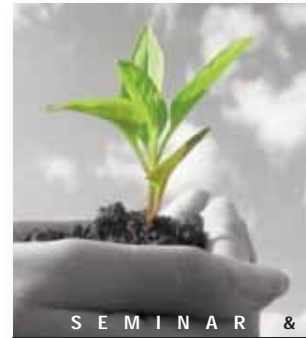
Provincial A.B.I Conference

Kitchener, Ontario

25, 26 October 2007

TOPIC: Providing the many and diverse pieces which together can have a significant role in the recovery and living with an ABI.

WEB SITE: <http://www.obia.on.ca>



### Trauma & Compassion Fatigue

SEMINAR & WORKSHOP

### Understand, Renew, Grow

Marriot Hotel Eaton Centre, Toronto, Ontario

30 October 2007

### MORNING Workshop

"The Body Speaks: Trauma Response and Intervention Within Diverse Groups"

PRESENTER: Dr. Terry McQuaid

An overview of the trauma response in terms of it's impact on the body and how the effect of experiences of trauma is communicated by the client.

### AFTERNOON Workshop

"Creative Tools for Transforming Compassion Fatigue"

Highly interactive half-day workshop

SPONSORED BY:

**Gluckstein & Associates LLP,**

Personal Injury Lawyers in collaboration with representatives from **The Hospital for Sick Children, St. Michael's Hospital** and **Bloorview Kid's Rehab.**

REGISTRATION + INFORMATION:

<http://www.compassionfatigueseminar.com/default.htm>

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