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## KLEIN LYONS OBTAINS \$566,000 TRIAL JUDGMENT FOR CRASH VICTIM AND RESTORES HER HOPE



Laurie Maillett was a healthy, active, and hard-working woman when her world came crashing in on her. An auto accident left the 38-year-old woman in a lot of pain and led to her dependence on social assistance.

While riding as a passenger in a flatbed truck that was stopped at an intersection, Maillet's head smashed against the back window when another vehicle rear-ended the truck. After the accident she suffered chronic pain syndrome in her head, neck, back and shoulders, and developed a major depressive disorder.

Maillet was working as the manager of a trailer park in Williams Lake. But after the accident, she was unable to perform all of her duties. She tried to return to work at another trailer park and then attempted to work as a janitor. Several years later, with no pension or savings, Maillet was forced to live on social assistance.

When the case was set for trial, ICBC tried to have the case thrown out by claiming that it was a Workers Compensation Board matter. David Osborne, the Klein Lyons trial lawyer on the case, fought the insurance company's effort to shift responsibility to WCB — and won.

"In the two years that followed, while we waited for the WCB issue to be decided by the appeals tribunal at the

WCB," says Osborne, "the case actually became stronger." The case went to trial and Maillet was awarded \$566,000 plus tax-gross up and management fee, and court costs and expenses.

Maillet's case had challenges for David Osborne. Maillet was a low wage earner so there were difficulties with the claim for lost income. She had attempted to work at three jobs after the accident. "This was a difficult case," said Osborne, "but the trial judge saw that the injuries were serious and that Laurie had always tried her best."

“ I wouldn't have gotten anywhere with ICBC if I didn't have the Klein Lyons team working for me. ”  
 — Laurie Maillet

Maillet is thankful that Osborne did his best, too. "I wouldn't have gotten anywhere with ICBC if I didn't have the Klein Lyons team working for me," says Maillet. "I think ICBC fought too hard and for too long. I was extremely happy with the work that Klein Lyons did for me on my case."

## Full Disclosure goes electronic

We recently launched our first electronic edition of Full Disclosure. To receive our newsletter via email, sign up now and your name will be entered to win a Klein Lyons gift pack valued at \$25. Go to:

[www.kleinlyons.com/newsletter.html](http://www.kleinlyons.com/newsletter.html)



# ARRIVE ALIVE

## Don't leave home without a safety check

Summer's here. Many families get in their cars and head to resorts and other vacation destinations. The majestic Rocky Mountains, the Eastern Seaside, or Old Montreal are a few popular Canadian spots.

### *But before heading out, review Klein Lyons' Arrive Alive Summer Driving Tips:*

- Replace winter tires with summer tires.
- Check that your spare tire is in good condition.
- Tune-up your car including a brake check, and change oil, air and fuel filters.
- Check that your air-conditioner and wiper blades are working properly.
- Prepare a safety-kit, including flashlight, flares and water.



## On the road, watch out for other drivers

- You may be a good driver, but always be prepared for what the other driver may do.
- Drive defensively particularly near large trucks.
- Never cut in front of a big truck and never brake suddenly in front of a truck.

## Six steps to save on gas expense

*With the recent jump in gas prices, travelling by car is more expensive than ever. Follow these six simple steps to help reduce your fuel costs:*

- Accelerate slowly — over 50 percent of fuel is consumed when increasing speed.
- Drive the speed limit. You can save 20 percent by driving 90 km per hour instead of 120 km per hour.
- Keep car windows closed to reduce drag and wind resistance.
- Turn on the air-conditioner instead of opening the car windows. Your air-conditioner uses less fuel than driving with open windows.
- If you're stuck in a long line-up, turn off your engine instead of idling.
- Check tire pressure monthly — low tires increase resistance which uses more fuel.



# PENSION FUND CLASS ACTION UPDATE

*Over 3,800 pensioners seek a fair share of company pension fund surplus*

Retired employees of BC Colleges, BC Rail and the Business Development Bank of Canada (BDC) believe their former employers are obliged to treat all employees — both current and past — equally. With the help of Klein Lyons, the pensioners are seeking an equal distribution of pension fund surplus.

A surplus in a pension fund means there is more money in the fund than is required to satisfy the current and future liabilities. As a result of the surplus, an employer can create a “contribution holiday” which allows current employees to make little or no pension contributions. The extra funds can also be used to enhance benefits for pensioners.

Employers pay into pension funds too, so they benefit from a contribution holiday.

The surplus funds, totalling almost \$400 million in the three cases, have been used mostly for contribution holidays with very little money going to the retired members. But, the surpluses were built in part by the retired employees’ contributions. The pensioners believe the current distribution of funds is unfair.

“In all three cases, pensioners have come forward who are committed

to seeking justice,” says David Klein, “and in all three cases, they’ve been successful in getting the cases certified.” Certification is a substantial accomplishment in moving the cases



forward on the pensioners’ behalf.

The BC College and BC Rail lawsuits were certified in 2005. More recently, in February 2006, the BDC’s application for a change of jurisdiction to Quebec was dismissed and that case was also certified. The certification of all three of these pension class actions is a major victory for Klein Lyons and its clients.

BC College pensioners applaud the progress. “The wheels of justice are turning slowly, but we retirees occupy high moral ground here,” says Ashley Dermer, president of College & Institutes Retirees’ Association of BC (CIRA/BC), “and we have every confidence in the expertise of our legal team at Klein Lyons.”

The certification of each of these class action lawsuits is under appeal by the three defendants. Visit Klein Lyons’ website for updates.

[www.kleinlyons.com](http://www.kleinlyons.com)  
[www.cirabc.ca](http://www.cirabc.ca)

## Trip planning resources

*Planning your vacation is at your fingertips.*

*Check out these resources:*

- For travelling in the beautiful province of BC, visit [DriveBC.ca](http://DriveBC.ca).
- To get up-to-date information on road conditions, call 1-800-550-4997.
- For road maps and driving directions in North America, visit [RandMcNally.com](http://RandMcNally.com).

**While driving, avoid fatigue by getting plenty of sleep and making regular stops. The lawyers and staff at Klein Lyons know how devastating car accidents can be. Keep your family safe this summer. Klein Lyons wishes you a safe and happy vacation.**

*Websites for your trip:*

Blind spot: [www.tc.gc.ca/aboutus/travel/travellerinfo.htm#road](http://www.tc.gc.ca/aboutus/travel/travellerinfo.htm#road)

Drive BC: [www.drivebc.ca/](http://www.drivebc.ca/)

Rand McNally: [www.randmcnally.com/](http://www.randmcnally.com/)

## Crocus Investment Fund shareholders suffer extreme losses

The Crocus Investment Fund (CIF) class action lawsuit is now in the hands of one of Canada's leading class action law firms, Klein Lyons. The original law firms that had filed the claim in July 2005, withdrew due to a potential conflict. Klein Lyons is now moving the Manitoba case towards certification.

Crocus shareholders, primarily Manitoba residents, had paid over \$170 million into the investment fund. Mismanagement of the fund,

however, reduced its value to \$80 million. In May 2005, the Manitoba auditor general issued a report which found that the CIF board of directors was not fulfilling its responsibilities to ensure the company followed good business practices.

"This may have contributed to the production of misleading financial statements, prospectuses, and overstated share price valuations," said Jon Singleton in the report. When the overstated value was revealed in December 2004, trading in Crocus

shares was halted, and the value of the shares dropped dramatically.

"Over 34,000 shareholders trusted the fund managers to properly manage the shareholders' money and to provide accurate information about the fund's performance," says David Klein, one of Canada's top class action lawyers. "We're working very hard to recover compensation for the shareholders."

In a fresh statement of claim that was filed by Klein Lyons on May 8, 2006, the Manitoba government was added as a defendant. Check Klein Lyons website for updates.



## Tell A Friend

Many of our new clients come from referrals of satisfied clients just like you. We appreciate your business and your referrals. If you know someone who needs our help, please give him or her our phone number for a confidential and free consultation.



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