



TRANSPORTATION LAW

Our law firm's Transportation Law Group has extensive experience with the broad range of legal issues that face the transportation sector in today's litigation-happy world. Our goal is to provide cost effective, results-oriented defence of motor vehicle tort claims and accident benefits disputes. We also provide complete coverage analysis and full service risk management advice.

As a leader in its field, our Transportation Law Group plays an important role in matters of significance to the insurance industry. Senior members have assisted the government to draft legislation regarding the "no fault" automobile insurance regime and the "threshold" requirement in motor vehicle claims. We have also acted for the insurance industry in a number of high-profile class actions, including the "salvage litigation" case and the "after-market parts" case.

Chairs

Van Krkachovski
416-860-0034
vkrkachovski@mccagueborlack.com

James Tomlinson
416-860-0062
jtomlinson@mccagueborlack.com

Services

Litigation

We regularly assist clients in the following transportation areas:

- Motor Vehicle
 - long-haul trucking
 - automobiles and recreational vehicles
 - corporate/commercial/agricultural fleets
 - rental and leasing companies
 - dealerships and couriers
 - personal lines
- Rail (Primary and Excess Insurance)
- Inland/Dry Marine

Our lawyers frequently act for municipalities in connection with their duty to maintain roads, and their use of vehicles and equipment such as graders, sanders, stone slingers, and snow ploughs. We also act for road repair professionals, including engineers and contractors retained by municipalities or the Province.

Many of our files involve catastrophic personal injury claims, fatalities, and significant property damage claims. The Transportation Law Group understands the importance of quick action in a catastrophic loss. To this end, we maintain a 24-hour emergency response team to attend at the scene of any catastrophic loss to secure witness statements and photographs, marshal the evidence, and arrange for immediate accident reconstruction by one of our experts.

We also assist our clients in the following matters that can arise in a transportation context:

- Environmental claims
- Warehouse claims
- Cargo claims
- Subrogation
- Coverage issues
- Excess, umbrella, and reinsurance disputes
- Breach of contract disputes

TRANSPORTATION LAW cont'd...

Risk Management

Our Transportation Law Group also provides risk management services to industry clients, including:

- drafting and interpreting insurance policies
- drafting and interpreting bills of lading, lease agreements, and other transportation contracts
- assisting and advising on claims that are in excess of insurance limits
- coordinating claims between insurer and insured where there is a significant deductible or self-insured retention

Featured Cases

LAT Reconsideration - Garrett Harper

Summary judgment motion involving a two vehicle collision at an intersection

Featured Case: Summary Judgment in Third Party Claims Alive & Viable on Claims for Contribution & Indemnity

Case Summary: Carneiro et al and Regional Municipality of Durham et al and Zurich Insurance Company Ltd., 2015 ONSC 2427

Featured Publications

- *Mediating a Road Authority Claim on Behalf of a Municipality*
- *The Municipal Act: Minimum Maintenance Standards Revisited by the Ontario Court of Appeal*
- *Legalizing Marijuana: Drug Recognition Experts and Drug-Impaired Driving - Additional Considerations for Insurers following Supreme Court decision*
- *Autonomous vs Semi-Autonomous Vehicles: The Liability Distinction*
- *Driving Outside of the Lines: Regulatory System v. Autonomous Vehicles*
- *Legalizing Marijuana: Drugged driving and how insurers can manage risk*
- *Featured Case Study: Raho Mohamud v. Old Republic Insurance Company*
- *Featured Case: Aranas v. Kolodziej The buck stops here: A rare summary judgment win for the defence*
- *Self-Driving Cars: Taking the Wheel out of your Hands*
- *Important decision on when catastrophic accident benefits become overdue*
- *How serious must a serious impairment be? Case Study*
- *Ontario Is Making Roads Safer One Winter Tire At A Time*
- *Causation, Causation, Causation — Is What's Old New Again or Are Times A "Changing"*
- *How Much Is This Lawsuit Going to Cost Me? Case Study No. 2 of 2: Carroll (Litigation guardian of) v. McEwen*
- *How Much Is This Lawsuit Going to Cost Me? Case Study No. 1 of 2: Corbett v. Odorico*
- *Strategies for Managing Claims related to Subjective Illnesses or Injuries in a Mediation*