



AUTOMOBILE FRAUD

Automobile insurance fraud and material misrepresentation are growing concerns in Ontario. It costs the insurance industry billions of dollars every year. In cases where fraud is apparent or suspected, a lawyer with specialized expertise in defending and prosecuting these cases is essential. While success in a fraud case can lead to a finding of no liability or even a repayment of benefits to the insurer, poor handling can leave insurers exposed to aggravated and punitive damages. Clients need experienced litigators to expertly handle potentially fraudulent claims every step of the way.

McCague Borlack's Automobile Fraud Group members have extensive experience in handling automobile fraud cases and have succeeded in proving fraud in accident benefits and tort claims. We work closely with the police, individual insurers, and the insurance industry as a whole in the fight against fraud in Ontario.

Currently, McCague Borlack is a privacy consultant and advisor to Canadian National Insurance Crime Services (CANATICS), a not-for-profit organization that uses state-of-the-art analytical tools and information-pooling of consumers' policy and claims data to identify and alert insurers to potentially suspicious automobile insurance claims. CANATICS was incorporated as a not-for-profit organization in January 2013, with the goal of targeting organized and premeditated fraud in the auto insurance industry. Using sophisticated data analytics, CANATICS will generate "alerts" for suspicious claims, which are then sent to the appropriate insurer. Members receiving the alerts will decide whether to proceed with an investigation. McCague Borlack LLP assists CANATICS with ongoing privacy advice to ensure compliance with applicable laws.

Services

When fraud is suspected, it is imperative to retain an experienced fraud lawyer early on in the claims process. Our Automobile Fraud Group can assist with every stage of an automobile insurance fraud claim, from the initial investigation to resolution.

In handling automobile fraud claims, members of the Automobile Fraud Group regularly attend:

- examinations for discovery;
- examinations under oath;
- mediations;
- hearings before the Financial Services Commission; and,
- trial.

We advise clients on a regular basis on all matters relating to automobile fraud. We welcome the opportunity to apply our rich and varied litigation experience in handling your suspect claims.

Chairs

Catherine A. Korte
416-862-8632
ckorte@mccagueborlack.com

Publications and Speeches

- *Ontario Court of Appeal releases decision in expert evidence case*
- *Seeing is Believing* by Michael Blinick
- *Bill 171: The Fighting Fraud and Reducing Automobile Insurance Rates Act, 2014*
- *Ever Escalating Claims: The Evolving Auto Insurance Product Stresses on the System*
- *Identifying Insurance Fraud in Tort Claims*
- *Insurance Coverage for Injuries Caused by At-Fault Uninsured, Inadequately Insured and Unidentified Motorists*
- *Paying for the Future: An Analysis of Large Awards for Future Care Costs*
- *A Defence Lawyer's Guide to Investigating Modern Insurance Fraud*
- *Fraud in Accident Benefits: Red Flags and Strategies for Handling*
- *The New Era of Auto Insurance Fraud - Identity Theft and the Health Care Practitioner*