



579A Lakeshore Road E. PO Box 39522, Mississauga, ON L5G 4S6

Mr. Tom Golfetto
Director of Arbitrations
5160 Yonge Street
Box 85, 14th floor
Toronto, Ontario, M2N 6L9

Sent by email to: tom.golfetto@fSCO.gov.on.ca

February 23, 2017

Dear Mr. Golfetto

I am writing on behalf of Ontario's injured and disabled auto accident victims whose cases are heard at the FSCO DRS unit. FAIR is a not-for-profit grass roots organization of MVA victims and their supporters who struggle with the current auto insurance system in Ontario.

Last week a FSCO Arbitration decision was released with the name of an insurer medical assessor/expert witness reduced to an initial rather than the full name of the doctor within the decision.

This is not a criminal case where there may be some risk to the expert witness. Recent exposure in the media regarding Ontario's 'expert' evidence in auto insurance cases point to the pervasive harm and poor outcomes for claimant cases at every level of court hearings and the excessive incomes of some IME vendors. There's been evidence of bias, medical file manipulations, forged signatures and excessive incomes relating to IMEs that have found to be so lacking in substance and honesty that Ontario's Superior Court Justices have made negative comments in their decisions. The exposure in the Toronto Star and National Post should be viewed as an opportunity to correct the problem with expert evidence and not a reason to protect those witnesses at hearings. Whether real or not, the perception is the FSCO Arbitration Unit is protecting this insurer medical expert from accountability.

Court hearings are the last bastion of hope for the thousands of MVA victims who have been penalized for making a claim by their insurer through bogus IMEs routinely used to disqualify them. The lack of regulatory oversight when it comes to IME vendors is already shameful and disgusting but one never expects the courts to compound a problem of secrecy and insulate the assessors from accountability – their regulatory Colleges are already doing a fine job at protecting their members while forgetting their duty to protect the public. We don't expect favors for IME assessors at the court level.

'FAIR – supporting auto accident victims through advocacy and education'

FAIR Association of Victims for Accident Insurance Reform

<http://www.fairassociation.ca/>

Ontario's accident victims deserve an explanation as to why this arbitrator would shield Dr. T from accountability and for your office to examine whether this is an acceptable practice going forward. Accident victims are not criminals and witnesses at hearings, especially paid 'experts', should not be offered protection and anonymity as if they were.

I look forward to hearing back from you.

Respectfully,
Rhona DesRoches
FAIR, Board Chair

Cc by email: Ministry of the Attorney General attorneygeneral@ontario.ca

D.F. and Wawanesa <http://www.fairassociation.ca/wp-content/uploads/2017/02/D.F.-and-Wawanesa.pdf>

Hired gun in a lab coat: How medical experts help car insurers fight accident claims

http://news.nationalpost.com/news/hired-gun-in-a-lab-coat-how-medical-experts-help-car-insurers-fight-accident-claims?_lsa=2a71-139d

Toronto doctor can't sue over 'substantially true' warning he altered medical reports for insurance companies to thwart claims

<https://www.thestar.com/news/canada/2016/12/06/toronto-doctor-cant-sue-over-substantially-true-warning-he-altered-medical-reports-to-thwart-insurance-claims.html>

Doctor who wrote 'misleading' insurance report under investigation

<https://www.thestar.com/news/gta/2016/12/08/md-who-wrote-misleading-insurance-report-under-investigation.html>

<http://www.fairassociation.ca/2016/12/assessors-medical-opinion-evidence-libel-and-public-interest-case/>

'FAIR – supporting auto accident victims through advocacy and education'

FAIR Association of Victims for Accident Insurance Reform

<http://www.fairassociation.ca/>