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Without Prejudice

Official Journal of the Ontario Insurance Adjusters Association

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2021

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OIAA 2021 Virtual Claims Conference Cancelled

We truly appreciate your patience and understanding; however, after much deliberation, the OIAA Executive has made the difficult decision to not proceed with a Virtual Claims Conference in 2021. We do not believe a virtual claims conference would benefit our exhibitors.

We will continue with our monthly seminar's that we have been offering and will focus on having one or two more trivia nights as we feel this is a way to both provide the educational component throughout the 2020/2021 year as well as an event that allows us to get together to have some laughs and catch up with the people we long to see in person.

For everyone that attended our Christmas Trivia Night in December and/or supported us with donations and prizes thank you; it was so nice to see a few of you again. For those unable to attend – we hope to see you in February during our Trivia Music Night; this event gives you an opportunity to mix and mingle in the main room as well as privately within your break-out room; test your trivia knowledge and win prizes.

A huge thank you for your continued support throughout the years. The OIAA is truly one big, beautiful family and we look forward to being together in person in the very near future!



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Simone Cybulski
President, OIAA



President's Message

Happy New Year!

I hope everyone had a beautiful holiday. I am sure I speak for many, I was not sad to say goodbye to 2020 and am anxious and optimistic for a more normal 2021!

The government's announcement days before Christmas of our mandatory lockdown confirmed that our decision to keep the months of January – May free of any in person events a positive and necessary decision; one that ensures all of our safety. I am still holding on to hope that we can get together in some kind of a new in person fashion in June at our golf tournament; we will keep you posted with regards to this event.

We had an overwhelming positive response to our Christmas Zoom Trivia Night; as such, we have decided to hold a Zoom Music Trivia Night February 4, 2021 – same idea as our December trivia; but this time we will do music trivia from the 60's, 70's, 80's, 90's and 20's. Visit our website and register today, as space is limited. We look forward to seeing you on February 4, 2021!

"Do not wait until the conditions are perfect to begin. Beginning makes the conditions perfect."

– Alan Cohen

Simone Cybulski

President, Ontario Insurance Adjusters Association





Monthly Webinar Series January Edition

Compassionate Leadership – What it means in the context of dealing with the customer, our teams and ourselves

**Presented by: Tammie Kip,
National Casualty Director,
Allstate Group of Companies**

Date: January 14th – 10am

Member Cost: Free Non-Member Cost: \$50.00

By the end of this session, attendees will have a clear understanding of the three pillars of compassion, the things that get in our way of being compassionate with ourselves and others along with a roadmap on how to use compassion to facilitate deeper connections and service.

Key topics which will be discussed in this Webinar include: The difference between sympathy, empathy, and compassion; Self compassion; The 3 pillars of compassion and things that get in our way; What compassion looks like, sounds like, and feels like; The benefits we derive from bringing more compassion into our lives



Tammie currently holds the position of National Casualty Director for the Allstate Group of Companies. Throughout the span of her 25+ year career, Tammie has been actively involved with several Industry associations. She has worked in both the domestic and international insurance space and has contributed to the claims handling and leadership development of thousands of individuals across the globe.

**To Register visit:
www.oiaa.com today!**

OIAA - Executive Council 2020 – 2021



SIMONE CYBULSKI
President
Crawford & Company Canada Inc.
(613) 389-5209
Fax: (613) 389-5990
E-mail: simone.cybulski@crawco.ca



RHU SHERRARD, CIP
First Vice-President
ClaimsPro
(289) 339-1976
FAX: (905) 565-0009
E-mail: rhu.sherrard@scm.ca



KYLE CASE, FCIP, CRM
Second Vice-President
The Co-operators
1-877-682-5246 ext. 272453
E-mail: Kyle_Case@cooperators.ca



TERRY DOHERTY, CFEI
Treasurer
Aviva Canada Inc.
(613) 386-5513
FAX: 1-866-805-8585
E-mail: terry.doherty@aviva.com



SHAWNA GILLEN, CIP
Secretary
AIG Insurance Company of Canada
(416) 596-3060
E-mail: Shawna.Gillen@aig.com



LEANNE HARDMAN, BSc. Hons., CIP
Past President
Unifund Assurance
(905) 764-4958
E-mail: lhardman@unifund.ca



JOE CUMMING
Georgian Bay Delegate
The Co-operators Insurance
(705) 712-1503
E-mail: joe_cumming@cooperators.ca



LAURA O'HEARN, M.Ed., CIP
Hamilton Delegate
Maxwell Claims Services Inc.
(289) 239-6757
E-mail: Laura@maxwellclaims.net



RAY PROCTOR, BA, CIP
Kawartha/Durham Delegate
Pinnacle Adjusters Group
(416) 362-0800
FAX: (416) 362-1808
E-mail: ray@pinnacleadjusters.com



JENNIFER BROWN, CIP
Kitchener-Waterloo Delegate
Economical Insurance
(519) 570-8500 ext. 43375
FAX: (866) 239-0231
E-mail: jennifer.brown@economical.com



JORDAN TREMBLAY, CIP
London Delegate
ClaimsPro Inc.
(519) 649-6554
E-mail: jordan.tremblay@scm.ca



CHRIS JOLLIFFE, B.Sc., CIP, CFEI
Niagara Delegate
Leading Edge Claims Services
(289) 897-8676 ext.4
FAX: (289) 897-8677
E-mail: chris@leadingedgecs.ca



MIKE BOTTAN, CIP, CFEI
Northern Delegate
Crawford and Company Canada Inc.
(705) 647-6781
FAX: (705) 647-6783
E-mail: Mike.bottan@crawco.ca



CINDY BRIDGE, CIP, CRM
Ottawa Delegate
Desjardins General Insurance Group
1-866-688-3888 ext. 5511194
FAX: (613) 692-3381
E-mail: cindy.bridge@dgig.ca



SARAH GRAVES
Thousand Islands Delegate
Crawford & Company (Canada) Inc.
(613) 389-5209 ext. 21
FAX: (613) 389-5990
E-mail: Sarah.Graves@crawco.ca



CLAIRE RICHARDSON, BA, CIP
Thunder Bay Delegate
Sedgwick
(807) 345-7676 ext. 1
E-mail: claire.richardson@sedgwick.com



CARRIE EVANS, CIP, CRM
Toronto Delegate
ClaimsPro
(905) 740-1621
FAX: (905) 671-1889
E-mail: carrie.evans@scm.ca



EMILY FEINDEL
Toronto Delegate
AIG Insurance Company of Canada
(416) 596-3971
FAX: (855) 453-1063
E-mail: emily.feindel@aig.com



ZOHAIR M. NASSUR, BBA, GIE
Toronto Delegate



JOHN SLATTERY, Hon.BA., EGA
Toronto Delegate
Sedgwick Canada Inc.
1 (905) 671-7849
E-mail: john.slattery@sedgwick.com



TENA ALLEN
Windsor Delegate
Desjardins General Insurance Group
1-866-688-3888 ext. 6324680
FAX: (519) 971-8969
E-mail: tena.allen@dgig.ca

OIAA - Executive Council Committees 2020 – 2021

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Adjuster Training		
Strategic Planning	Kyle Case	Tena Allen, Claire Richardson, Sarah Graves, Jennifer Brown
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2021 Career Fair (TBD)	Rhu Sherrard.....	Kyle Case, Terry Doherty

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Vendor Relations/Sponsorship.....	Kyle Case.....	Terry Doherty, Shawna Gillen
ENTERTAINMENT		
Past-Presidents' Night.....	Laura O'Hearn.....	Cindy Bridge, Claire Richardson
Holiday Party	Jennifer Brown	All Chapter Delegates, Senior Executive
- OIAA Hands of Hope		
Golf Tournament	Carrie Evans	Zohair Nassur, John Slattery
September Kick Off	Zohair Nassur.....	Carrie Evans, John Slattery Emily Feindel



JENNIFER BROWN
Managing Editor
jennifer.brown
@economical.com



ZOHAIR NASSUR
Co-Editor



SARAH GRAVES
*Associate Editor/
Articles*
Sarah.Graves
@crawco.ca



JOE CUMMING
Associate Editor
joe_cumming
@cooperators.ca



TENA ALLEN
Advertising Manager
tena.allen@dgig.ca

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CONTRIBUTORS



Jessica Vickerman

Evaluate, Negotiate, Settle: Putting Structured Settlements to Work
(page 8)

Prior to joining Henderson Structured Settlements LP, Jessica Vickerman spent a decade in private practice as a civil litigator in a full-service firm with a specific focus on the areas of insurance defence, personal injury and professional negligence. In providing structured settlement advice and support to clients, Jessica draws on her previous experience as counsel to plaintiffs and insurers on both tort and accident benefit claims. Jessica obtained her B.A. (Hons.) in Political Science and Communication Studies from Wilfrid Laurier University, where she graduated with Distinction, and her LL.B. from Western University, where she was the recipient of the Dean of Law scholarship. She was called to the Ontario Bar in 2009.



Jim Mandeville

All Water Damage is Not Created Equal (page 22)

Jim Mandeville is FirstOnSite's Senior Project Manager, Large Loss, North America. FirstOnSite is Canada's leader in disaster restoration for commercial properties, focused on Prevention, Preparedness, Response, Mitigation and Recovery.



Gerardo Urquiza

Protecting the Claims Adjuster (page 36)

Mr. Gerardo Urquiza is a Senior Project Manager with the Indoor Environmental Quality (IEQ) group, he joined Pinchin Ltd. in 2018. Gerardo holds a Bachelor of Science in Industrial Engineering with a focus on the factors that impact indoor environmental quality. Gerardo is a member of the Ontario Society of Professional Engineers (OSPE).



Alex Caskanette

Soft Water During Hard Times (page 44)

Alex Caskanette graduated in 2017 from the University of Western Ontario with a Mechanical/ Material Engineering degree, and is now recognized as an EIT with the PEO. His experience includes investigating mechanical and material failures, the cause and origin of fires, and personal injury accidents. Alex has participated in numerous joint examinations of failed components to determine the root cause of material failures in metals, plastics and ceramics. Alex works with our seasoned experts in the areas of failure analysis, accident reconstruction and mechanical failures including vehicle fire investigations.

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Jackie Johnston, Business Manager, OIAA,
29 De Jong Drive, Mississauga, Ontario L5M 1B9

Tel.: (647) 457-0576

E-mail: Jackie@oiaa.com

Website: www.oiaa.com

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For submission of proposed articles please contact Jennifer Brown or Sarah Graves.

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Evaluate, Negotiate, Settle: Putting Structured Settlements to Work



Beyond the benefits they offer to claimants, structured settlements can be of great value to insurers

in evaluating, negotiating and settling claims. By utilizing structured settlements to their full potential early in the process, insurers can resolve claims, and in particular catastrophic claims, more quickly and cost-effectively than would otherwise be possible.

*By Jessica Vickerman, B.A., LL.B.,
Structured Settlement Consultant,
Henderson Structured Settlements LP*

What is a Structured Settlement?

Put simply, a structured settlement is an alternative to the traditional single, lump-sum payment of damages in cases involving personal injuries or death whereby a claimant receives a series of periodic or annuity payments over time (either for life, or for a fixed term).



Structured settlements were introduced in the 1950s to prevent early exhaustion of personal injury awards and gained widespread popularity in Canada in the 1980s when the government afforded them tax-free status.

Where a structured settlement is utilized, a lump-sum of damages is used as a premium to purchase an annuity issued by one of the three life companies presently underwriting structured settlements in Canada. The terms of the structure are subject to considerable flexibility at inception to allow claimants to design a plan which best responds to their personal circumstances. Payments can be fixed or indexed to keep pace with inflation and lump sum payments can be incorporated to provide for known or anticipated future expenses. How and when the payments are received is flexible and can be monthly, annually or at other pre-determined intervals. Payments can last for a specified period of time or for life. Most importantly, all payments received by the claimant, including the interest earned on the lump sum investment, are tax-free.

Evaluate

Although structured settlements are often associated with the final stages of settling and closing a claim, the best time to initiate contact with a structure broker is early on in the claims process, starting with an evaluative report.

Evaluative Reports

Evaluative reports, using real market rates, are available for free from structure brokers and provide insurers with a starting point for evaluating claims and setting reserves for first party claims. An evaluative report quantifies what a claim is



"It's mostly sweater weight."

Happy New Year!



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worth today using structured settlement quotations, taking into account what coverages are available, the remaining limits and the relevant medical evidence.

Relatively little information is needed in order to prepare an evaluative report aside from the claimant's name, sex, date of birth, date of loss, and any paid to date amounts for medical/rehabilitation and attendant care benefits. Multiple options can be costed for each of the available benefits, giving insurers the ability to consider different scenarios depending on how the claim progresses.

Impairment Ratings

Evaluative reports also typically incorporate reduced life expectancy as a result of the impairment ratings received from the life companies. An impairment rating is an acknowledgment by a life company that, based on medical documentation, a person may have a life expectancy that is shorter than normal for a person of the equivalent age and sex. For example, the standard life expectancy for a 25-year-old female is currently 59.7 years, meaning that she is expected to live to 84.7 years of age. If that same female has an impairment rating of +5, it means that the life company views her as the equivalent of a 30-year-old female due to her impairments, with a reduced life expectancy of 54.8 years.

Impairment ratings increase the income on a life annuity or, conversely, reduce the cost required to provide specific lifetime payments (such as for income replacement benefits, housekeeping, attendant care and medical and rehabilitation benefits) as they are based on the assumption that the claimant will die (and thus payments will stop)

earlier than is typical. As a result of impairment ratings, structure rates, which are based on real market rates, are typically lower than actuarial present values.

In terms of timing, the life companies' preference is to not rate until after the one-year anniversary of the date of loss, so as to allow some time to pass to see which impairments, if any, have resolved or improved, and which have not.

Impairment ratings are valid for a period of two years, after which time they must be renewed. Where a claimant's health has worsened over time, updated impairment ratings should be sought.

In order to obtain the most accurate impairment ratings, it is best to provide the life companies with one to three recent medical reports

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Gerry Bouwman, CPA, CMA, CFF | gbouwman@mdd.com

Brad Ebel, CPA, CA, CFE, CFF | bebel@mdd.com

Matt Mulholland, CPA, CMA, DIFA, CFF | mmulholland@mdd.com

Mark Gain, CPA, CA, IFA, CBV, CFF | mgain@mdd.com

Toronto: 416.366.4968

Martin Pavelic, CPA, CMA, CFF | mpavelic@mdd.com
Hamilton: 905.523.6363

Matt Mulholland, CPA, CMA, DIFA, CFF | mmulholland@mdd.com
Kingston: 613.389.3176

Matt Mulholland, CPA, CMA, DIFA, CFF | mmulholland@mdd.com
Ottawa: 613.366.6008

Sheri Gallant, CPA, CMA, CFF | sgallant@mdd.com
London: 519.432.1123

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dated within the last two years that adequately summarize the claimant's available medical documentation, accident history and impairments, both accident-related and pre-existing.

As it is in the parties' interest to obtain the highest possible impairment ratings so as to increase income and reduce structure costs, care should be taken when selecting the documentation to be submitted.

For insurers, this may mean submitting reports obtained by the claimant or their lawyer. For claimants with a documented history of pre-and/or post-accident mental health issues, psychological or other reports detailing same should be included as this can have

a significant impact on impairment ratings.

Involving a Structured Settlement Consultant at an Early Stage

Involving a structured settlement consultant in the file at an early stage allows the consultant to become familiar with the details of the claim and to guide the insurer in obtaining meaningful impairment ratings. As the parameters of a claim can change with time depending on how the claimant responds to treatment and the severity of their injuries, and in light of the fact that structure rates fluctuate daily, a structure consultant can provide the insurer with updated evaluative reports on an ongoing basis for the purposes of adjusting



reserves or considering settlement.

On files where there is a possibility that a structure will be required (such as where the claimant lacks capacity or is a minor), or strongly recommended as part of a settlement, the early involvement of a structure consultant also allows for the concept to be introduced to the claimant (and their counsel, if any) well in advance of any negotiations. By laying the appropriate groundwork early in the process, it is less likely that the well-intentioned suggestion by an insurer regarding the use of a structured settlement during negotiations will be met with pushback on the part of the claimant.

Negotiate

A structured settlement is a valuable and effective negotiating tool for insurers, especially when attempting to settle claims, and in particular, first party claims.



Mitigating the Risks Associated with Settling First Party Claims

Unlike with a tort claim, there is nothing obliging an insurer to cash-out a first party claim. Rather, the insurer can simply continue to pay the claimant on an incurred/ongoing basis, as per the terms of the contract, while earning interest on its reserves. In the event the claimant dies prematurely, the claim is closed and the reserve released to the company.

It is no surprise then that when faced with large claims, such as those where the claimant has been deemed catastrophically impaired or is arguing in favour of a finding of catastrophic impairment, an insurer may be hesitant to settle out the claim. This hesitancy can arise due to the risk of the claimant dying prematurely after a large pay-



out has been made and also because of concerns that the claimant, to whom the insurer owes a duty of good faith, may not have sufficient funds and/or other resources (e.g. cognitive skills, etc.)

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to manage their long-term care needs on their own.

A structured settlement addresses both of these concerns, allowing the insurer to confidently close its file.

To hedge against the possibility of a premature death, a reversionary interest can be added to the structure, wherein the commuted value of the structure reverts back and is paid out to the insurer if the claimant dies during a defined period.

For example, if a claimant has a structure with a 10-year reversionary interest, and the claimant dies at the end of year six, the insurer would receive back the commuted value of years 7 to 10 of the structure.

A structure also provides the insurer with certainty that the

investment principal is protected and that the claimant will receive funds regularly on a long-term basis to provide for their future care needs. Once placed, the terms of the structure are fixed, and the structure is non-assignable (neither the policy nor any proceeds therefrom are capable of being assigned by the owner or the annuitant, collaterally or otherwise); non-commutable (the structure cannot be collapsed for its present-value, lump-sum equivalent) and non-transferable (neither the policy nor the proceeds may be transferred by the owner or the annuitant, collaterally or otherwise) by the claimant.

Structured Settlements as a Negotiating Tool

As the availability of a structured



**Welcome
Christopher McClelland**

Chris has joined our firm as a Business Development Manager and will be focusing on large loss carriers, IA's, and contractors in Ontario and throughout Canada, with the exception of QC. Chris joined the insurance industry in 2009, with ISB Canada and most recently with A.S.A.P. Secured Inc. He worked closely with leading corporations as a single-source provider of documents and then in the security field. He is proficient in CRM and he maintains active memberships in the National Fire Prevention Association (NFPA), National Association of Fire Investigators (NAFI), and the Canadian Association of Fire Investigators (CAFI).

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Jay Sutherland, President at
Relectronic-Remech Inc. welcomes
Christopher McClelland and
Daniel Roy to our
organization!



Welcome Daniel Roy

Daniel Roy has recently joined our Montréal office as a Technical Sales Representative and will be focusing on large loss carriers, IA's, and, contractors in the Quebec region. Daniel joins our firm with a certificate in Audio Engineering and he has also managed a sales team for a non-profit organization. Daniel brings a wealth of experience in the professional and consumer electronics field.

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settlement rests with the insurer and cannot be obtained without the insurer's consent, a structure can be a useful bargaining tool for the insurer while negotiating a settlement.

The ways a structured settlement can be utilized are varied. For example, a claimant may take a discount on the settlement amount in exchange for an insurer agreeing to forego a reversionary interest, thus allowing the claimant to add a guarantee to the structure. A guarantee allows a claimant to name a secondary payee to receive any remaining guaranteed payments tax-free in the event of the claimant's death during the term of the structure and can be an appealing option for many claimants and especially those with dependants.

Having a Structured Settlement Consultant Available During Negotiations

By having an independent and neutral structured settlement consultant available at mediation, settlement meetings and pre-trials, insurers and claimants have access to real time calculations as the negotiations progress. This allows both parties to make well-informed decisions, and in particular allows claimants to visualize the income (monthly or otherwise) that can be generated from a settlement and evaluate it in relation to their ongoing needs. By seeing a monthly (or other) amount, claimants get a better sense of how the settlement would complement their overall financial picture in more concrete terms than are otherwise available when considering a lump sum pay-



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(24/7 Emergency)
1-800-465-9473

Montreal **514-227-0060**
Mississauga **905-672-0947**
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ment and because structure payments are tax-free, the amounts the claimants see are what they get, without any further calculations required.

A structure consultant can also show claimants how a smaller total dollar figure can be structured in a way to maximize their returns to ensure they can provide for any ongoing necessities.

For claimants who receive government benefits such as Old Age Security, Guaranteed Income Supplement, Ontario Disability Support Payments, and Canada Child Benefit, among others, the ability of a structure to preserve entitlement to these benefits is likely to be of critical importance to the

claimant and can be explained in real time as decisions are happening.

Settle

It can often be difficult to get a claim past the negotiating stage and secure a settlement. Parties frequently become entrenched in their positions and the gap between the two sides becomes harder and harder to bridge. Perhaps one of the most important aspects of structures, from the perspective of both insurers and claimants, is that they can encourage settlement but bridging divides between the parties.

Using a Structured Settlement to Bridge Divides

As structure payments are completely tax exempt, structures create a win/win situation, whereby



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claimants receive more than they otherwise would from a conventional taxable investment of an all-cash settlement, while at the same time, the insurer pays less than it would for an all-cash settlement. As a result, the gap between the parties is lessened, or in some cases, eliminated, thus creating an impetus for settlement that otherwise might not exist.

Encouraging Early Settlement

For insurers, structures have the added benefit of encouraging early settlement, thus eliminating exposure to adverse claims. Structures also increase the amount a claimant receives from the settlement, which protects insurers against claims of bad faith in excess limits cases.

Finally, as first party claims are notoriously labour intensive and expensive, an early settlement also reduces the high administrative costs generated by open claims.

Conclusion

Structured settlements are an important tool in the insurer's toolkit for evaluating, negotiating and settling first-party claims efficiently and cost-effectively. By involving a structured settlement consultant at an early stage, insurers can be guided on obtaining meaningful impairment ratings and evaluative reports. As claims progress through the negotiating and settlement phases, a structured settlement consultant can assist with implementing creative solutions to bridge gaps and encourage settlement.



Prior to joining Henderson Structured Settlements LP, Jessica Vickerman spent a decade in private practice as a civil litigator in a full-service firm with a specific focus on the areas of insurance defence, personal injury and professional negligence. In providing structured settlement advice and support to clients, Jessica draws on her previous experience as counsel to plaintiffs and insurers on both tort and accident benefit claims. Jessica obtained her B.A. (Hons.) in Political Science and Communication Studies from Wilfrid Laurier University, where she graduated with Distinction, and her LL.B. from Western University, where she was the recipient of the Dean of Law

scholarship. She was called to the Ontario Bar in 2009.

For more information on structured settlements, including evaluative reports, please contact Henderson Structured Settlements by phone at 1 (800) 263-8537, or by email at henderson@henderson.ca.

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JDRF and CIHR Announce Winners of New Grants to Accelerate Stem-Cell Based Therapies for Type 1 Diabetes

To mark November's National Diabetes Awareness Month, JDRF is excited to announce a new investment of \$6 million to support two Canadian research teams as part of the *JDRF-CIHR Partnership to Defeat Diabetes* to help accelerate development of stem cell-based therapies for type 1 diabetes (T1D).

These new studies make possible the reality of eliminating the need for insulin injections for those living with T1D. There are more than 300,000 Canadians living with T1D, an autoimmune disease with no known cause or cure, resulting in the dysfunction, damage or loss of pancreatic beta cells that produce insulin in our bodies. People with T1D must treat themselves with insulin several times per day to keep their blood glucose levels normal and despite their best efforts; they often experience serious and even life-threatening complications.

Stem cells show great promise as a source of insulin-producing cells that could be transplanted to provide a new source of insulin that replaces dysfunctional, damaged or lost pancreatic beta cells. Canada has a remarkable legacy leading discoveries in this area. Stem cells were discovered in Toronto in 1961; and in 2000 a team in Edmonton pioneered a protocol for transplantation of pancreatic islets (the part of the pancreas that contains insulin-producing cells) that produces insulin independently in many patients who undergo the procedure. These achievements represent important steps toward a treatment that will allow people with T1D to live healthy lives without daily insulin injections.

The two research teams are being led by Dr. Maria Cristina Nostro, Senior Scientist at University Health Network and Associate Professor at the University of Toronto, and Dr. Francis Lynn, Associate Professor with the Faculty of Medicine at the University of British Columbia and an Investigator at BC Children's Hospital. These teams will build on Canada's demonstrated research excellence and leadership in clinical islet transplantation, stem cell biology, diabetes, immunology and genetic engineering to accelerate stem cell-based therapies for T1D. Teams will work in collaboration with other Canadian researchers to tackle some of the biggest scientific challenges that impede our progress in this area and move us closer to a future where people with T1D no longer rely on insulin therapy.

Dr. Maria Cristina Nostro's Research Team

Dr. Maria Cristina Nostro and her team have received funding to use new transplantation strategies and apply universal donor stem cells to develop a superior islet-like product for people with T1D that will require little or no immunosuppression.

Islet transplantation could help T1D patients regain control of blood sugar levels, making this an alternative to insulin injections as the only existing treatment. However - donor scarcity, poor islet survival after transplant, the need to optimize the transplant site and the need for life-long immunosuppressive treatment in order to prevent transplant rejection mean this treatment is only accessible to a handful of people with T1D.

Dr. Nostro's team will leverage their expertise in stem cell biology, vascular biology, islet transplantation and beta cell biology to address these challenges and work to develop a safe and effective clinical-grade product for therapy.

The outcome from these studies will accelerate universal donor stem cell-based T1D therapies.

Dr. Francis Lynn's Research Team

Dr. Francis Lynn and his team will also be working towards developing a cure for T1D by replacing insulin-producing cells via transplantation.

Dr. Lynn's team aims to use their combined expertise in single cell technologies, genome editing, immunology, and stem cell and islet biology to produce a new and improved cell source for cell replacement therapy in diabetes. Ideally, the new cell source will be ready clinical trial testing in a few years.

Advances made by these research teams could not only transform the lives of thousands of Canadians living with diabetes, but also greatly reduce the tremendous economic and health burden that diabetes places on Canada today. This research may also ultimately benefit people with insulin-requiring type 2 diabetes (~30% of cases), further broadening the potential impact.

JDRF Canada is proud to support these two teams, who will carry out exciting and ambitious cell replacement research. As we approach the centenary of the discovery of insulin, we remain committed to funding research that moves beyond insulin therapy, eventually providing people with T1D freedom from their disease. This announcement is an important step in that direction.

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All Water Damage is Not



Created Equal



Every building manager has experienced the dreaded, middle of the night phone call, “there is water in my apartment”. Much the same as renovations, not all water losses are created equal, require the same types of mitigation actions or cause the same types of risks and damages.

*By Jim Mandeville,
Sr. Project Manager,
Large Loss, North America –
FirstOnSite Restoration Ltd.*

All water damage is not created equal.

Water escapes from plumbing supply lines, leaking appliances or overflowing sinks and tubs are generally treated as Category 1 water losses. These losses involve water that prior to escaping was potable and contains little to no risk of pathogens or contaminants. For our middle of the night phone call scenario this is potentially the best case. Category 1 losses require quick action, immediate extraction of water and instal-



lation of a professional drying system quickly (with-in hours) can mitigate most demolition and removal of finishes. Leading to a quick recovery time and minimal disruption to tenants and occupants.

As this gets worse, we get to water losses that originated from "dirtier sources" such as sprinkler lines, or originally Category 1 water that has passed through multiple surfaces (think traveling from floor to floor) or gone unreported for a period of more than 24 hours. This Category 2 type of loss now carries some potential for pathogens as well as an enhanced risk of microbial growth. Mitigating this type of loss requires a more complex drying

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system as well as removal of many porous building materials, specifically carpets and padding as well as cladding on insulated wall/ceiling assemblies. Unfortunately, in this scenario our simple water escape has turned into a bit more of a renovation project and recovery times and costs will be more than in our previous scenario.

Now that we have discussed the good, and the bad, we come to the ugly. Category 3 water losses are defined by water that either originated from a "dirty" source or was once Category 1 or 2 water that was left unattended for more than 48 Hours. The most common source of these losses in our area is drain back-ups and toilet over-flows.



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This water is considered contaminated and carries a high risk of pathogens and other bacteria. Water must be extracted, or sometimes pumped out, porous building materials removed (especially drywall), a complex drying system established, and all areas must be thoroughly cleaned and sanitized. Delaying in mitigating this type of water loss can create a major microbial risk. Unfortunately, in these types of losses major renovations and repairs are to be expected.

In these three scenarios we see that it is not the amount of water that separates water losses, but more often the source and location. Regardless of Category 1, 2 or 3 water losses, a strong expedient response to any water escape will always reduce risk and costs. All water damage losses are not created equal.



Jim Mandeville is FirstOnSite's Senior Project Manager, Large Loss, North America. FirstOnSite is Canada's leader in disaster restoration for commercial properties, focused on Prevention, Preparedness, Response, Mitigation and Recovery.

For more information on FirstOnSite please visit firstonsite.ca or contact Sara Marziali directly at smarziali@firstonsite.ca.



2021 Career Fair

Panel with Q&A

February 4, 2021

10:00am - Noon 12:00pm



Panel Moderator: Rhu Sherrard



Kyle Case, Property Claims Supervisor, The Co-operators

Kyle graduated from Fanshawe College's Business-Insurance Program in 2009 and began his career in the insurance industry as a Sales Associate. After a short time in sales, he joined The Co-operators Claims Department as a Field Property Claims Representative. Throughout his time in claims, Kyle has had various roles including Property Claims Representative, Bodily Injury Claims Representative, Unit Specialist in The Co-operators Claims Response Centre, Technical Supervisor and is currently the Supervisor for the Ontario Field Property Claims Team with The Co-operators. Kyle is an active member of the Ontario Insurance Adjusters Association. He is a past President of The London Claims Association and is currently the 2nd Vice-President of the OIAA's Provincial Executive.



Jocelyn Lau, Senior Underwriter, Chubb Insurance

My name is Jocelyn, I've been in the insurance industry for almost four years. I started my career right after finishing the Insurance program at Mohawk College. During my time at school, I completed 9/10 CIPs, I interned at Aviva as an Auto PD Claims Adjuster and once that internship ended, I started another internship with Crawford as an Independent Adjuster solely working on Aviva claims. I really enjoyed adjusting claims and I learned a lot, but I always had a curiosity with Commercial Underwriting, so after graduation I took a job at Chubb Insurance as an Underwriting Associate in Commercial Lines, where I managed my own book of business and specialized primarily on Film and Entertainment, and General Commercial clients. I also focused on finishing my last CIP, and then proceeded to complete an accelerated CRM.



Daria Aguis, Risk Manager, LCBO

Daria Agius has over 22 years in the Insurance Industry with a strong emphasis in Claims Management. Her most recent role and supporting leader in Risk Management is handling the corporate insurance program for the LCBO. Her position involves managing claims & litigation. She is accountable for identifying exposures & overall operational strategies within her organization. She continues to demonstrate improvements and efficiencies in her organization relating them to their insurance needs by creating awareness in risk & insurance.

Past 10 year Experience:

- LCBO, Manager, Risk
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- Munich Re HSB BI&I, Reinsurance & Specialty Claims Manager
- Willis Towers Watson, Manager, Claims

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Monthly Webinar Series

February Edition

Video Analysis & Reconstruction of Events

**Presented by: Thomas Flynn, MSc., PEng. and Craig Wilkinson, BAsC., PEng.
of MEA Forensic Engineers & Scientists**

Date: February 10th, 2021 at 10:00am

Member Cost: Free Non-Member Cost: \$50.00

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- Video enhancements - Lens distortion removal, brightness, timing/speed
- Dash cams and video evidence in the context of accident reconstruction
- Strengths and limitations of video analysis
- Case studies: When videos tipped the scale
- Typical litigation questions for legal and insurance professionals related to video evidence



**Thomas Flynn MSc PEng
Project Engineer**

Mr. Thomas Flynn is a member of MEA Forensic's Collision Reconstruction group in Toronto. Collision severity, occupant movement, seat belt use and effectiveness, vehicle

speed, pre-collision dynamics, and causes of mechanical failure are typical areas of focus for him. His background in engineering, mathematics, and modeling help him interpret traditional crash evidence like vehicle damage and tire marks on the road; he is also involved in MEA's research into new kinds of digital evidence recovered from black boxes and video recorders.

Email: tom.flynn@meaforensic.com

LinkedIn: <https://www.linkedin.com/in/thomasflynnmscpeng/>



**Craig Wilkinson BAsC PEng
Director, Senior Engineer**

Mr. Craig Wilkinson is a Director and senior engineer in MEA Forensic's Collision Reconstruction group in the firm's Toronto office. Craig has a Bachelor's degree in Engineering Physics from the University of British Columbia and is a registered professional engineer. He

regularly presents his conclusions in court as an expert witness. Craig has investigated a wide variety of issues in over 2,500 collisions involving commercial vehicles, passenger cars, bicycles, motorcycles, pedestrians, and golf carts. Craig is involved in MEA's research and conducted several studies on the reliability and accuracy of "black box" data. When facts such as the speed of a car, or the severity of a crash will help resolve legal issues, Craig aims to present the results of his unbiased analysis as clearly as possible.

Email: Craig.wilkinson@meaforensic.com

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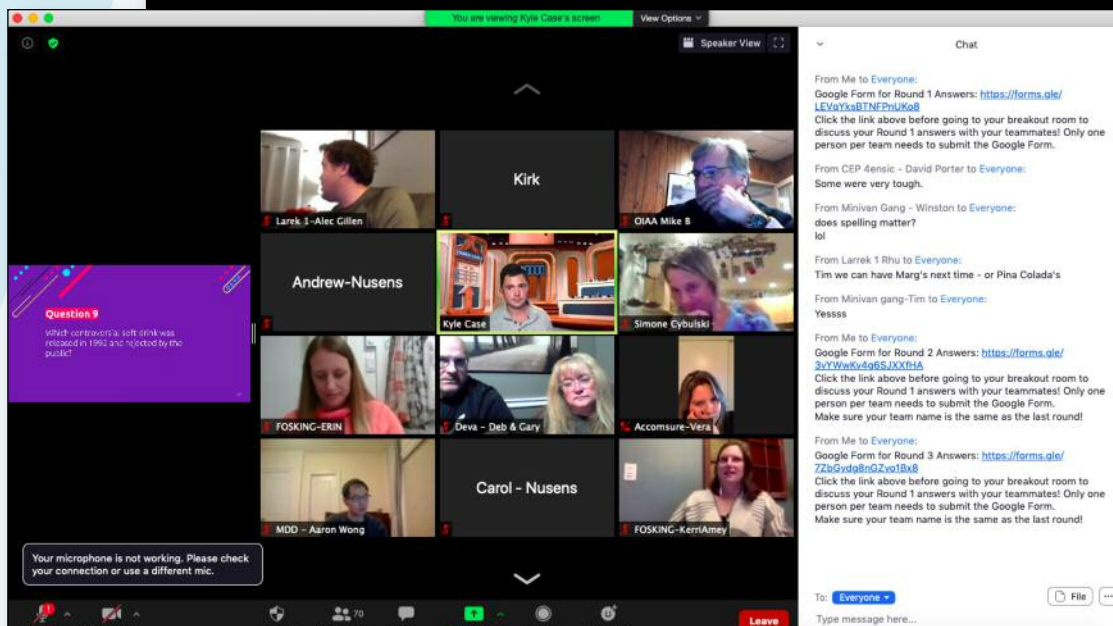
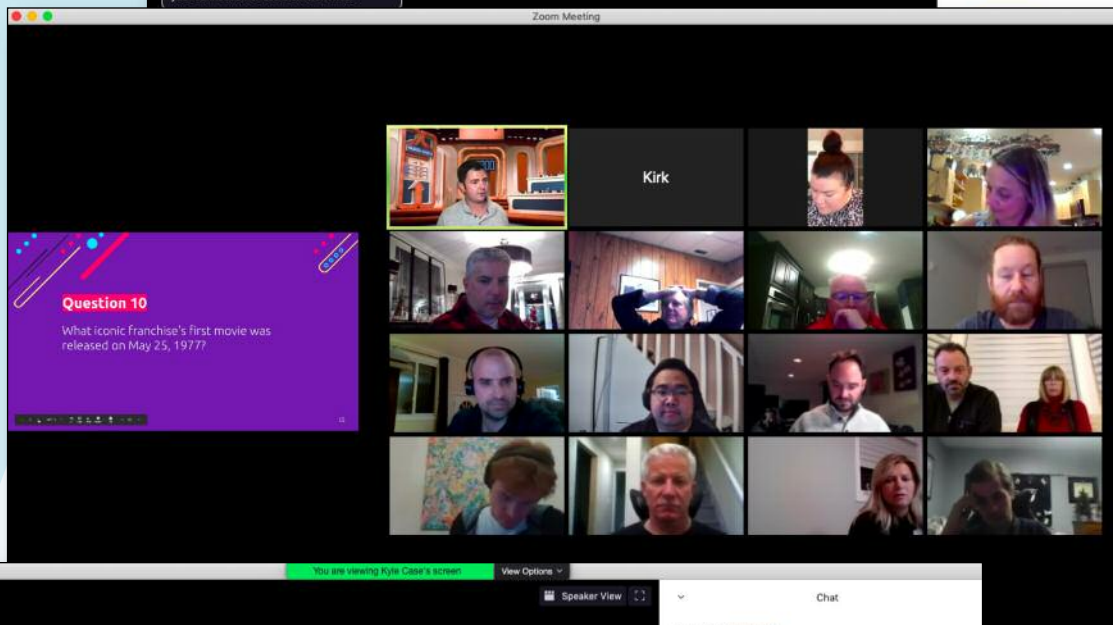
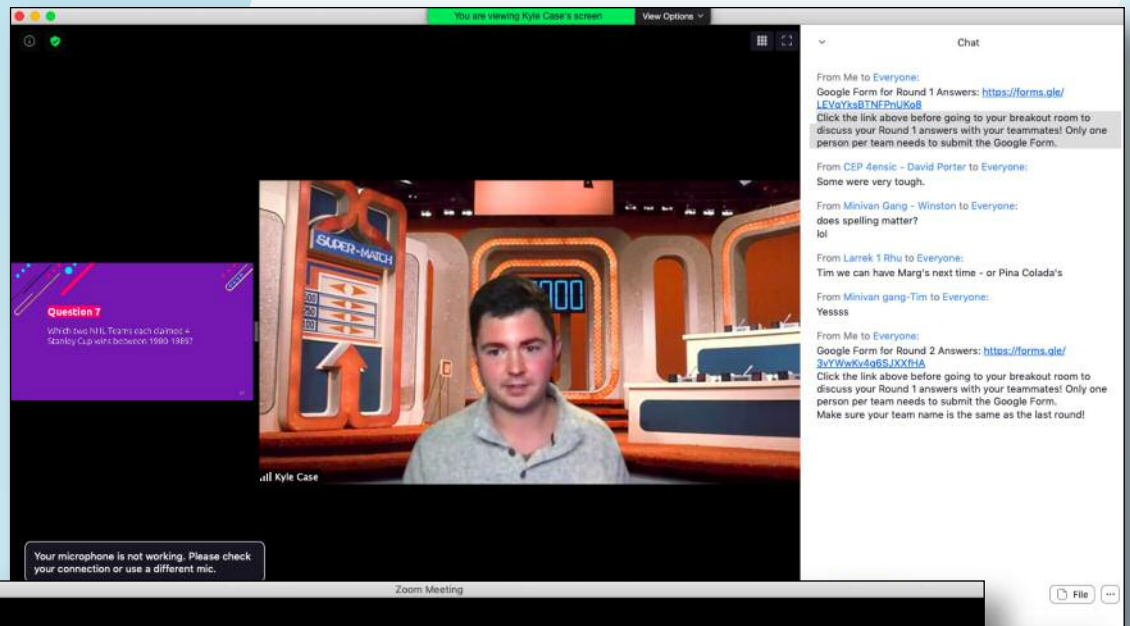
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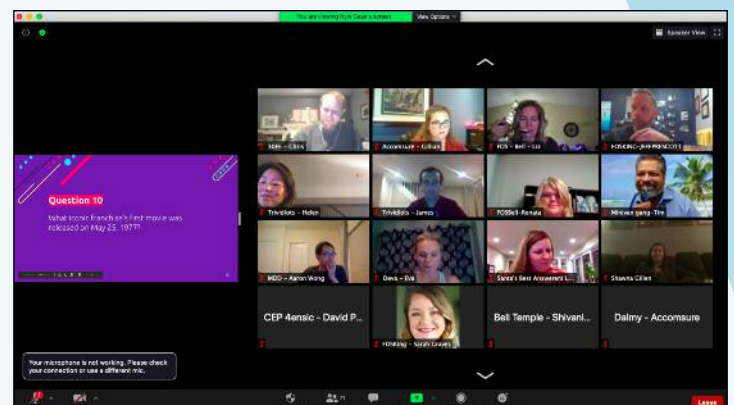
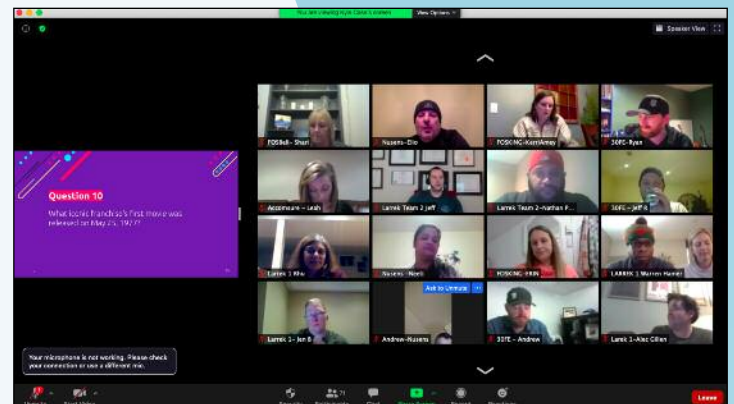
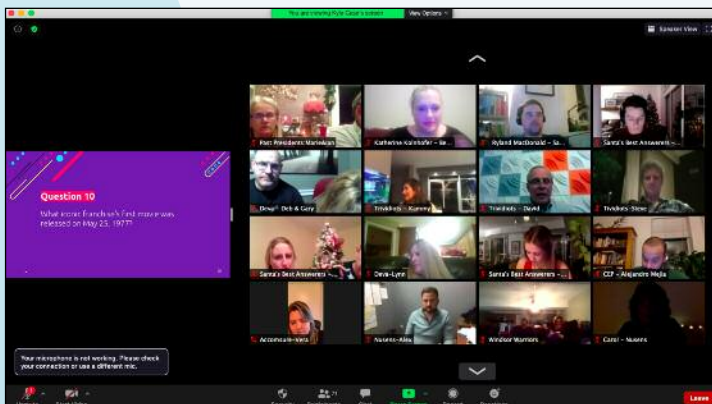
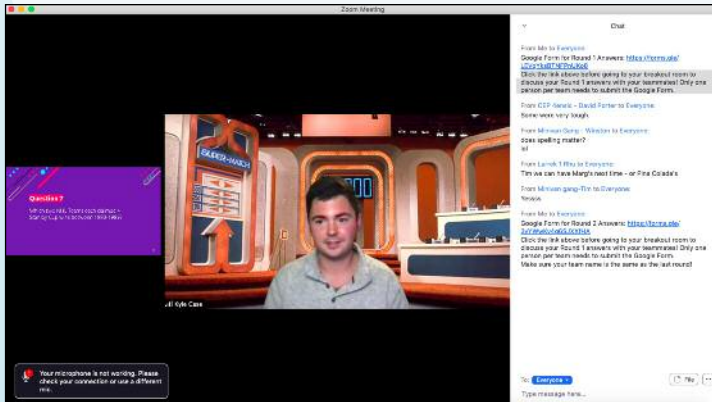
AND GROWING...



OIAA Hands of Hope Christmas Trivia

On December 2, 2020, the OIAA hosted a virtual Hands of Hope Christmas Trivia. Portion of the proceeds is donated to the Juvenile Diabetes Research Foundation.







OIAA 2020 Hands of Hope Christmas Trivia

The OIAA would like to thank the following sponsors for their support at the OIAA 2020 Hands of Hope Christmas Trivia.



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The following were approved as active new members in November 2020

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LEONARD, Laura	Co-operators Insurance	Windsor	Windsor
MAHON, Brad	ClaimsPro	North Bay	Northern
ROSS, Daniel	Canadian Shield Adjusters	Sudbury	Northern

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Protecting the Claims Adjuster



A claims adjuster investigates insurance claims to determine the extent of the insuring company's liability. Claims adjusters may handle liability claims involving personal injuries or third-person property damage and/or property



claims involving damage to structures. In the latter, depending on the loss being investigated, there is a potential risk that the adjuster could be exposed to any number of contaminants such as mould, lead, and fire biproducts, to name a few. Taking some fundamental precautions will protect the adjuster and reduce the likelihood of these exposures. To this end the use of personal protection will be paramount in protecting the adjusters health.

By Gerardo Urquiza, B.Sc., Senior Project Manager, IEQ, Pinchin Ltd.

So what is Personal Protection? Why and where, should we use it? And, what tools should the adjuster have in their kit to protect themselves?

The intent of this article is to help answer these questions
and provide direction on the essentials for the
Personal Protection Tool Kit.

A person's first line of defense against hazards is awareness!
An informed person that is aware of the possible hazards and
risks has some level of personal protection.



If we add Personal Protective Equipment (PPE) to an informed person aware of the risk and hazards, then we should feel comfortable in saying there is an additional level of personal protection and a reduction in the likelihood of harm. Beyond that, the intent of the local Health and Safety laws and regulations are also being met.

After a fire event it is not uncommon to find the stakeholders, including a contractor, first responder, an insurance adjuster, and an inspector all together with the building owner walking the building after the fire-fighting efforts are complete. At this time there could be numerous hazards related to the loss and the building itself. The one that has arguably the most risk attached to it is the presence of damaged asbestos-containing building materials and/or asbestos-containing debris. The newly created fire debris may also contain lead from paints, and the products of combustion may have created Poly Aromatic Hydrocarbons (PAHs) and other very fine dust particles resulting from the combustion process. Air movement, physical disturbance or other factors may be creating the right conditions for these contaminants to become airborne. This is where they pose the greatest risk.

Consistent use of the correct PPE provides a level of personal protection that will result in the minimization or perhaps the avoidance of unpleasant and unfortunate health-related events.



Hazard Assessment

The first question that an adjuster has to ask and answer is: Do you need to use PPE? If the answer is *"I don't know"*, then you likely have to conduct a *hazard assessment*. Some of the information needed to determine if there is a hazard present that could cause harm are:

- If it was a fire, what burned, i.e. wood, electric, plastic, chemical, etc.
- Is there potential for asbestos to have been damaged from fire, water infiltration or firefighting,
- Were there any chemicals involved in the fire and/or water intrusion, if so what were they,
- In the case of a fire, were building materials that burned lead-containing,
- How long after a fire or a water loss are you performing the investigation (mould can start to grow within 48 hours),
- Is there a strong musty or mouldy odour,
- If a water loss, was it a sanitary sewer back-up, a domestic water pipe leak, or a flood from rain water, etc.

If it is determined after a hazard assessment that there could be potential for exposure to a specific contaminant then the use of PPE is recommended.



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The minimum PPE (Personal Protection Tool Kit) an adjuster should have with them are as follows:

- Half-face respirator with P100 filters or a combination P100/VOC filter
- Rubber gloves
- Safety glasses
- CSA approved steel toe boots
- Flashlight
- Hard hat

It is important that respirators be used in conjunction with the appropriate training and fit-testing in compliance with CAN/CSA-Z94.4-18. Poorly fitted or improperly used respiratory protection can result in a false sense of security and increase risk of exposure in some instances.

An informed adjuster who is aware of possible risks in the immediate environment is more likely to avoid an accident that could be a life-changing event that could have been avoided otherwise. Utilizing the correct PPE provides a level of personal protection that will result in the minimization or perhaps the avoidance of acute and chronic health effects.

So before you step into that burned out building or that flooded house be aware, be smart, and be diligent.



Mr. Gerardo Urquiza is a Senior Project Manager with the Indoor Environmental Quality (IEQ) group, he joined Pinchin Ltd. in 2018. Gerardo holds a Bachelor of Science in Industrial Engineering with a focus on the factors that impact indoor environmental quality. Gerardo is a member of the Ontario Society of Professional Engineers (OSPE).

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Soft Water During Hard Times



During this ongoing pandemic, the last thing anyone wants is water damage to their property. Many municipalities in Ontario provide “hard water” to their residents, which is a term that means that the water supply contains high concentrations of dissolved minerals, specifically calcium and magnesium.



*By Alex Caskanette, EIT.,
Caskanette Udall Consulting Engineers*

To avoid the staining and the scale accumulation that hard water causes, individuals and businesses often incorporate water softeners into their plumbing systems.

Water softeners often consist of a resin tank (filled with resin beads) and a brine tank. Hard water enters at the top of the water softener tank and flows down through the resin beads. As the water percolates through the resin beads, ion exchange occurs. The negatively charged resin beads attract the positively charged minerals (the calcium and magnesium) and exchange them for sodium ions, removing the undesired minerals from your water supply.

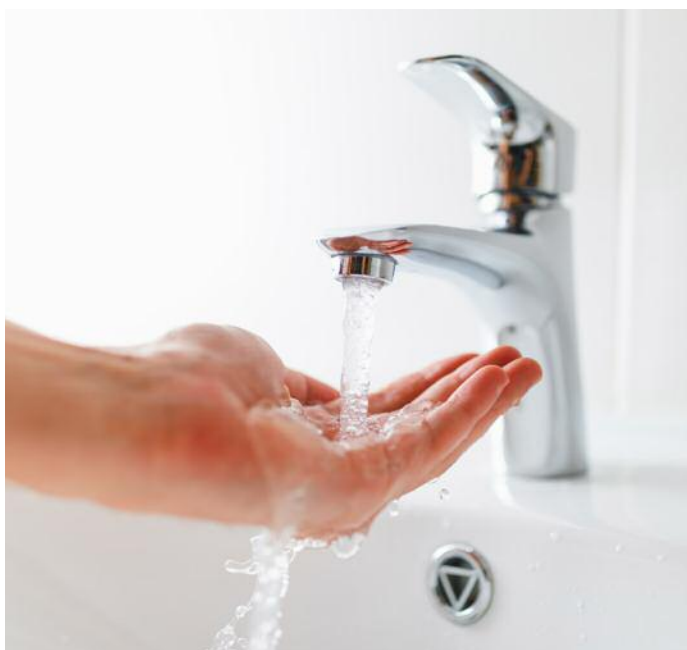
The now soft water flows out of the softener tank providing softened water throughout the house. This process continues overtime and the concentration of sodium in the resin tank is depleted and the resin beads can no longer remove the minerals from the water.

A process called regeneration is used to replenish the concentration of sodium ions in the resin tank. Brine (a solution of water and salt) prepared in the brine tank is run through the resin beads. Ion ex-

change occurs again this time replacing the undesired minerals that were removed from the water supply with sodium ions. These undesired minerals are then flushed out of the resin tank and down the drain. The water softener has been regenerated and is once again ready to soften hard water.

We have investigated a number of water softeners that have failed due to installation deficiencies, manufacturing defects, maintenance issues, and user error. All of the losses have resulted in significant damage to property and many of the losses would have been avoided if the water softener and brine tank had been installed correctly.

Brine tanks are often equipped with an overflow gravity drain that must be connected to the nearest floor drain in order to prevent the brine tank from overflowing if the brine valve fails. Failure to properly install the overflow gravity drain is an installation deficiency and is a possible subrogation avenue. Check your brine tank today to make sure that your overflow protection is properly connected. The typical location of a brine tank overflow gravity drain is indicated in Figure 1.



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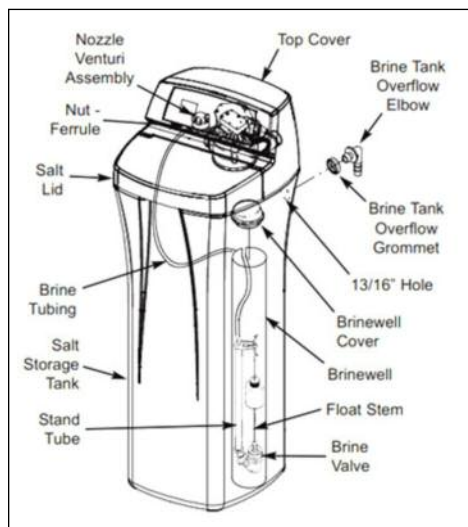
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Figure 1: The typical location of a brine tank overflow gravity drain is indicated with a red arrow.




We specialize in determining the cause of plumbing appliance failures, such as, but not limited to: water softeners, water heaters, washing machines, dishwashers, and sump pumps. Let us assist you in determining the cause of water loss claims and if subrogation is an option for you.



Alex Caskanette graduated in 2017 from the University of Western Ontario with a Mechanical/ Material


Engineering degree, and is now recognized as an EIT with the PEO. His experience includes investigating mechanical and material failures, the cause and origin of fires, and personal injury accidents. Alex has participated in numerous joint examinations of failed components to determine the root cause of material failures in metals, plastics and ceramics. Alex works with our seasoned experts in the areas of failure analysis, accident reconstruction and mechanical failures including vehicle fire investigations.

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OIAA November's Webinar

On November 19, 2020, the OIAA hosted a webinar on: A Practical Guide to the Deduction and Assignment of Collateral Benefits in Tort Action.

Presented by Carolyn Seaquist of RSM Canada and Barry Cox of Boghosian + Allen LLP.

There a

tain in Life: (?)

- S.267.8(1): Tort damages received prior to trial are reduced by all benefits received prior to trial under the laws of any jurisdiction;
- S.267.8(g): All payments for income loss or loss of earning capacity under a continuation benefit plan or under an income benefit of the tort

benefits – is before or after tax figures?

Income Loss Example w

Calculated On A

- Consider our previous example in
- Plaintiff was involved in a motor vehicle accident
- After the Accident:
 - He did not return to work, and
 - His LTD claim was approved and he became entitled to taxable gross (before tax) monthly LTD benefits of \$2,500

Taxable Collateral

Nemchin v. O

- "Taxes are between the individual and the Defendant"
- "Tax is not a charge on income before the after tax figure is used in assessing damages" – the Plaintiff is deprived of the chance if dealing with his income as he thinks fit and reducing his income by tax"
- "Therefore, the mechanical exercise of the withholding of tax does not detract from the Plaintiff's right to payment of the full amount of LTD benefits to which she is entitled"
- "Therefore, the Plaintiff is entitled to deduction for gross, before-tax amount of benefits."

QUESTIONS?

Farrugia v. Ahmadi 2020 O

- Dealt with deduction of a lump sum settlement for known tax liability.

Emery J (referring to Nemchin): "after making an order for future LTD benefits payable to the Plaintiff... [Corthout's] withholding tax at source was a mechanism through which the government fulfilled its obligation to remit tax to the government. Her Honour's finding that the withholding of tax is irrelevant to the rights of the Plaintiff to receive LTD benefits and that income tax is deducted at source"

Therefore all deductions for LTD and CPP benefits are on a net basis.

Cadieux v. Clouthier [2018] OJ No. 6

APPLES, ORANGES AND SILOS

- Two approaches to deduction of SABS:
 - (1) "Apples to apples" – *Bannon v. McNeely* (1998), 155 O.T.R. 237 (Ont. C.A.);

Strict temporal and qualitative matching of SABS

i.e. Only income replacement benefits deducted from damages in tort

Med-rehab benefits not deductible from damages in tort

Past benefits NOT deductible from future income



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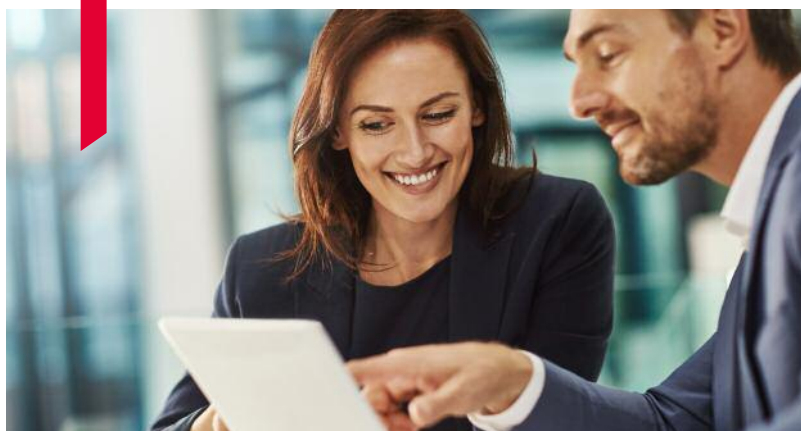
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Final Report

Emily Feindel, Toronto Chapter Delegate

I was living in Calgary and working full-time at Urban Barn and decided I needed a career change in 2012. A friend I played soccer with was working for TD Insurance and he suggested I apply since they were hiring. He was making a switch from Underwriting to Claims and thought I might like it.

I applied and we both were hired with a group of 10 to start training to handle Auto Claims. I was working from the office located next to the Calgary tower when in 2014 TD announced that they were hiring for a new project that was in a new location, something that no other insurance company in Canada had done. I applied and was one of 4 employees selected to open the new office with a One Stop Shop concept. The new office was located in a repair facility, Carstar, and Discount Rentals was also located in the office with us.

Clients who had accidents would come to the facility, meet with us as their adjuster to discuss the claim and then we would have an appraiser from Carstar complete an appraisal on the vehicle. Once this was done the insured would leave their vehicle for the repairs to begin and Discount would assist in getting them a rental vehicle. Since this was the first location to open, TD was wanting to move quick and open multiple locations across Canada. I then moved to a second location in Calgary and worked there until 2016, I was then given the opportunity to move to Ontario to open the first location in Etobicoke, ON. So after 13 years of living in Calgary I packed up and moved to Etobicoke. I had a friend from Calgary who was working in the industry also and he happened to send me a job opening for a Commercial Auto Claims Adjuster with AIG. I applied not knowing much about commercial claims but decided why not. A month had passed and I got a call for an interview over the phone. That went well and I was asked to come to the office for a second interview. I was hired and started with AIG in August of 2017. Since being at AIG I have been able to build a lot of connections through networking within AIG and through industry events.

I have been able to move into a level two adjuster position currently dealing with Auto PD claims, large fuel spills and Bodily Injury claims. I also currently hold a co-chair position with the Women & Allies Employee Resource Group. Since being involved with this group I have had the opportunity to meet and work along side with AIG employees I might not necessarily have had the opportunity to cross paths with. It has taught me to come out of my shell more and share my ideas and views.

This year I was also able to join the OIAA as a Toronto Delegate for a two year term. It has lead me to meet a lot more people in the industry from all different parts of the province and lines of work. I value the connections I have made and really enjoy working alongside some great individuals. 2020 has been challenging since everything has become virtual but we have seemed to make it work so far with monthly webinars and a successful trivia night. I must say I am glad I made the move to Ontario and really enjoy the position I currently have.

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The WP Radio Podcast Network will be filled with stories, engagement and interviews with people coming from all walks of life to give our listeners the best possible experience. That's why, as long as you've been listening, the OIAA Trivia Show will give you the opportunity to win tickets to your favourite sporting events, just for listening to all previous episodes. The more you know about each episode, the better chance you have of winning.

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