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Sign warning motorists of giant rodents crossing the road

Giant rodents cause collisions in Brazil, Newfoundland law firm considers class action

This newsletter is published by Ches Crosbie Barristers. It is for information purposes only and no legal advice is intended.

169 Water Street
St. John's, NL A1C 1B1

(709) 579-4000 PH
(709) 579-9671 FX
Toll Free (888) 579-3262
email - ccb@chescrosbie.com

Visit our website
for more information

www.ChesCrosbie.com

To unsubscribe to this newsletter, please
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Well, the Moose Vehicle Class Action was certified in Newfoundland and Labrador, wasn't it? Who would have thought?

I'm kidding with the headline. We are not considering a class action in Brazil.

In South America they do have issues with vehicle collisions with wildlife, but a collision with the world's largest rodent—at 50 pounds or more—is still not likely to injure people. Unless you're riding a motorcycle, that is. As you will see from the photograph on the next page, these critters don't like to get out of the way. Ches took these photos while on a trip to the Amazon and the Pantanal in Brazil with his oldest daughter in May.

Charlotte just graduated with her law degree and with a Masters in public health administration from Dalhousie University. Dad (and Charlotte) thought that a father-daughter two week bonding trip was a good idea.

And it was!

And if you think the potholes in Newfoundland are bad, take a look at the photo on page 3.■



Proud parents Ches Crosbie and Lois Hoegg at oldest daughter Charlotte's graduation in May

Court Gives Moose Class Action Green Light While Government Fails to Take Action

A judge in St. John's gave the Moose Vehicle Class Action a green light in early June, ordering that it could go ahead as a class action. This means that any decision in the case will bind class members, and puts the class action on a (relatively) even playing field with the government.

Relatively, because, let's face it, the government has all the money and all the resources. But without the class action procedure, there would be no lawsuit on this issue of tremendous importance to Newfoundlanders. It is only as a class action that it is possible to fight this action at all.

We believe the case has merit and if we have to fight it all the way, the class members will win. But this is a process that can take years, maybe 5 years, maybe 10 years if the government uses every appeal device at its disposal.

In the meantime, while government fights a rear guard action, people will continue to be seriously injured and killed, and those injured through government neglect over the last 10 years will not receive the help and assistance they deserve and are entitled to.

What the government has to do is accept the invitation of Ben Bellows and Hugh George and enter into talks. What is called for is a mediation aimed at resolving issues of moose vehicle safety and issues of compensation to those suffering major injuries or death.

The solutions are obvious for all to see except, it seems, the government. The day before the judge issued his order certifying the class action, Ben Bellows had a lengthy meeting with Tom Hedderson, Minister of Transportation. Mr. Bellows was thankful for the meeting. However, the government gave



Cappybarras think they own the road

no concrete undertaking and gave every sign that it was continuing to treat the moose vehicle safety issue in the same way it has for many years—they are trying to ignore it.

Nothing radical or experimental is being asked for, only what every other jurisdiction in North America with a moose problem has already discovered works: moose fencing, with or without underpasses or overpasses. And fewer moose. Remember, we have 2% of the moose habitat in North America, and 10% of the moose!

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Cases We Don't Want Coming Through Our Office

People often ask what kinds of injury cases we are not interested in reviewing. Here are our guidelines for cases we typically turn down:

1. You've been turned down by several lawyers before us.
2. Your case has already been filed by a lawyer who no longer represents you.
3. Your statute of limitations is very close.
4. If you haven't seen a doctor yet.
5. If you waited more than two weeks after your injury to go to a doctor.

We always appreciate people who refer matters to us.

CAUTION: Senior Citizen Driving

Many of us were amazed recently by the photographs of a motor vehicle protruding from a St. John's living room, suspended in the air. An elderly lady reportedly lost control of her vehicle and it became airborne. Luckily, the driver sustained minor injuries, and nobody in the home was hurt.

It's predicted that in the next 20 years, the number of drivers 70 years old or older will triple. Seniors are more likely to be in multiple-vehicle accidents than younger drivers. Those accidents are more dangerous and involve more fatalities. Most accidents occur at intersections while making a left turn.

And now, some, can occur while flying through the air.

There are many things that can affect our ability to drive safely while we age. Physical disabilities, medications, poor eyesight or hearing, stiff joints, slower reflexes, and muscle weakness may impair our ability to look over our shoulder, cause us to have a slower reaction time, and other problems on the road.

Things you can do to help you or your family:

- Get your hearing and eyes checked every year.
- Make sure you have a vehicle that has helpful features (ie., auto transmission, power brakes, large mirrors).
- Limit your destinations to close-by and familiar places.
- Find other forms of transportation (ie. family or friends, public transportation, taxis, community shuttles).
- Think of the money you'll save on insurance, maintenance and gas.
- Get your groceries delivered to your home. My family uses Belbin's.■

Drunk Driving Accident Mile One St. John's

The car wreck and the injured people displayed in front of Mile One Stadium in St. John's last week was a simulation—on something that happens all too frequently in Newfoundland and Labrador. It was intended to depict the involvement of drugs and alcohol in roadway injuries and fatalities.

Even innocent victims of impaired drivers need to know some of the rules of the game for getting compensation for injuries—before you sign a form or talk to an adjuster, get a copy of my free book, *Seven Deadly Sins*, which you can order at www.ChesCrosbie.com. Don't be a victim twice!■



Brazilian potholes can swallow any car!

Court Gives Moose Class Action Green Light (cont'd.)

The government should get with it. Our job as lawyers is to deal with issues in court, but the issue has taken on a dynamic of its own through the activities of the Save Our People Action Committee (SOPAC). Anyone who thinks moose vehicle collisions in this province are purely a matter of careless driving, is living in a world built on wishful thinking. The goal is to cut collisions in half within 5 years. If you support this goal, go to SOPAC's new website www.toomanymoose.com and sign the online petition, with or without your name revealed. Easy to do, and an in-

teresting website.

Government should consider comments like this one from Larry Gray made on the petition comment page on June 6: "I drive throughout the province on a regular monthly basis. It is high time our government stopped ignoring this issue. I think this will be a major election issue. It should be brought up at every BBQ and baby kissing opportunity possible this summer. Politicians you are being watched and we are listening and our choices will be made in Oct."■

Ever Lost Your Keys? Had to Go Right Out and Change your Locks?

Recently, a former Ches Crosbie Barristers client lost her keys. Fortunately, because the set of keys had the famous and popular Ches Crosbie Barristers Key Return Program keytag on them, they were returned to the owner within hours. (The finder received a nifty Starbucks gift card for their kindness.)

If you don't have a Ches Crosbie Barristers keytag on your keys, contact Sheri at ccb@chescrosbie.com and we'll rush a set right out to you. The

way it works is that before we send them to you, we record the unique keytag number

along with your name and address in our database. If your keys are ever found, the finder can call a toll-free number and report the keytag number to us. We arrange a return of the keys to US (not you, they NEVER learn your identity) and we arrange for the reward.

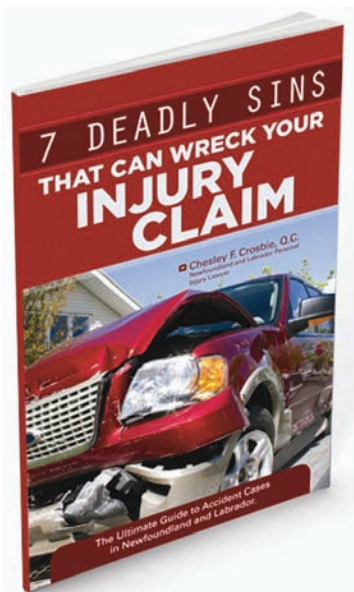
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