

**PERSONAL INJURY
DAMAGES CALCULATOR**
USER GUIDE

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About Personal Injury Damages Calculator

The Personal Injury Damages Calculator (PIDC) is an easy to use damage assessment and mediation program designed to allow the personal injury lawyer to precisely assess the value of a claim using different assumptions while presenting the damage assessment in a comprehensive, persuasive, visually appealing and easy to understand format. PIDC then breaks down settlement offers and pulls the settlement data into both a Direction and Account and a Release.

Specifically, the Personal Injury Damages Calculator does the following:

- Calculates precise prejudgment interest amounts on general damages.
- Calculates precise prejudgment interest amounts on past pecuniary losses.
- Calculates Life Expectancies based on the most recent Statistics Canada data.
- Calculates Present Values using assigned discount rates.
- Quantifies the present value of future care costs reports.
- Applies varying Contributory Negligence assumptions.
- Can prepare several different damage assessment scenarios.
- Assembles all figures into a user friendly, comprehensive, visually appealing one page damage assessment.
- Prepares an Offer log for recording, evaluating and comparing offers at mediation.
- Calculates net amounts to Plaintiffs after solicitor/client accounts.
- Breaks down all inclusive offers into the net amount to the plaintiff.
- Prepares Directions and Accounts for getting instructions from clients.
- Prepares Standard Releases.
- Properly calculates formal contingency fees (with costs being allocated, as required, to the client)
- For Ontario users, the PIDC also can automatically apply the following:
 - Statutory deductibles (both under Bill 59, including the inflated deductibles for 2016 and 2017, and Bill 198).
 - Prejudgment interest rates under the Courts of Justice Act.
 - The Ontario 2017 Discount Rate.

Installation Instructions

1. Turn on your PC, open your version of Windows, and insert the CD in the CDROM drive.
2. Click **Start** and click **Run**.
3. Enter d:\setup.exe (where d is your CD ROM drive) and click **OK**.
4. Follow the prompts.

Launching the Program

To open the application, **double-click** the PIDC icon  created on your desktop to start the program.

Microsoft Word opens upon launching the program. Click on the [Personal Injury Damages Calculator](#) link to launch Microsoft Excel. Familiarity with Excel is not necessary to use PIDC.

Basic Inserts Page

The **Basic Inserts** page opens upon launching Personal Injury Damages Calculator.

Click a yellow cell to input information.

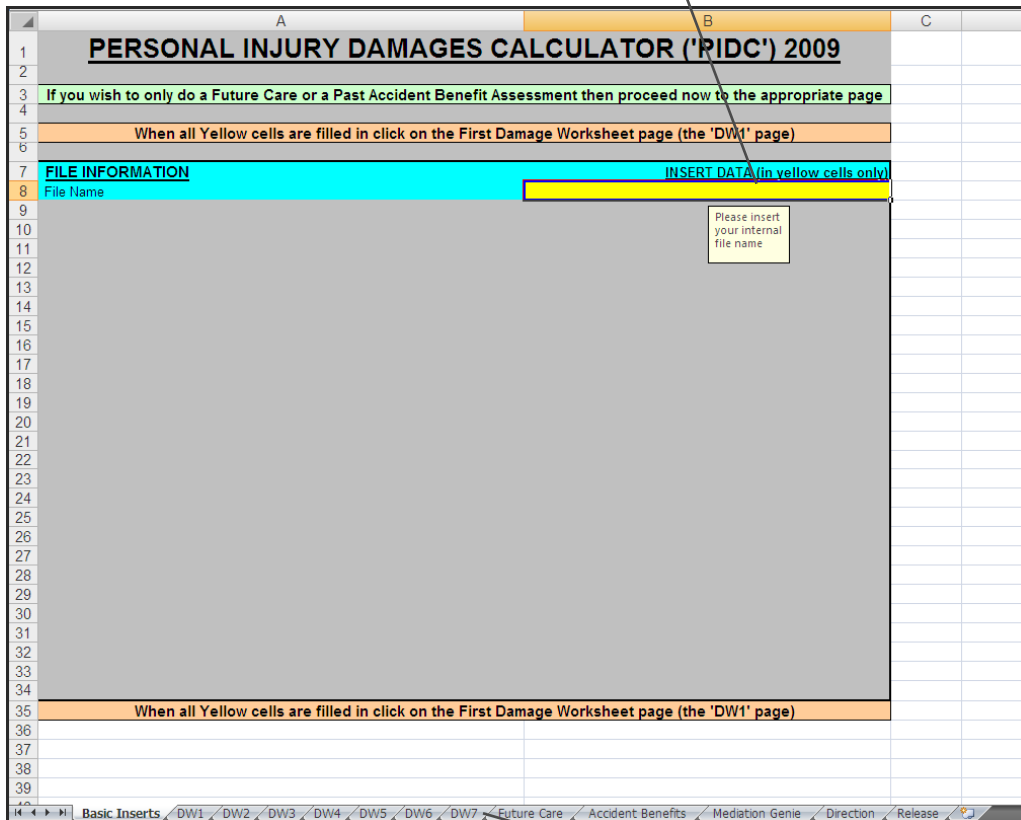


Figure 1 – Blank **Basic Inserts** page

Click a tab to retrieve a worksheet.

Begin by answering all the questions on the **Basic Inserts** page. **You need only to insert information in the yellow cells as they appear.** When you click a yellow cell, a tip box appears instructing you on what information is required in that cell. You may drag this box to another location, if it is in your way.

1. Enter the name of the file in the **File Name** cell.
2. Hit **Enter** on your keyboard to move to the next question. Some questions contain a drop-down list of answers. Click the drop-down arrow to retrieve the list and select your answer.
3. Continue scrolling through the questions as prompted until you have completed all of the yellow cells on the page.
4. Once you have completed the **Basic Inserts** page, go to the **Damages Worksheet 1** by clicking the **DW1** tab at the bottom of the screen.

	A	B
1	PERSONAL INJURY DAMAGES CALCULATOR ('PIDC') 2009	
2		
3	If you wish to only do a Future Care or a Past Accident Benefit Assessment then proceed now to the appropriate page	
4		
5	When all Yellow cells are filled in click on the First Damage Worksheet page (the 'DW1' page)	
6		
7	FILE INFORMATION	INSERT DATA (in yellow cells only)
8	File Name	Debra Sullivan et al v. George Davis et al
9	File Number	81675
10	Assessment Date (e.g. March 22, 2009)	May 17, 2007
11	Date of Incident (e.g. February 4, 2005)	February 17, 2004
12	Did the incident occur in Ontario?	Yes
13	Date Claim Issued (to determine PJI rate on past pecuniary damages)?	September 7, 2005
14	Was the Incident a Motor Vehicle Accident in Ontario?	Yes
15	Date Notice Given to Defendant(s) (i.e. for prejudgment interest purposes)?	April 12, 2004
16	Do the Injuries pass the Threshold (i.e. Permanent and serious...)?	Yes
17	Are the Injuries Catastrophic?	No
18	Name of Injured Plaintiff	Debra Sullivan
19	Gender of Injured Plaintiff	Female
20	Injured Plaintiffs Date of Birth (e.g. January 17, 1976)	March 5, 1974
21	Number of Family Law Act Claimants	4
22	Name of Family Law Act Claimant #1	Jason Sullivan
23	Name of Family Law Act Claimant #2	Jessica Sullivan
24	Name of Family Law Act Claimant #3	Allison Sullivan
25	Name of Family Law Act Claimant #4	Justin Sullivan
26		
27		
28		
29		
30		
31		
32		
33		
34		
35	When all Yellow cells are filled in click on the First Damage Worksheet page (the 'DW1' page)	

Figure 2 – Example of a completed Basic Insert page

The DW pages

All worksheet pages (DW1 – DW7) look the same. Applicable information you entered on the **Basic Insert** page appears on the DW pages both at the top (file name, date of damage assessment etc. as well as at the bottom in the Notes section.)

1	A	B	C	D	E	F	G	H	I	J	K	
2	WITHOUT PREJUDICE										<i>Prepared using the Personal Injury Damages Calculator 2006</i>	
3	File Name	Debra Sullivan et al v. George Davis et al					Internal File Number		81675			
4	Damage Assessment (as of)	May 17, 2007										
5	Date of Incident	February 17, 2004										
6	Applicable Motor Vehicle Accident Scheme	Bill 198					Injuries Meet Threshold but non-catastrophic					
7	* Contributory Negligence of the Plaintiff											
9	DAMAGE ASSESSMENT											
10	GENERAL DAMAGES (Gross Amounts)		Gross Amount									
11	Debra Sullivan											
13	FAMILY LAW ACT CLAIMS (Gross Amounts)		Gross Amount									
14	Jason Sullivan											
15	Jessica Sullivan											
16	Allison Sullivan											
17	Justin Sullivan											
24	PAST DAMAGES		PJI Rates	PJI since	Amount	Loss Benefit	Net	PJI rate	P-JI	Total		
25												
36	PAST ACCIDENT BENEFITS (including interest under SABS)		Amount			Interest			Total			
37												
39	FUTURE DAMAGES (specified amounts)		Amount			Loss Benefit			Total			
40												
48	FUTURE CARE COSTS (present value calculated)		Amount			Loss Benefit			Total			
49												
51	FUTURE DAMAGES (calculated)		Starting age	Ending at age	Annual Loss	Loss Benefit	Discount Rate	Mortality	Multiplier	Total		
52												
62	GRAND TOTAL OF ALL DAMAGES AND INTEREST					Total Damages (without P-JI)	Total Interest	Grand Total				
63						\$0.00	\$0.00	\$0.00				
65	Notes											
66	Years Since Incident (to assessment date)				3.24							
67	Date Notice Given to Defendants (i.e. PJI Commencement Date)				12-Apr-2004		Plaintiff's Date of Birth			5-Mar-1974		
68	Years Since PJI Commencement Date (to assessment date)				3.09		Plaintiff's Age (as of Assessment Date)			33.20		
69	Date Statement of Claim Issued				7-Sep-2005		Plaintiff's Gender			Female		
70	Applicable annual PJI rate pursuant to s.127/128 of CJA				2.80%		Plaintiff's Life Expectancy			49.7202		

Figure 3 – Blank DW1 page (prior to completion of the Basic Inserts page)

1. Enter a title for this assessment and hit **Enter**. (Example: Plaintiffs' Damages Assessment)
2. Enter the contributory negligence of the plaintiff as a percentage, if applicable, and hit **Enter**.
3. **Damage Assessment:** Complete this section by inputting information in the appropriate yellow cells. If you entered an amount for contributory negligence, the worksheet will automatically calculate the deductions as you complete this section of the worksheet.

General Damages/Family Law Act Claims: Enter the amount in the yellow cells, as provided. PIDC calculates automatically:

- The applicable statutory deductible, if any.
- The net amounts (after contributory negligence and/or the deductible).
- The applicable Prejudgment Interest (PJI) rate.
- The PJI amount, and
- The total inclusive of PJI.

Past Damages: The drop-down list shows the most obvious types of damages to claim; however, you can enter your own type of claim as well. Click the drop-down arrow to retrieve the list and pick a claim. Note that this list will vary depending on the information provided in the Basic Inserts page (for example the drop-down list will not suggest OHIP in an Ontario motor vehicle case). You may enter up to 10 types of claims in this section. In the **PJI Rates** column, use the drop-down list to select whether interest should be calculated at *Half Rates* or *Full Rates*. Note that Half Rates are typically used when the amount claimed is based on a continuous stream of payments owed until the date of the assessment while Full Rates are typically used when the amount claimed is based on a payment that was incurred on a specified date. In the **PJI Since** column, using the drop-down list, select the date that interest would have started accruing. Where appropriate, insert an amount in the **Less Benefits** column to provide a credit for benefits received by the claimant.

Future Damages: There are three different sections available for use for Future Damages and you can use all of them in the same assessment:

- **Future Damages (specified amounts):** Use this section when you already know the value claimed for a specific head of damage (for example where you have an expert report quantifying your future income loss claim).
- **Future Care:** Use this section if you wish to calculate the present value of future care items using the Future Care page, in which case you will be directed to go to the Future Care page by clicking the **Future Care** tab at the bottom of the screen (*see Future Care on page 8 for more information*); otherwise, you can insert future care amounts in the other Future Damages sections provided.

- Future Damages (calculated):** Use this section when you want to claim future damages based on annual amounts over a specified duration. Using the drop-down lists, enter the Starting Age and the Ending at Age to indicate the duration that applies and then enter the amount of the annual loss. The Ending at Age would not include that year (for example if you select the ending age of 65, the benefit would stop at the claimants' 65th birthday). You can choose "Life" to make the claim over the claimant's life expectancy. Proceed to indicate the Discount Rate that applies using the drop-down list and specify whether mortality factors should be applied in the Mortality column. The Mortality column is meant to account for the risk of the claimant dying before the Ending at Age selected.

Where appropriate, insert an amount in the **Less Benefits** column to provide a credit for benefits expected to be received by the claimant.

1	WITHOUT PREJUDICE	Plaintiffs' Damage Assessment		Prepare using the Personal Injury Damages Calculator 2009			
2	File Name	Debra Sullivan et al v. George Davis et al		Internal File Number		81675	
3	Damage Assessment (as of)	May 17, 2007					
4	Date of Incident	February 17, 2004					
5	Applicable Motor Vehicle Accident Scheme	Bill 198		Injuries Meet Threshold but non-catastrophic			
7	* Contributory Negligence of the Plaintiff						
9	DAMAGE ASSESSMENT						
10	GENERAL DAMAGES (Gross Amounts)		Gross Amount	Deductible	Net	EdRate	PJI Total
11	Debra Sullivan		\$55,000.00	-\$30,000.00	\$25,000.00	15.4%	\$3,507.87
13	FAMILY LAW ACT CLAIMS (Gross Amounts)		Gross Amount	Deductible	Net	EdRate	PJI Total
14	Jason Sullivan		\$60,000.00	\$0.00	\$60,000.00	15.4%	\$9,281.31
15	Jessica Sullivan		\$35,000.00	-\$15,000.00	\$20,000.00	15.4%	\$3,093.77
16	Allison Sullivan		\$25,000.00	-\$15,000.00	\$10,000.00	15.4%	\$1,546.89
17	Justin Sullivan		\$17,500.00	-\$15,000.00	\$2,500.00	15.4%	\$388.72
24	PAST DAMAGES		PJI Rates	PJI since	Amount	Less Benefits	Net EdRate PJI Total
25	Past Income Loss (80% net amount)		Half Rates	Incident Date	\$48,000.00	\$8,000.00	\$40,000.00 4.54% \$2,180.21
26	Past Housekeeping and Home Maintenance Expense		Half Rates	Incident Date	\$22,000.00		\$22,000.00 4.54% \$635.89
36	PAST ACCIDENT BENEFITS (including interest under SABS)		Amount	Interest	Total		
39	FUTURE DAMAGES (specified amounts)		Amount	Less Benefits	Total		
48	FUTURE CARE COSTS (present value calculated)		Amount	Less Benefits	Total		
49	Future Care Costs (see attached page)		\$0.00		\$0.00		
51	FUTURE DAMAGES (calculated)		Starting age	Ending at age	Annual Loss	Less Benefits	Discount Rate Mortality Multiplier Total
52	Future Income Loss		Now	65	\$12,500.00		Ontario 2009 yes 25.9884 \$324,895.01
53	Future Housekeeping and Home Maintenance Expense		Now	Life	\$2,600.00		Ontario 2009 n/a 35.0070 \$81,018.32
62	GRAND TOTAL OF ALL DAMAGES AND INTEREST		Total Damages (without PJI)		Total Interest	Grand Total	
63			\$625,373.33		\$25,632.66	\$651,005.99	
65	Notes						
66	Years Since Incident (to assessment date)			3.24			
67	Date Notice Given to Defendants (i.e. PJI Commencement Date)			12-Apr-2004		Plaintiff's Date of Birth 5-Mar-1974	
68	Years Since PJI Commencement Date (to assessment date)			3.09		Plaintiff's Age (as of Assessment Date) 33.20	
69	Date Statement of Claim Issued			7-Sep-2005		Plaintiff's Gender Female	
70	Applicable annual PJI rate pursuant to s.127(12) of CJA			2.80%		Plaintiff's Life Expectancy 49.7202	

Figure 4- Example of a completed DW1 page

4. **Printing:** Once you have entered the appropriate information that you would like to use in all the yellow cells, then you can proceed to print the assessment (*see important printing instructions on page 15 for more information*) or you can proceed to prepare another assessment on the **Damages Worksheet 2 (DW2)** page. **Note:** The DW2 is used to prepare your second position, once your first position is rejected.

Continue working with the various DW worksheets as necessary. The DW2 - DW7 worksheets contain all of your basic information and show an Offer Log to the right of the main worksheet. These worksheets are used to prepare your various offers and to accurately quantify the value of offers made by the opposing party.

Before printing the assessments, please make sure to review the important printing instructions on page 15, especially if using pages DW2-DW7. Wherever possible, colour printing is encouraged.

Note: The Offer Log will be printed as the second page to any printout. You may want to print the Offer Log at the conclusion of the mediation or settlement meeting to record the offers made and to assist in reporting to your clients.

WITHOUT PREJUDICE		Plaintiffs' First Offer				Prepare using the Personal Injury Damages Calculator 2009				HIDE COLUMN BEFORE PRINTING	
1	File Name	Debra Sullivan et al v. George Davis et al				Internal File Number		81675		OFFER LOG	
2	Damage Assessment (as of)	May 17, 2007								Plaintiff's Range Reasonable	
3	Date of Incident	February 17, 2004									
4	Applicable Motor Vehicle Accident Scheme	Bill 198						Injuries Meet Threshold but non-catastrophic			
5	* Contributory Negligence of the Plaintiff										
6	DAMAGE ASSESSMENT										
7	GENERAL DAMAGES (Gross Amounts)		Gross Amount	Deductible	Net	EJRate	PJI	Total	Amounts (not totals)		
8	Debra Sullivan		\$75,000.00	-\$30,000.00	\$45,000.00	15.4%	\$6,960.39	\$51,960.39	Gross Amount		
9									\$95,000.00		
10	FAMILY LAW ACT CLAIMS (Gross Amounts)		Gross Amount	Deductible	Net	EJRate	PJI	Total	Gross Amount		
11	Jason Sullivan		\$50,000.00	-\$15,000.00	\$35,000.00	15.4%	\$5,414.10	\$40,414.10	\$60,000.00		
12	Jesstea Sullivan		\$27,500.00	-\$15,000.00	\$12,500.00	15.4%	\$1,933.61	\$14,433.61	\$35,000.00		
13	Allison Sullivan		\$22,500.00	-\$10,000.00	\$12,500.00	15.4%	\$1,860.16	\$14,360.16	\$25,000.00		
14	Justin Sullivan		\$17,500.00	-\$15,000.00	\$2,500.00	15.4%	\$386.72	\$2,886.72	\$17,500.00		
15	PAST DAMAGES										
16		PJI Rates	PJI since	Amount	Less Reasonable	Net	EJRate	PJI	Total	Amounts (not totals)	
17	Past Income Loss (80% net amount)	Half Rates	Incident Date	\$40,000.00		\$40,000.00	4.54%	\$1,816.84	\$41,816.84	\$48,000.00	
18	Past Housekeeping and Home Maintenance Expense	Half Rates	Incident Date	\$15,000.00	\$8,000.00	\$7,000.00	4.54%	\$317.95	\$7,317.95	\$22,000.00	
19	PAST ACCIDENT BENEFITS (including interest under SABS)										
20				Amount				Interest	Total		
21	FUTURE DAMAGES (specified amounts)										
22				Amount	Less Reasonable				Total		
23	FUTURE CARE COSTS (present value calculated)										
24				Amount	Less Reasonable				Total	Total	
25	Future Care Costs			\$45,000.00	\$12,500.00				\$32,500.00	\$0.00	
26	FUTURE DAMAGES (calculated)										
27		Starting age	Ending age	Annual Loss	Less Reasonable	Discount Rate	Mortality	Multplier	Total	Totals	
28	Future Income Loss	Now	65	\$10,000.00		Ontario 2009	yes	25.9884	\$259,984.01	\$324,955.01	
29	Future Housekeeping and Home Maintenance Expense	Now	Life	\$1,500.00		Ontario 2009	Yes	35.0070	\$52,510.57	\$31,018.32	
30	GRAND TOTAL OF ALL DAMAGES AND INTEREST										
31				Total Damages (without PJI)		Total PJI		Grand Total	Grand Total		
32				\$494,394.58		\$17,390.36		\$511,784.94	\$651,005.99		
33	Notes										
34	Years Since Incident (to assessment date)	3.24									
35	Date Notice Given to Defendants (i.e. PJI Commencement Date)	12-Apr-2004				Plaintiff's Date of Birth		5-Mar-1974			
36	Years Since PJI Commencement Date (to assessment date)	3.09				Plaintiff's Age (as of Assessment Date)		33.20			
37	Date Statement of Claim Issued	7-Sep-2005				Plaintiff's Gender		Female			
38	Applicable annual PJI rate pursuant to s.127(2)8 of CJA	2.80%				Plaintiff's Life Expectancy		49.7202			

Figure 5 – Example of completed DW2 page with Offer Log

Future Care

Use the Future Care worksheet to calculate the present value of up to 75 future care items. The calculated total will appear automatically on the DW1 worksheet in the Future Care Costs section, if selected.

1. Begin by entering the name of the future care item in the **Item** column and hit **Enter**.
2. Using the drop-down list in the **One Time Cost or Annual Cost** column, select the type of cost.
3. Enter an amount in the **\$ Amount of One Time or Annual Cost** column.
4. Using the drop-down lists, select the Starting Age, Ending at Age, Discount Rate and the Mortality Factor. The Ending at Age will not include the year of the ending age (for example, the ending age of 60 means that the benefit stops on the person's 60th birthday and is not received during the person's 60th year).

Future Care Cost Analysis								<i>Prepared using the Personal Injury Damages Calculator 2009</i>	
File Name		Debra Sullivan et al v. George Davis et al							
Damage Assessment (as of)		May 17, 2007			Internal File Number		81675		
Date of Incident		February 17, 2004							
Plaintiff's Date of Birth		March 5, 1974			Plaintiff's Precise Age		33.20		
Plaintiff's Gender		Female			Plaintiff's Life Expectancy		49.7202		
#	Item	One Time Cost or Annual Cost	\$ Amount of One Time or Annual Cost	Starting (now or at age)	Ending at Age	Discount Rate (mortality factors applied)	Total Present Value Cost		

Figure 6 – Portion of blank Future Care page

Future Care Cost Analysis								<i>Prepared using the Personal Injury Damages Calculator 2009</i>	
File Name		Debra Sullivan et al v. George Davis et al							
Damage Assessment (as of)		May 17, 2007			Internal File Number		81675		
Date of Incident		February 17, 2004							
Plaintiff's Date of Birth		March 5, 1974			Plaintiff's Precise Age		33.20		
Plaintiff's Gender		Female			Plaintiff's Life Expectancy		49.7202		
#	Item	One Time Cost or Annual Cost	\$ Amount of One Time or Annual Cost	Starting (now or at age)	Ending at Age	Discount Rate (mortality factors applied)	Total Present Value Cost		
1	Medication	Annual Cost	\$750.00	Now	Life	Ontario 2009	\$26,255.28		
2	Physiotherapy	Annual Cost	\$1,500.00	Now	50	Ontario 2009	\$23,484.18		
3	Driving Retraining	One Time Cost	\$2,500.00	45	N/A	Ontario 2009	\$2,289.85		
4	Gym Membership	Annual Cost	\$850.00	35	40	Ontario 2009	\$4,103.92		
5	Persona Trainer	Annual Cost	\$400.00	35	38	Ontario 2009	\$1,168.23		
GRAND TOTAL							\$57,301.46		

Figure 7 – Example of a completed Future Care page

Mediation Genie

Use the Mediation Genie to break down settlement proposals. Start off by answering some basic questions in the **Criteria** section relating to fee contributions by the defendants and information relating to the anticipated solicitor/client account amount or percentage. (See Figure 9 for more details.)

The Mediation Genie uses the fee information provided to calculate the following:

- Partial Indemnity Costs Contribution.
- GST on Partial Indemnity Costs.
- Grand All Inclusive Total.
- Balance of Solicitor-Client Account.
- GST on Balance of Solicitor-Client Account.
- Total Net Amount to Plaintiff(s).
- Grand Total Payable to Law Firm.

Enter amounts in the yellow cells only to calculate automatically the various scenarios shown below.

Criteria	Amount				
Calculate Demands using a 'DW' assessment?					
Insert a \$ amount in any Yellow box of your choice below (you can use more than one yellow cell)					
TOTAL OF CLAIMS (INCLUSIVE OF INTEREST)					
Partial Indemnity Costs					
GST on Partial Indemnity costs					
Assessable Disbursements, inclusive of GST (approx)					
GRAND ALL INCLUSIVE TOTAL					
DIRECTION AND ACCOUNT CALCULATIONS					
Total Amount to Plaintiffs (before Solicitor-Client account)					
Balance of Solicitor-Client account					
GST on balance of Solicitor-Client account					
TOTAL NET AMOUNT TO PLAINTIFF(S)					
GRAND TOTAL PAYABLE TO LAW FIRM					
You may answer "yes" to any of the Yellow boxes below (to use the figures in a particular column)					
Use the calculations in this column for the "Direction" and "Release"?					

Figure 8 – Blank Mediation Genie page

MEDIATION GENIE					
Prepared using the Personal Injury Damages Calculator 2009					
Insert the Information requested in the Yellow boxes below					
Criteria	Amount				
Calculate Demands using a "DW" assessment?	Yes				
You would like to use the figures from which Damage Worksheet page?	DW2				
Insert Partial Indemnity Cost Contribution % (excludes GST)	15.0%				
Insert Assessable Disbursement Amount, inclusive of GST	\$6,500.00				
Insert Balance of Solicitor-Client Account % (excludes GST)	15.0%				
Insert a \$ amount in any Yellow box of your choice below (you can use more than one yellow cell)					
TOTAL OF CLAIMS (INCLUSIVE OF INTEREST)	\$512,384.94	\$250,000.00	\$296,760.26	\$267,062.31	\$296,825.40
Partial Indemnity Costs	\$76,857.74	\$37,500.00	\$44,514.04	\$40,059.35	\$44,523.81
GST on Partial Indemnity costs	\$3,842.89	\$1,875.00	\$2,225.70	\$2,002.97	\$2,226.19
Assessable Disbursements, inclusive of GST (approx)	\$6,500.00	\$6,500.00	\$6,500.00	\$6,500.00	\$6,500.00
GRAND ALL INCLUSIVE TOTAL	\$599,585.57	\$295,875.00	\$350,000.00	\$315,624.63	\$350,075.40
DIRECTION AND ACCOUNT CALCULATIONS					
Total Amount to Plaintiffs (before Solicitor-Client account)	\$512,384.94	\$250,000.00	\$296,760.26	\$267,062.31	\$296,825.40
Balance of Solicitor-Client account	\$76,857.74	\$37,500.00	\$44,514.04	\$40,059.35	\$44,523.81
GST on balance of Solicitor-Client account	\$3,842.89	\$1,875.00	\$2,225.70	\$2,002.97	\$2,226.19
TOTAL NET AMOUNT TO PLAINTIFF(S)	\$431,684.31	\$210,625.00	\$250,020.52	\$225,000.00	\$250,075.40
GRAND TOTAL PAYABLE TO LAW FIRM	\$167,901.26	\$85,250.00	\$99,979.48	\$90,624.63	\$100,000.00
You may answer "yes" to any of the Yellow boxes below (to use the figures in a particular column)					
Use the calculations in this column for the "Direction" and "Release"?		Yes			

Figure 9 – Example of a completed Mediation Genie page

In Column B (cells 16 to 27) you will see the settlement totals associated with the Damage Worksheet assessment of your choosing entered in cell C7 (See Figure 9 above).

Use the Mediation Genie to calculate all of the settlement totals associated with a specific settlement scenario by providing the information known about the settlement offer in the appropriate yellow box as set out below:

- **Cell C16 (yellow box in Total of Claims (inclusive of interest) line)**– Where you are making a settlement proposal that is said to be plus costs, disbursements and GST, enter the settlement proposal amount in Cell C16 and all of the settlement totals will be calculated automatically. **Tip:** Use this cell to be able to tell the opposing party the total all inclusive settlement amount.
- **Cell D20 (yellow box in Grand All Inclusive Total line)** – Where you are working from an all inclusive settlement proposal, by entering the all inclusive settlement amount in Cell D20, all of the settlement totals will be calculated automatically. **Tip:** Use this cell to determine the net amount to plaintiffs from all inclusive settlement offers.
- **Cell E26 (yellow box in Net Amount to Plaintiff(s) line)** – Where you are trying to provide a certain net return to the plaintiffs, insert the amount desired by the plaintiffs into Cell E26 and all of the settlement totals will be calculated automatically. **Tip:** Use this cell to calculate the all inclusive settlement amount associated with a specified net return to the plaintiffs.
- **Cell F27 (yellow box in Grand Total Payable to Law Firm line)** – Where you are trying to determine the percentage to charge a client in fees insert the expected fee amount into Cell F27 and all of the settlement totals will be calculated automatically. **Tip:** Use this cell to help determine what percentage you expect to charge a client based on different scenarios.

If you want to use the figures set out in a particular column in a Direction and Account to be signed by the clients, select *Yes* from the drop-down list in the appropriate column in response to the question in Row 30 -- *Use the calculation in this column for the "Direction" and "Release"?*

Direction and Release

Using the data in the column you selected in Row 30 of the Mediation Genie page, all applicable amounts are entered automatically into the Direction and Release pages. As with the worksheets, simply enter the appropriate information in the yellow cells to complete the pages.

	A	B	C	D	E
1	<u>DIRECTION AND ACCOUNT</u>				
2					
3					
4	TO:				
5					
6					
7					
8					
9					
10					
11	RE:				
12	File No.				
13	Date of Loss				
14					
15					
16	I hereby instruct you and direct you to settle my claim as follows:				
17					
18	Damages (inclusive of interest):				
19	Partial Indemnity Costs payable to:				
20	Plus GST on Partial Indemnity Costs payable to:				
21	Plus Assessable Disbursements, inclusive of GST, payable to:				
22	Total All Inclusive Settlement				
23					
24	I hereby authorize and direct you to disburse the damages as follows:				
25					
26	Re: Balance of solicitor-client account payable to:				
27	Re: GST on balance of solicitor-client account payable to:				
28					
29					
30	Balance Payable to the Plaintiff				
31					
32	SIGNED AT				
33					
34					
35					
36					
37					
38					
39					
40					
41					
42					
43					
44					
45					
46					
47					
48					
49					
50		Date:			

Figure 10 – Blank Direction page

	A	B	C	D	E
1	<u>DIRECTION AND ACCOUNT</u>				
2					
3					
4	TO:	Shamrock and Shamrock LLP			
5		2000 Bay Street			
6		Suite 4500			
7		Toronto, ON			
8		M3H 2W4			
9					
10					
11	RE:	Debra Sullivan et al v. George Davis et al			
12	File No.	81675			
13	Date of Loss	February 17, 2004			
14					
15					
16	We hereby instruct you and direct you to settle our claim as follows:				
17					
18	Damages (inclusive of interest):				<u>\$250,000.00</u>
19	Partial Indemnity Costs payable to:		Shamrock and Shamrock LLP		<u>\$37,500.00</u>
20	Plus GST on Partial Indemnity Costs payable to:		Shamrock and Shamrock LLP		<u>\$1,875.00</u>
21	Plus Assessable Disbursements, inclusive of GST, payable to:		Shamrock and Shamrock LLP		<u>\$6,500.00</u>
22	Total All Inclusive Settlement				<u>\$295,875.00</u>
23					
24	We hereby authorize and direct you to disburse the damages as follows:				
25					
26	Re: Balance of solicitor-client account payable to:		Shamrock and Shamrock LLP		<u>\$37,500.00</u>
27	Re: GST on balance of solicitor-client account payable to:		Shamrock and Shamrock LLP		<u>\$1,875.00</u>
28	Re: Previous Solicitor		Turnbull, Redstone LLP		<u>\$5,000.00</u>
29					
30	Balance Payable to the Plaintiffs (to be distributed as directed)				<u>\$205,625.00</u>
31					
32	SIGNED AT	Toronto			
33					
34					
35			_____		
36			Debra Sullivan		
37					
38			_____		
39			Jason Sullivan		
40					
41			_____		
42			Jessica Sullivan		
43					
44			_____		
45			Allison Sullivan		
46					
47			_____		
48			Justin Sullivan		
49					
50					
					Date:

Figure 11 – Example of a completed Direction page

	A	B	C	D	E
1	<u>FULL AND FINAL RELEASE</u>				
2					
3	In consideration for the promise of an all inclusive amount of:				
4					
5	To be made payable to:				
6	The Releasor, identified below, releases and forever discharges:				
7					
8					
9					
10					
11					
12	their directors, servants, agents, employees, successors, insurers and assigns				
13	(hereinafter referred to as the 'Releasees'), from any and all actions, causes of action,				
14	claims and demands whatsoever against the said Releasees, which we ever had, now				
15	have or which their heirs, executors, administrators and assign, or any of them, hereafter				
16	can, shall or may have by reason or in any way arising out of any cause, matter or thing				
17	whatsoever existing up to the present time and in particular may have been or may				
18	hereafter be sustained in consequence of or in any way arising from any and all actions,				
19	claims and demands, for damages, loss or injury, however arising, which heretofore may				
20	be sustained in consequence of an incident that occurred on				
21	at				
22					
23	in the				
24					
25	including all matters and claims made in Court File No.				
26					
27					
28	IT IS UNDERSTOOD AND AGREED that the said payment or promise of payment is				
29	deemed to be no admission whatsoever of liability on the part of the said Releasees.				
30					
31					
32					
33					
34					
35					
36					
37					
38					
39					
40	Date:				


Figure 12 – Blank Release page

	A	B	C	D	E
1	<u>FULL AND FINAL RELEASE</u>				
2					
3	In consideration for the promise of an all inclusive amount of:				\$295,875.00
4	Two Hundred and Ninety Five Thousand Eight Hundred and Seventy Five Dollars				
5	To be made payable to:			Shamrock and Shamrock LLP	
6	The Releasors, identified below, release and forever discharge:				
7		# 1	George Davis		
8		# 2	Diane Davis		
9		# 3	Jeremy Alacarn		
10		# 4	Sacha Alacarn		
11					
	their directors, servants, agents, employees, successors, insurers and assigns (hereinafter referred to as the 'Releasees'), from any and all actions, causes of action, claims and demands whatsoever against the said Releasees, which we ever had, now have or which their heirs, executors, administrators and assign, or any of them, hereafter can, shall or may have by reason or in any way arising out of any cause, matter or thing whatsoever existing up to the present time and in particular may have been or may hereafter be sustained in consequence of or in any way arising from any and all actions, claims and demands, for				
12	damages, loss or injury, however arising, which heretofore may have been or may hereafter				
13	be sustained in consequence of an incident that occurred on			February 17, 2004	
14	at the intersection of Yonge Street and Eglinton Avenue				
15	in the City of Toronto				
16	including all matters and claims made in Court File No.			05-CV-003299	
17					
18	IT IS UNDERSTOOD AND AGREED that the said payment or promise of payment is deemed to be no admission whatsoever of liability on the part of the said Releasees.				
19					
20	IN WITNESS WHEREOF we have executed this release at the				
21	city of Toronto				
22					
23	<u>RELEASORS</u>				
24					
25					
26			_____		
27			Debra Sullivan		
28					
29			_____		
30			Jason Sullivan		
31					
32			_____		
33			Jessica Sullivan		
34					
35			_____		
36			Allison Sullivan		
37					
38			_____		
39			Justin Sullivan		
40					
					Date:

Figure 13 – Example of a completed Release page

Printing

IMPORTANT

1. When you are ready to print your worksheet (DW1 – DW7 and/or Future Care), be sure to click the drop-down arrow  located in cell A1.
2. From the list of options provided, deselect (*Blanks*). This hides all blank cells and reduces your worksheet to a one page printout. (To make further changes to the worksheet you can click cell A1 and select (*Blanks*) to view all lines on the page).

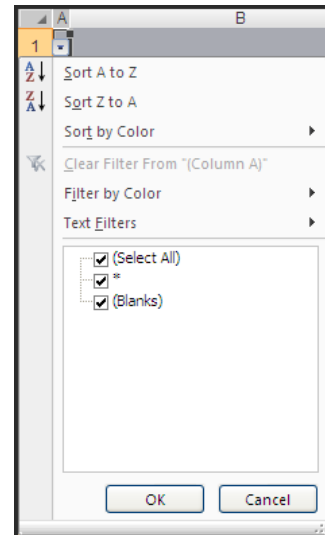


Figure 14

Additionally, for worksheets DW2-DW7, prior to printing, make sure you hide the Offer Log, located to the right of the worksheet by **right-clicking** the column label and selecting *Hide* from the menu.

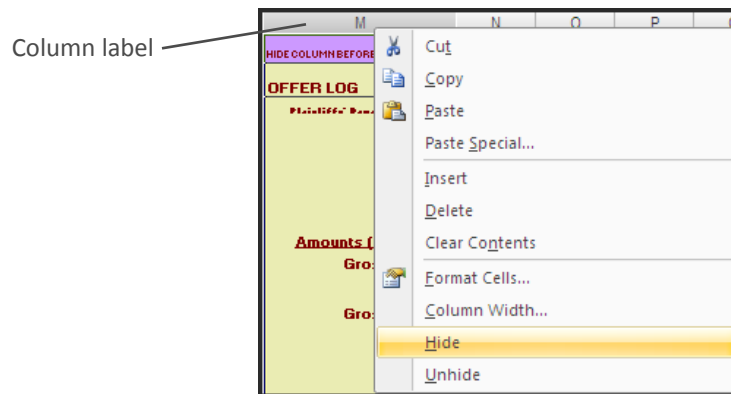


Figure 15

3. Click the **Print** icon on the toolbar.



Figure 16

Saving your File

You may save your file at any time.

1. From the **File** menu, select *Save*.
2. Select a folder and enter a file name in the Save As dialog box. Click **Save**.
Alternatively, you may click the **Save** icon the toolbar.

Save icon

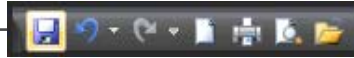


Figure 17

Technical Support

Technical Support is included in your subscription, available 7:00 am – 9:00 pm ET, Monday to Friday.

Contact our Technical Support Team if you have any questions.

Phone: 1.800.387.5164 / 416.609.3800 Option 2

Email: techsupport.legaltaxcanada@thomsonreuters.com

Research Support

Research Support is included in your subscription, available 8:30 am – 4:50 pm ET, Monday to Friday.

Contact our Research Support Team if you have any questions.

Phone: 1.800.387.5164 / 416.609.3800 Option 3

Email: researchsupport.legaltaxcanada@thomsonreuters.com

Training

Interested in receiving complimentary training? Contact our Customer Learning Team, 8:30am – 4:50pm, Monday – Thursday and Friday from 8:30am – 1:00pm ET.

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Email: customerlearning.legaltaxcanada@thomsonreuters.com