



Catherine A. Korte

416.862.8632

ckorte@mccagueborlack.com

Catherine has been practicing in the area of insurance defence litigation since 1995. Her current practice focuses on the defence of statutory accident benefits claims, including acting on behalf of auto insurers in loss transfer and priority disputes between insurers, and tort claims. Her practice includes a focus on privacy law. She has analyzed legislation, case law, policies, studies and current developments in privacy law. She has drafted privacy defence reference materials for clients (including federal and provincial privacy). She defends clients on cyber security breaches across Canada.

She has acted as legislative counsel on behalf of automobile insurers. On behalf of insurers she worked in approaching the Financial Services Commission of Ontario and successfully argued for the Superintendent's approval of Insurers' Preferred Provider Networks (PPNs). This permitted insurers across the Province of Ontario to arrange for a claimant to attend groups of insurer selected health care providers to deliver programs of care. Thereafter, as counsel for insurers she successfully worked with the Financial Services Commission to establish best practices for Preferred Provider Networks and to minimize insurers' exposure to conflicts of interest and unfair and deceptive practice and act allegations.

Partner

Bar Admission: 1997

Practice Areas

Accident Benefits
Animal Law
Appeals
Automobile Fraud
Cyber Risk
Environmental Liability
General Casualty & Special Risks
Health, Life & Disability Insurance
Insurance Coverage
Malpractice & Health Care Litigation
Marine Law
Municipal Law
Personal Injury
Police Services
Privacy Law & Investigations
Product Liability
Professional Liability
Property Insurance
Transportation Law

Professional & Business Affiliations

Canadian Bar Association
Law Society of Upper Canada
Medical Legal Society
Ontario Bar Association
The Advocates' Society

Education

- University of Western Ontario, Bachelor of Science - 1993
- Osgoode Hall Law School, Bachelor of Laws - 1996

Publications & Speeches (sampling – for all titles see web)

- Guide to Personal Injury Litigation; Law Society of Upper Canada
- Fibromyalgia and Chronic Pain Claims; Osgoode Hall Law School
- Practical Strategies; Ontario Auto Insurance Changes
- The Evolving SABS and FSCO Arbitration of Personal Injury Claims; Osgoode Hall Law School
- Personal Injury Law and Practice; Osgoode Hall Law School
- FSCO seeking to outsource mediations; Law Times
- Assessment and Treatment in SABS Insurance Claims
- Negotiating and Litigating Evidentiary Issues in MVA Claims
- Eyes Wide Shut: The Best Defence is a Good Offence

Featured Cases (sampling – for all titles see web)

- *Tran v. Aviva* – A trial involving repayment by a massage therapist and acupuncturist for misrepresentation as to credentials
- *Franca Miliucci and Christopher Dewald v. Milos Antic, Wafic Choucair and RBC General Insurance Company* - A tort action involving disputes regarding attendance at Courts of Justice Act Medical Assessments.
- *Baron v. Kingsway General Insurance Company* - The insurer successfully argued it was entitled to defence medicals in order to challenge a CAT DAC determination.

TORONTO

OTTAWA

KITCHENER

BARRIE

LONDON

- Utracki Estate v. Lombard General Insurance, October 20, 2004 - A death benefits claim in which it was alleged the deceased's motor vehicle accident injuries interfered with his chemotherapy regimen accelerating his death. Lombard successfully argued the motor vehicle accident was not a significant and material contribution to the death. The Arbitrator found the deceased passed away from the natural progression of his cancer condition.
- Bertram v. CGU Insurance, April 16, 2003 - A motion was brought to prevent Centre City Health Recovery from bringing multiple proceedings arising from each disputed treatment plan. CGU successfully argued all treatment plans were added to the existing arbitration proceeding and an acknowledgement was required by the applicant's representative that they were not lawyers nor members of the Law Society.
- Belous v. Scottish & York Insurance, October 2002 - The applicant brought a death benefit claim alleging their father's motor vehicle accident injuries significantly and materially contributed to his subsequent death. The Arbitrator found the deceased fell because he was impaired by alcohol and his motor vehicle accident injuries did not materially or significantly contribute to his death. As a result, the applicants were precluded from death and funeral benefits.



130 King Street, West
Suite 2700, P.O. Box 136
The Exchange Tower
Toronto, ON M5X 1C7

T: 416.860.0001
F: 416.860.0003
McCagueBorlack.com

**McCague
Borlack** LLP
Barristers & Solicitors