

Important Notice to All Clients of Feehan Law Office

There have been some recent significant changes to the *Alberta Rules of Court* that you need to be aware of. These changes apply to all our clients who are involved in litigation (a lawsuit). This notice is primarily addressed to Plaintiffs (because that is who we mostly represent).

On November 1, 2010, the Court of Queen's Bench of Alberta (the Court where your claim is filed, or will be filed) brought in a completely new set of *Rules of Court*. Some of the new *Rules* are similar to the ones that existed before, but some have drastically changed how your litigation will be managed. These changes will have a significant effect on the pace and timing of all lawsuits, and on the parties to lawsuits.

The most important change that you need to be aware of is that there is now a "2 year drop-dead rule". This rule (*Rule 4.33*) states that if 2 years goes by in your lawsuit and you have not done "a significant thing that advances" your lawsuit during that time, your claim can be struck out (regardless of how much money the claim may be worth). This means if 2 years go by and no material "thing" has been done, the Defendant can apply for an Order to strike out your claim, and the Court MUST dismiss the claim if a 2 year delay is shown to have occurred.

Moreover, every time a "thing" is done, that is NOT the end of it, it just resets the clock to zero, and a new 2 year limitation period then starts, and a new "thing" must be done during the next 2 years, or the claim is exposed again to being struck out. And so on. This obligation to keep doing things does not stop, the clock is always ticking. This continues throughout the course of your lawsuit as long as it is going on, and only ends once you have a settlement or get to trial (an exception is where the Defendant agrees to a "standstill", but we don't think many insurance adjusters or lawyers will be going along with this idea - it will be too tempting for them to sit back and wait for your claim to drop dead due to inaction on your part).

Believe it or not, 2 years can go by quickly in litigation (you may have already noticed this). There are many reasons for legal matters to be delayed, especially injury cases. Injured people often need to wait until their injuries are at "maximal improvement" before things can be done. Long periods of time can go by while waiting for lawyers, doctors and the Courts to be available. People (including employers, doctors and other health care professionals), often do not respond to requests for reports, documents or information on a timely basis (and sometimes not at all!). Perhaps they are busy or disorganized, but that does not matter: it is YOU that has to keep your lawsuit moving forward. YOU are the Plaintiff, and this is YOUR claim.

What does all this mean? What do YOU have to do?

1. Firstly, you cannot disappear on your lawyer. If you change your home address, email or phone numbers, you MUST immediately notify us of this. Our office will need to be able contact you to ensure that things are being done to progress your lawsuit, to prevent it from being exposed to being struck out. We may need you to sign an Affidavit to get permission from the Court to delay if your matter will be held up through no fault of ours or yours.

2. Next, if you have been asked to do something (answer an "Undertaking", provide a document, fill in a form, go to an appointment, or supply some information or details of your claim), you must attend to doing that thing without any delay. Delay can be deadly for your lawsuit. Do NOT drag your feet. Get the things done that you have been asked to do! If you do not understand what it is that you are supposed to do, ask us right away. Do not just ignore it and hope that it will sort itself out. We are assuming that you are working on what you have been asked to do.

If you have questions about this or about any other aspect of your claim, please contact me. Thank you.

Mark E. Feehan
Feehan Law Office
10160 - 118 St.
Edmonton, Alta. T5K 1Y4
(780) 424-6425