The First 90 Days

Setting the File Up to Resolve

November 3, 2026



canada's insurance defence network

RMC AGR

vos avocats en assurance partout au canada

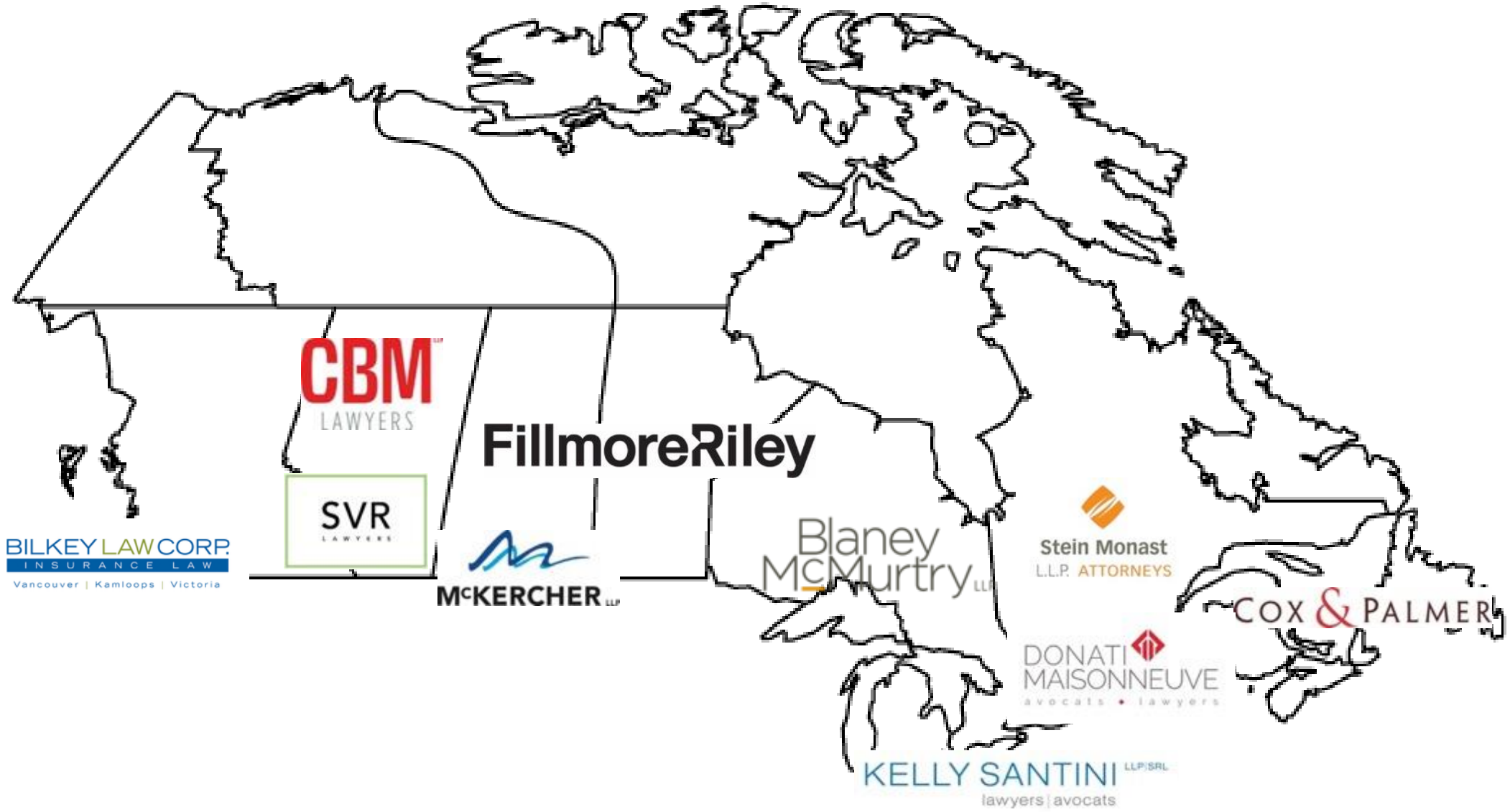
About RMC

canada's insurance defence network



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National Coverage





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The First 90 Days - Setting the File Up for Success

Topics



What to include in your file



What to communicate to insureds and other parties



Early steps that move a file toward resolution



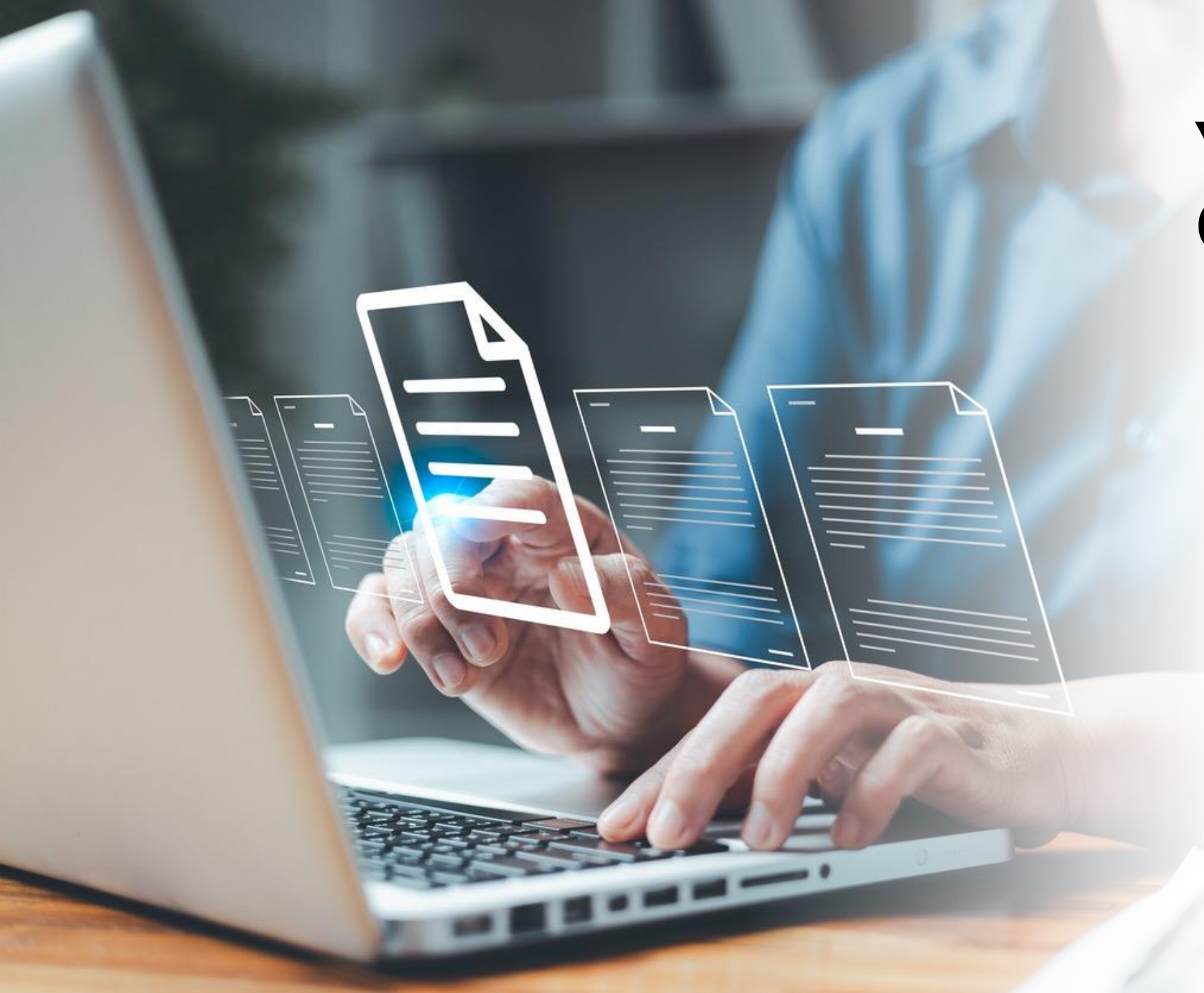
When To Pay/Settle A Claim (And When To Hold The Line)

What to include in your file

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Your Core Obligation

- Maintain a complete, accurate file
- Record what matters:
  - Communications
  - Decisions
  - Actions

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Why the File Matters

- Explains what happened
- Supports coverage decisions
- Must stand up in litigation



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Start With Causation

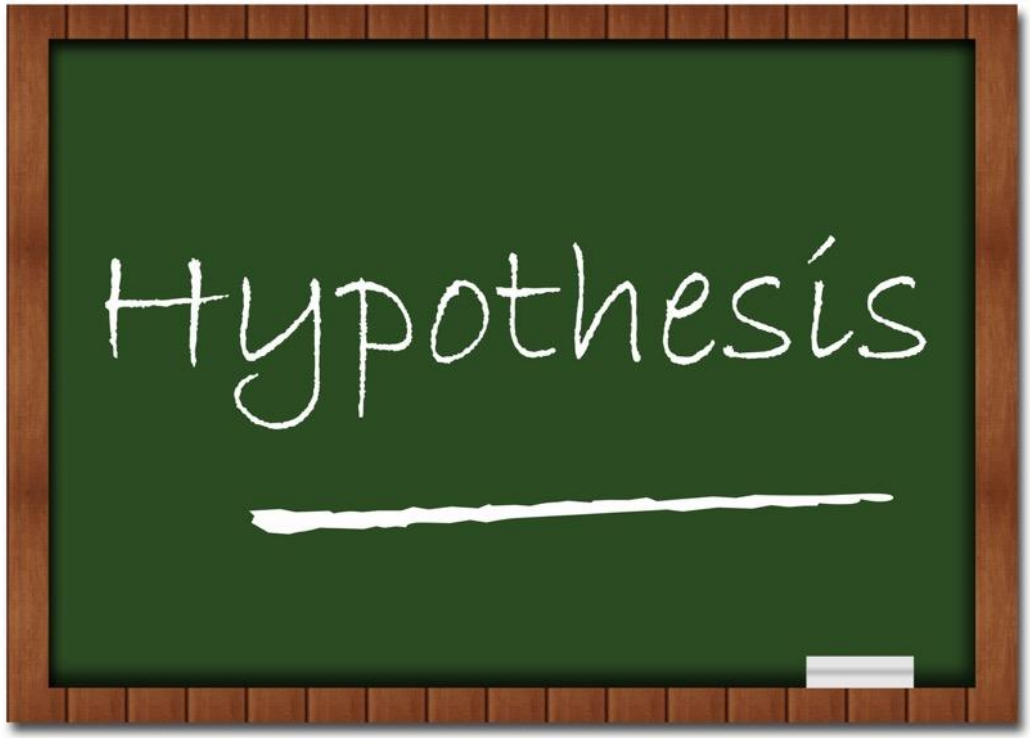
- What caused the loss?
- Build a working theory early

- This theory helps to :

✓ Guide the investigation

✓ determine whether expert services are required

✓ verify whether the loss is covered under the insurance policy



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Not All Information Is Equal

Essential

- Loss details (who / what / where / when)
- Policy & coverage
- Expert evidence
- Damage estimates

Useful

- Photos (dated)
- Statements
- Supporting documents

Secondary Information

Limited relevance

Can distract from key issues

Use sparingly



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Example: Garage Fire

Theory: defective charger

Key evidence:

- ➢ Expert reports
- ➢ Policy coverage
- ➢ Damage estimate

Result of a strong file:

- Cause established
- Coverage confirmed
- Claim paid
- Subrogation considered

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What to avoid

- Unsupported pinions

  ❌ “Clearly responsible”

  ✅ Stick to observable facts

- Unverified information
- Premature conclusions

Separate:

- Observed
- Reported
- Confirmed



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Example: Injury at Event

- Spectator injured by debris
- Cause not immediately clear

Possible hypotheses

- Track debris
- Vehicle failure

Evidence-Based Conclusion

- Expert analysis confirms cause



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Best practices : Reporting & File Notes

- Clear
- Neutral
- Objective
- Complete
- Dated



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If You Get It Wrong

- Incomplete investigation
- Legal exposure
- Regulatory risk
- Potentiel damages awarded against the insurer

➢ ***Lacoursière* v. *Promutuel des Bois-Francs*, 2021 QCCQ 7655**



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1. Your file = your case
2. Clear, objective, and verifiable information
3. The facts, the facts, and nothing but the facts.

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Key Takeaway

What to communicate to insureds and other parties

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Tip #1 - Explain the process

Don’t assume the Insured understands the claims process



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Tip #2 - Engage the Insured

Gather information and documents early



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Tip #3 - Control expectations

Set expectations clearly rather than letting the insured assume



LIABILITY INFORMATION

- Statement of Claim
- Insured’s statement
- Video surveillance
- Underlying documents

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DAMAGES INFORMATION

- Medical documentation
- Repair invoices

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PRELIMINARY ASSESSMENT

- Is liability, damages, or both being disputed?

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TAKEAWAYS

- Gather your documents
- Orientate yourself
- Proceed forward

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When To Pay/Settle A Claim (And When To Hold The Line)

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Calgary





Litigation is expensive:

The longer a claim sits = more money.

WHY SETTLE A CLAIM EARLY?

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Examples:

1. Basic MVA Claim Gone Bad
2. Dog Bite File Compilations

Litigation is risky

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- No liability issue.
- Low value.
- Positions sufficiently narrow.

Settling Third Party Claims

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- Evidence suggests insurer could be liable.
- Denial based on ambiguity in Policy.
- Insured seems credible.

Settling First Party / Coverage Claims

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- November 6, 2025, the Plaintiff offered $186,500 + PJI and taxable costs;
- December 22, 2025, adjuster offered $35,500 + costs and disbursements;
- January 6, 2026, the Plaintiff offered $160,000 + costs and disbursements;
- January 9, 2026, adjuster offered $45,000 + costs and disbursements;
- January 14, 2026, the Plaintiff offered $145,000 + costs and disbursements;
- January 15, 2026, adjuster offered $55,000 + costs and disbursements;
- January 18, 2026, the Plaintiff offered $135,000 + costs and disbursements.

Example of common pre-defence negotiations

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- Counsel demands defence.
- Litigation is necessary.
- Liability at issue.
- Significant value claims.
- Multiple parties.

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When Not to Settle a Claim



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Questions?