

**On my own against Goliath**  
**How my safe and secured life**  
**turned into a nightmare**



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Preview

Curriculum Vitae

Translation of some chapters of the book

„Tages-Anzeiger“ articles in English



## The book

Caroline Bono-Hörler was a proud mother and a successful lawyer. She was fit as a fiddle, athletic and knew what she wanted. But then a single moment ruined everything. Her car was standing in front of a red light when it was hit from behind. Her injuries were so severe that the following years became a nightmare. Completely incapable of working, she lost her job, her whole income and—the most painful consequence of all—she had to give away two of her four children. When fate struck the lawyer was fully covered by insurance. However she still has not received any of the benefits she is entitled to, neither from an insurance company nor from the state. She became dependant on social welfare and lost two cases in court fighting for justice. And she thoroughly lost her faith in our rule of law. In her book “Allein gegen Goliath”, supported by ghostwriter Marc Zollinger, she tells us the story of her dramatic experiences in a disturbing, relentless and compelling way. Also about how she was able to escape the downward spin of negativity, to bear the pain and find happiness again. A happiness that was not based on money or wealth but on the certainty that happiness results from focusing on the positives and not giving up.

## Die author

Dr. iur. Caroline Bono-Hörler, born 1963, was trained as a family mediator after studying law at the University of Zurich. She submitted her doctoral thesis in 1999 on the same topic. In 2000 she started working for a leading corporate law firm. She was happy with her professional life and her life as a single mother when a rear-end collision in November 2002 threw her off course. Not only did this blow change her life completely, it also profoundly shook her confidence in our rule of law. She lives near Zurich.

Caroline Bono-Hörler

### **Allein gegen Goliath**

*Wie mein rundumversichertes Leben zum Albtraum wurde*

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## Curriculum Vitae

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Caroline Bono received an honors degree (magna cum laude) from the University of Zurich's law faculty in 1992. After working for the district court of Zurich she gained professional qualifications as a family mediator in Munich. She won accreditations from the Bundesarbeitsgemeinschaft für Familienmediation (BAFM) and from the Schweizerischer Verein für Mediation (SVM). As a member of the SVM's executive board (1994-1999) she contributed considerably to mediation's foothold in Switzerland.

She completed numerous other trainings, among them multiparty mediation, "Unbalanced Power" and mediation between parties with a high conflict level. Between 1993 and 2000 Caroline Bono worked as a self-employed mediator in her own private practice. At the same time she received her doctorate with honors (magna cum laude) from the University of Zurich in 1999. The topic of her thesis was family mediation. She then completed economic mediation training in New York und Feusisberg, Switzerland.

Owing to her pioneering efforts in mediation, the University of Zurich and the University of Applied Science of Central Switzerland employed Caroline Bono as an assistant lecturer.

In 2000 Caroline Bono joined a renowned corporate law firm where she worked as a lawyer and headed the mediation team for a few years. At the same time she developed and headed the University of St. Gallen's economic mediation seminar at the Institut für Rechtswissenschaft und Rechtspraxis IRP (institute of jurisprudence and legal practice). Together with the two Harvard trainers Gary Friedman (CA) und Jack Himmelstein (NY) she trained economic mediators for the first time in Switzerland. In 2005 she opened her own law firm.

Caroline Bono published various articles on family and economic mediation. She executes mandates in German and English. She is a member of both Swiss and Zurich law societies, the Swiss Mediation Association and the Swiss Chamber of Economic Mediation.

In the year 2002 a car accident tore her out of her professional life. She became not only a victim of a car accident but also of fraud and lost everything in her life that was important to her. Because of the consequences of the accident Caroline Bono could not continue her job as a lawyer in a profitable way. This is why she specialized in Coaching. Since the year 2009 her story against the Zurich Insurance is published regularly in news papers and TV interviews. End of the year 2010 her story was successfully published in Switzerland in the book „Allein gegen Goliath“ (on my own against Goliath).

## English translation of some chapters of the german book

(The normal typed passages are original text of the book. The cursive typed text is added explanation.)

### The day that changed my life

It is Tuesday, the 19th of November 2002. I am on my way to the office of Hammer Kaltenbach lawyers in Zürich, where I am employed as a legal assistant and mediator. I have recently assembled a team of mediators consisting of business lawyers, of which I am the head. I am looking forward to spending the weekend with my children. For early Saturday I have planned a shopping trip to Germany, and afterwards we will go to see a performance of the Conelli Circus. On Sunday we will go hiking in the Gueteregg together with my parents. I am a single mom of four children, supported by our au-pair Katrina. Oliver is fifteen, Larissa is twelve, Laura is ten and Rahel has just celebrated her sixth birthday. I have been separated from my husband Leonardo for years, but we are not yet officially divorced. During the car ride to the office I have an uneasy feeling in my stomach area. I have a strong urge to turn around and drive back home. What is this supposed to mean? I have so many plans for today, and I am expected in the office!

It wasn't until yesterday that I took on the full workload in my office again. After the written bar exam in September, my first priority had been to focus on my lectureship at the University of Saint Gallen. I teach Business mediation at St. Gallen, and I have recently started a new module which will be offered for the first time this coming December. The hard work has paid off; I will be able to teach this course for years to come. And in addition, this new course is expandable.

In the meantime my workload at the office has piled up. I will have to work full force in order to round off all my pending assignments, before my last learning phase for the oral advocacy test at the end of January 2003 starts. A few days ago I heard that I passed my written bar exam.

I like my work at the law firm, we resemble a small family – this may sound outworn, but it is exactly the way it feels to me. Without exception I have received praise and recognition for my work there. I always enjoy starting work in the morning. How many people can say the same for themselves? Last but not least I truly value working with Alfred Risi, one of the partners at my law firm. We are a team and Alfred is a brilliant lawyer. He is rich in ideas, and the arguments that he chooses to win a case never fail to amaze me.

I will spend Christmas in New York with my son. At the same time this will be a business trip, because I will meet with my fellow US trainers Gary Friedman und Jack Himmelstein. Together with trainers I will be developing a new, continued educational concept for mediators that were trained by us. With my income from the law firm and my lecturers' position I have finally reached my goal. My children will not want for anything.

Today I have to finish a convention for a couple with a very complex marital property dispute, with no less than 35 legal points on the table. During the first meeting, both partners had given the impression that nothing could faze them. In the second meeting they started bickering, and during the third they were openly insulting each other in the worst ways. It was a tough journey. I wouldn't have thought that these two could ever come to terms with each other, but now finally both parties are cooperating. All issues at hand have been negotiated and they can part ways in a decent manner. The only thing that remains is to mold everything into a clear, juridical, well thought out agreement. Such controversial divorce proceedings would have dragged on for years in court, if it would have come to that.

I love my profession. It simply makes sense to clear up the past and find quick, workable solutions that benefit all parties involved, instead of having a judge make a decision that merely satisfies one party- and often not even that.

In the evening my friend Virginia calls me to make plans for a get-together and to give me the tickets for her next concert. Virginia is an opera singer. We agree to meet near my office. I am very pleased with my accomplishments from today's and yesterday's work. If I proceed in this manner I will be more than ready by the time my next studying phase begins. Although I had planned to work for another hour, I leave the office with a good feeling. Sitting down over a cup of coffee and catching up with Virginia is exactly what I need right now. She always has lots of exciting news to tell.

After I said goodbye to Virginia, I walk over to my car. It is parked in the parking lot of Hammer Kaltenbach. The senior partner at our firm often lends me his parking space when he is out of the office. When I don't have a parking space I usually travel to work by train. I turn off at the Bürkli square, where my car is last in line in the long queue behind the traffic lights in the left-hand lane of Bellevue road, right before the Quai-bridge. The time is between 6 and 7 o'clock in the evening. I don't recall it exactly. I let my thoughts wander and recall the conversation with Virginia while I wait for my turn to pull up. Like always in these situations, my head is leaning against the palm of my right hand. I have placed my right elbow on the armrest of my car seat. My upper body is leaning forward. My view is focused on the red traffic light ahead of me and I am lost in my thoughts, when I suddenly hear a loud bang.

I can still recall this noise as vividly as if it were yesterday: the deafening sound of metal being crushed. I wasn't warned. Before the bang I didn't hear any braking sounds. After that everything around me turns to darkness.

I don't know how much time has passed before I regain consciousness. I don't remember how and when I got out of the car. I don't recall how I walked to the back of my car either. My memory comes back at the point when I am standing next to a woman and see that another vehicle has crashed into the backside of my car.

At this moment I am not yet aware that my life as I knew it has come to an end. Nothing will ever be the same again.

All my life I have been a „power woman“. One that manages to achieve everything that she sets her mind to. That and more. When I was a little girl I dreamt of having kids and becoming a good mother and wife. Now I am a happy mother of 4 children. Before having children I graduated from law school with honors, I have written a dissertation, I have an excellent position with a renowned Law firm in Zürich and I am a pioneer of mediation in Switzerland as well as a lecturer in business mediation. The only thing that I failed miserably in was my marriage to Leonardo, the father of my 4 children. With the end of my marriage one of my greatest dreams crumbled to pieces. My wish to give my children a harmonious environment. There are always a thousand reasons for divorce. With Leonardo and me one of the reasons might have been that I managed to realize all my goals and flew from success to success, while he lacked the necessary discipline. In my former life I would never have dreamed that I was to become the victim of a “crime story”. In my former life I believed in the uprightness of the Swiss insurance companies, and I believed that I lived in a country where things are handled decently. In my former life I was pretty naive.

*At the site of the accident I already sense pain, but because of the shock, I don't realize that I have been injured. The woman that caused the accident explains that her husband works at the ZÜRICH insurance company and that I can trust him to take care of everything. I leave the scene of the accident with a business card that she hands to me. When I arrive at home my*

*condition has worsened to such a degree that my au-pair and as well as my children urge me to visit the emergency room. I end up being hospitalized for three months.*

*One day after the accident I decide to contact an attorney, because of a telephone conversation I had with the guilty party. After she has been informed of my injuries, the woman that caused the accident tells me that the damaged front of her car wasn't caused by this accident.*

*When I leave the rehabilitation clinic three months later, I can barely manage to stand on my feet for more than twenty minutes up to three times a day. It isn't until later that it will be determined that I not only suffered a distortion of the cervical spine combined with a concussion, but also multiple minimal brain damage, a spinal cord contusion and several other damages to the cervical spine. Over the years, whilst suffering immense pain, I will slowly elongate the time I am able to stand up.*

*During my stay in the hospital I am contacted by the ZURICH insurance company. Their claim is, that based on the car-damage, my body could not possible have shifted during the accident, and therefore I could not have suffered any injuries.*

After the first weeks in the hospital, during which I almost exclusively undergo pain reducing and system-relieving therapies from a lying position, I now also have to engage in active therapy. One of these therapies consists of sitting on a gymnastics ball and letting my hands rest on my lap, while moving the ball slightly forwards and backwards with my pelvis. This simple movement immediately causes pain, vertigo and intense nausea.

But I don't allow setbacks to dampen my positive mood and my belief that things will get better. 'Don't give up' is my motto. If we don't do anything about this, my condition will never improve. Compared to my former mobility my progress is minimal, but noticeable. We continue to practice with an iron will, until two weeks later I can finally manage to do the exercise on the gymnastics ball without immediately being flooded by pain and nausea. I begin to understand that many things can be practiced and trained. In the meantime I also sense improvement during my attempts to walk, where I no longer experience the same severe balance problems.

The neuropsychological examination has quite an impact on me. It is determined to which extent my abilities to concentrate, as well as my intellectual abilities have been affected.

A team of specialists conducts a series of examinations and tests on me. A short story consisting of 5 simple sentences is read to me, but although I summon all my willpower, I am unable to reproduce them. I can't register one single word that I am hearing. I try to recall the contents of each sentence, but by the time I hear the next sentence its' significance has already escaped my mind.

More test follow where I am asked to remember words or reproduce logical sequences. The doctors conclude that based on mild traumatic brain damage, I suffer from memory ability loss, impaired concentration and a capability disorder concerning divided attention. This means that due to my impaired ability to concentrate, I am no longer able to do two things at the same time.

On the evening following these tests it is the first time that I am in a truly dismal psychological condition. My head is my main asset! If I would have read a page with highly complex legal statements before the accident happened, I would immediately have recorded the contents in my head. I could even cross-read pages while effortlessly recognizing and retaining the essentials. I used to regularly do this on playing grounds or in the children's rooms, with one eye and one ear directed at the kids. I even studied during childbed. And now my entire capital is supposed to be wiped out? What on earth is happening to me? Will I ever be able to function normally again? I am afraid! I am a mother of 4 children that I have to take care of and whose mouths I have to feed! I can no longer stop the flood of tears. I am in

despair, so I call Alfred. I ask him to please come and visit me. And by the way, where is my partner? And where are my sisters and brothers, my friends? I miss my old life!

*A few months after leaving the hospital I am fit enough to be transported to my office lying down in a taxi. My lawyer also works in this building, and I just received a disquieting telephone call from him.*

One day Konrad Fischlin, (my lawyer) calls. He says that the ZURICH-company refuses to transfer anymore insurance benefit payments to my account. And even worse, ZURICH also intends to discontinue all services, even the costs for medical treatments, because they believe that my complaints have no relation to the accident. But ZURICH cannot possibly implement this without any further notice. Because I am participating in the Get-up-program, a so-called rehabilitation conference must be convened. The insurance company suggests a few possible dates for a meeting and mentions as grounds for the meeting: »Almost 7 months have passed since the accident; a noticeable and lasting positive result is still awaited. Based on item 11 of the insurance regulations we apply for a rehabilitation conference in order to determine a location and to review further proceedings. «

Excuse me? There is not supposed to be any progress? Divided over an entire day I am now able to stay up for about three hours, even I do so with massive pain. In January I was still completely confined to my bed. So indeed, I am making progress!

I don't understand what kind of game is being played here. I had an accident. My limitations are huge. My loss of income is massive. I did and still am doing everything to regain my health and mitigate the damage. And now the insurance company is claiming that my condition has nothing to do with the accident?

It isn't until later that I find out that from a legal point of view, ZURICH has the right to discontinue its' services as an accident insurer if there is no more progress to be expected from further treatment. That is the reason why it claims that I am not making any progress and no further progress is to be expected.

How can I go on now? How will I pay my bills? How will I provide for my children and myself? How will I regain my health? What must I do to make my head function normally again and to make my memory return? How do I get to the point where I can be up long enough to work again?

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On Wednesday the 4th of June, I visit my office. It is important to me to have a brief conversation with my fellow lawyers and other colleagues. In the office I can simply lie down on the floor when I am no longer able to stand. Everyone is friendly and ask when I think I can return to work. Konrad Fischlin is not at the office on this day, but he lets his secretary hand me a sealed envelope. Inside are the pictures of both accident cars made in order of ZURICH. I call for a taxi, say goodbye to my colleagues and take the elevator downstairs. My taxi has not arrived yet, so I sit on the last landing of the staircase, open the envelope and take out the picture that should show the damage to Eva Shillings car.

I gasp. I can feel my heart beating in my throat, because I can't believe what I'm seeing. I still recall the damage to the car of the accidents' causer as vividly as if it were yesterday. The hood had been crushed backwards like a harmonica. The left front side of the car including the front light showed a deep dent right to the middle of the front bumper. The car on this picture merely has a small bump on the hood and a tear in the bumper. The rest of the car is completely intact. This must be a mistake! This is not the car that ran into mine!

With my heart hammering in my chest I let myself be driven back home and immediately call Fischlin. I hope that he has returned to the office in the meantime, but I am unable to reach



him until Monday. Countless thoughts are running through my head. What is being played here? Who has manipulated the facts? And why? I had an accident, had to be hospitalized for several months and I am in the possession of recognition of liability from the ZURICH insurance company. What is all this supposed to mean?

I try to remember. The model in the picture is a newer type of car; it has a rounder shape than the one I saw, not even mentioning the damage that I witnessed. My brain might not be functioning like it used to, but the image of the damage on Eva Schillings' car has unequivocally etched itself into my memory. For me there is not even the shadow of a doubt that the car and the damage visible in the picture is not the same as the car that crashed into mine on that fateful day in November of 2002.

When I finally reach my attorney at the office on Monday, he tells me that it not uncommon for accident victims to have difficulties remembering the exact details of the accident and that the impact of an accident can make the memories of the incident seem more severe than the event actually was. The insurance company could impossibly have manipulated the facts in this case. After all, it functions in the same way as an authority does. And I am already in the possession of recognition of liability. There is nothing to worry about.

I'm now fully aware of the fact that my lawyer doesn't believe me. I immediately take out my notes, the ones I made a few days after the accident and look for the part where I describe the damages to the car. The written notes match my memory exactly and bear no resemblance whatsoever to the damages visible in the picture. I take the statement of my lawyer, that memories can become blurred to heart. But still: there is no doubt in my mind. Where the damages to the car are concerned, my memory is very distinct.

After all, this is not about a slight deviation from the damage I saw at the site of the accident, but the car I see in the picture is a very different car and the damages are not even slightly comparable to each other. Maybe that is the reason why only the front part of the car has been photographed. There are only two pictures. And not one of them shows the entire car. This way the difference can easily be concealed. I search the internet for cars that could match the car in the accident. I find out that it could have been a Peugeot, an Opel or even a Ford Fiesta.

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It isn't until now that I fully understand the countless warnings from injury victims about the antics of insurance companies. It becomes evident to me that someone is trying to trick me out of my lawful rights. But I have no idea who is behind this manipulation.

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*Before the accident I had just sat for the ten hour written bar exam, and without the accident the oral exam would have followed three months later. Now I have no choice but to postpone it all, but I am preparing myself for the oral exam. While I am trying to study I find out that I'm unable to compute any new information and that the timespan in which I am able to concentrate is very short. During my cognitive training I'm told that I should keep on trying, because it is the ideal training after suffering brain damage. When summer arrives I have progressed to the point that I'm able to travel to Zürich to study at the library for one hour a day. Apart from that I am merely able to endure the pain lying in my bed, insulated from any noise. My children are suffering tremendously from this situation.*

Soon it will be my birthday. I will turn forty! A friend from New York that spends the summer with us in our 'Villa Villekulla' as we lovingly call the house that we have rented through the parish, organizes a garden party for me. The party is planned for the weekend preceding my birthday. It turns out to be a lovely party, even if I am forced to lie down

repeatedly. What I perceive as somewhat strange, is that several of my friends haven't shown up although they said they would be present for the party. A few days later I find out why. On the 27<sup>th</sup> of August 2003 I have a physiotherapy session and return home at about 4 o'clock. When I lock my car door I hear voices, but I can't make out where they come from. I am walking towards the door, when an excited Larissa calls out to me from the garden:

»Mommy, come over to the garden! « Unsuspecting, I take a few steps around the corner and see that my garden is filled with people. All of them familiar faces, also those of the ones I missed during the previous weekend. The whole crowd is raising their glasses in my direction for a collective toast.

During the evening I find out that my children rummaged through my mobile phone lists and they invited all my dear friends and some of my relatives. They asked the guests for secrecy and a small donation or contribution to the party. Their surprise plans worked out perfectly, I didn't even get a glimpse of their preparations.

At a late hour Larissa grabs the microphone and sings the song »Hit Me Baby One More Time« by Britney Spears before the whole assembly just for me, her mom. I just stand and listen. Next to me, very close, are my other children. Oh, how this moment makes up for all I've had to endure during the last 9 months! My children show me how much they love their mother, even if she is no longer the strong, active woman that she once was.

*A few days later the ZURICH insurance company, in its' function as my accident- and liability insurer, suspends all financial services. From one moment to the next I am without any income and I am forced to apply for welfare.*

One day I take the train to Zürich for my therapy session. I think about the fact that on the long run, it would probably be less costly to use public transport instead of financing a car. The train ride however, turns into a regular horror-trip. Sitting up straight is the position that I am least able to endure for longer periods of time. It is even worse if things are shaking like in this train. Unfortunately, the seats in the Zürich trains are constructed in a way that it is virtually impossible to take any kind of lying position. The ensuing ride with the tram turns out to be even worse.

Due to the conditions during the trip, I am in so much pain when I finally arrive at the Hirslanden clinic, that all I can manage is to lie down on a bed. Therapy is off for the day. Two hours later the worst pain has subsided, and I make my way back home. When I get to the Stadelhofen station I have to wait for quite some time. I am almost losing my mind because of the pain and the upper portion of my back is burning like fire, like in the first few weeks before I received opiates. While I wait on the platform I think to myself: If I jump in front of the train now, this pain will immediately stop.

I take a step backwards from the rails and push this horrible thought from my mind. But it comes back. The idea is tempting. I am obviously prepared to make a pact with the devil just to rid myself of this immense torture. Not much is needed, just a little bit of courage. A small leap before the train rolls into the station. And all of this would finally be over!

I will have to fight two legal battles from now on, because I have the bad luck that the ZURICH insurance company just happens to be my accident insurer, while it is also the liability insurance company for Eva Schilling. This way there are not two different insurance companies involved. If this were the case, should one of them refuse to cooperate, in the best case scenario at least the other one would have to accept financial liability.

Of course the ZURICH knows that I am now without any income and I have to apply for income support. Many accident victims lose their courage over something like this. They give up, all the more because they have to use the small amount of energy that the accident left

them with for other things. It is often about sheer survival. But I am not prepared to accept this kind of injustice.

*I decide to take the oral bar exam, armed with the knowledge that I already built up before the accident. I have to play poker, but if I ever wanted to re-enter the workforce, this is my only chance. Things go so badly at the bar exam that I almost fall through.*

»Of course we have noticed that you, Mrs. Bono, have lost your concentration during the second part of the exam. And we are aware of your health condition. You have shown some impressive results during your written exam, but the oral performance ...« He takes another pause. I can hardly bear the tension.

»It was a very hard decision for all of us, Mrs. Bono. « Then the man takes another pause and looks into my eyes. »Thanks to your excellent previous grades you have passed the bar exam! «

Have I heard it right? I passed the exam! I passed it!

I spontaneously call out »Yeah! « Like an athlete that has just won a huge victory. Both experts stare at me with their mouths open. They will later tell me that they have never seen a candidate jubilate like this after an exam.

Mrs. Heiz is already waiting for us outside. When she sees my glowing face, she promptly responds: »You see, Mrs. Bono, everything will turn out fine! «

Then I immediately call my children. They had secretly written »You will make it, you will make it! « into my notebook.

*After the exam I apply for a lawyer position. My resume is so impressive that I immediately get the job. It is only now that I realize my doctor's prognosis, that I would regain my ability to work 'on the job', was all wrong. Neither my brain nor my body is cooperating. After a few weeks I am given notice, and with good reason. The situation for my children is getting worse and worse. They have a mother plagued by pain who is fighting for survival, and apart from this battle has no energy left to do much else than lie down. My eldest daughter is suffering the most because she feels responsible for the younger children, while she is completely overwhelmed with her task.*

Since a couple of weeks Larissa is refusing to go to school. Her psychiatrist informs the school board as well as the school counseling services: »Due to the critical general circumstances at home (her mother is suffering from serious back injuries caused by a car accident) Larissa is currently under a lot of pressure and is going through a major crisis. «

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I have lost so much: my health, my partner, most of my friends, my lecturer position, my work as lawyer and now also my chance at a re-entry. Larissa has missed the boat to high school, Oliver doesn't have an apprenticeship, and we have no choice but to continue living on governmental aid. And the pressure coming from the authorities is mounting continuously. The message is loud and clear: either the insurance company complies with its' financial duties on short notice, or I have to leave my current home, move to a cheaper house and reduce my monthly expenses.

My supervisor can't understand how it can happen that an insurance company is able to stall all insurance benefits when someone has been as seriously injured as I am. She has read the medical reports and formed her opinion based on the contents. I tell her the story about the false pictures. I can sense her hesitation. She sees me as an honest person; she can feel that I

am telling the truth. At the same time she deems it impossible that there could have been any sort of manipulation on the evidence in the pictures. Maybe something like this could happen in other countries. But not in a country like Switzerland!

*Right after the accident my husband whom I separated from two years earlier, stops all alimony payments for me and the children. This means that no financial relief is to be expected from that side either. To make matters even worse, my supervisor from the governmental aid services has the ominous idea to place my two oldest children under the guardianship of my husband, in order to reduce my costs. This would enable me to move into an apartment. If I do not cooperate, my social welfare benefit payments will be stalled as well.*

During the month that follows I cry myself through a lot of nights. I am desperately searching for alternatives. But I find no solution. I'm forced to admit that it isn't only on a financial basis that I am no longer able to provide for my children. I used to have iron nerves and I was extremely resilient. Today I can't even tolerate the least bit of noise. Children however, make noise all the time.

I don't want my children to grow up like this. I want them to have a loving, supportive, patient and strong mother that lends them security and guides them on their path.

It is during this time that the problems with Oliver start to pile up. I am already receiving regular mails from the school about his conduct, in which I am told that he is skipping classes without any notice. And I can sense his anger towards me. But I'm in no condition to let myself be drawn into the kinds of confrontations that adolescents of this age try to provoke. My withdrawal makes him even more furious. Oliver feels neglected and misunderstood. At home conflicts arise time after time, which eventually makes the decision to move easier for the children.

It hurts to give my two older ones away and I spend most nights crying about this. It is a kind of pain that nobody who hasn't gone through this situation can imagine. Until recently, the physical pain caused by the accident was the worst thing that had ever happened to me. But almost worse is the emotional pain that this imminent separation is causing. Grief mixes itself with anger; grief over the separation from my children and anger about the hopeless situation that I got maneuvered into by the ZURICH company.

I try to spend every remaining second with Larissa and Oliver. Even today tears well up as I think of that evening when they left home. It feels as if an ice-cold iron clamp closes itself over my heart and tears it from my chest. I had anticipated a lovely final evening together. But then an argument arises, because Leonardo decides to leave the children's furniture in my house, which goes against our mutual agreement. He says that he will purchase new furniture for them. And Oliver is not allowed to bring the dog. Leonardo states that animals are not allowed in his house. Oliver refuses to move under these circumstances, and it is only when my parents promise to take the dog that he is prepared to give in.

All of my children are crying and completely overwhelmed by the situation.

This is certainly not the way I planned it. It was my greatest wish to spend this final evening in harmony with my children, to thank them, hug them and to reassure them that I love them and will always be there for them.

During the first week following the move Larissa comes to visit us every day right after school. I can sense how hard the separation is for her. But she wants to be strong, because she has already witnessed how severe my pain is and how overburdened I have been ever since the accident has happened.

At the closing of the year I receive a letter from ZURICH insurance with various accompanying documents. My eye gets caught on one name in particular: Fritz Schilling from Herrliberg. Unexplainably to me, this man is being mentioned as the »sales point« of my liability insurance policy. In my damage case Nr. 02480096, he is noted above the list of benefit payments with the policy number 09600762. The accident causer's ex-husband is responsible for the payments in my liability case! Once again I have the feeling that I am trapped in the wrong movie.

*Two years after the accident, I travel to New York with my son to meet Jack Himmelstein. I used to teach business mediation with him and Gary Friedmann for the University of St. Gallen. Despite my current limitations, we want to find out if I could still be of use for the training. My son accompanies me. This trip was initially planned a few weeks after the time of my accident and due to the course of events had to be canceled.*

On another day we visit Ground Zero. The impression gives us a lot to think about. We discuss the immense human suffering that was caused in this place. At that time, on September 11th of 2001, I was busy preparing for my written bar-exam. A colleague from the office had called me and told me to turn on my television. While I was sitting there with my exam papers on my lap, the second plane crashed into one of the twin towers. I couldn't believe what was actually happening right before my eyes.

To stand here at this memorial for immeasurable pain, puts my own suffering into a different perspective. I realize how lucky I am. I am alive. My children are alive. What more could I possibly wish for?

I am thankful for these valuable days that I am allowed to spend with my son. They are also important and healing for Oliver, because the time after the accident was very hard for him. He was fifteen and in the midst of puberty when everything came crashing down on me. Oliver had always been a boy that needed clear boundaries, a frame for him to move around in. He had been in need of a grown-up that he could measure himself up to. He had needed a wall to run into. I had not been in a position to offer any of these things to him. I had been incapable of any resistance. He had often provoked me, ranted and raved. But whatever he did, he was unable to get me out of bed.

During my meeting with Jack it quickly becomes apparent that we have to rebuild everything anew. Jack lets everything depend on whether we find an institute that is willing to support us. He estimates that due to my health impairments, the risk of failure for the entire project is too high. Apart from that we need a fair amount of cash-flow to get the project started, which I obviously no longer have.

Jack sees how serious my limitations are. This surprises him because he had expected that I would be back on my feet within a short time. I had always informed him about my condition. The prognosis of Doctor Kellerhals had always been far too optimistic. Doctor Nobel was more of a realist, but he didn't want to unnecessarily limit my spirits. And therefore I expected to be on my way to a complete recovery soon. When Jack finally sees how things really are with me, he steps on the brakes. Making any plans would already be complicated just by the fact that the physicians' prognosis obviously couldn't be trusted. It had proven to be false several times in a row.

It becomes evident to both of us that we have to bury our project. Unfortunately, I am still no reliable partner. Neither for Jack, nor for any institute that I would cooperate with.

I have left no stone unturned to try and salvage my professional abilities. But I have to accept that for the time being, I am unable to teach, and due to my limited conditions it also wouldn't be fair to Jack. I am very disappointed. Four years, which I spent building the training module

have gone down the drain. But at least I have reached clarity about my options. My next step will be to try and build my own practice as an independent lawyer. If I waste any more time getting back to my area of expertise, I will lose my know-how. This increases my risk of not being able to re-enter the work-force.

*This will be the last time that will have any contact with my son. Under the influence of their vindictive father, my oldest two children will break of all contact to us. Both younger children suffer tremendously from this situation.*

*In the meantime the lawsuits against the ZURICH insurance company continue. In the first instance I lose one of them and I have to move the proceedings to federal court. During the second one, which is a civil lawsuit, there are witness interrogations, but still no money is flowing into our family bank account. I have started my own lawyer practice which was only possible thanks to a loan from my friends. My estranged husband still hasn't paid any alimony and the Social Aid Services have requested that I start taking the required legal steps against him. Rahel is nine years old now, and she was able to persuade her elder siblings to come to her first Communion. I have also invited my husband and his fiancée. After all, this is the most important day in Rahel's life.*

Rahel is very excited. Today we are celebrating her first communion. She is wearing a floral wreath in her curled hair, and of course she is all dressed in white. Together with her sister Laura and me she waits for Oliver, Larissa, Leonardo and his fiancée to arrive. It is a special day. Not only because of the religious ritual, but also because our broken family will be reunited again for the first time in a long period.

While we wait, Rahel babbles on like a waterfall about this and that. But soon the gay mood subsides and we both become nervous. The guests simply won't arrive. I call but I am unable to reach them over the phone. At some point we cannot wait any longer and we must go to the church.

Rahel has tears running down her cheeks. It should have been the best day of her young life. But now it has turned into a drama. Her first Communion without Larissa and Oliver! But Rahel puts up a brave front. With teary eyes she enters the church, her hands clasping mine tightly.

Later we find out the reasons for the absence of her relatives. Social services had advised me to submit legal charges against Leonardo, because he was refusing to support us financially. That made the legal machinery jump into gear and a house search was summoned. The result of the search brought to light that Leonardo had transferred a large portion of his income onto his fiancée's account, to avoid having the sum credited as income and thus escaping his financial obligations toward us.

I refuse to let the ZURICH dominate my entire life.

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I realize that I have to start fighting back. The change must come from within. I begin to observe my thoughts and to change them. I no longer tell myself: „You will never be healthy again“. Instead I think: you will be able to live a normal life again. The longer and the more often I contemplate on a positive turn of my fate, the stronger my conviction that I will prevail becomes. It becomes clear to me that my belief in justice and becoming healthy alone leads to the path there. I am now fully aware of how detrimental it is to get stuck in despair. I suddenly know beyond the shadow of a doubt how decisive mental powers can be. I recognize

that as a person with physical inhibitions, you develop mental abilities that would have been unimaginable under different, or let's say normal circumstances.

*I am being interdisciplinary assessed by a neurologist. He attributes all my complaints and limitations to the accident.*

During that same July I contact Künsnacht Youth and Family services, because I finally want to see my two older children again. I miss them terribly. It never ceases to hurt. After a conversation with the responsible consultant, he composes a letter to Oliver and Larissa, in which he invites them for a meeting. But they refuse to come. The consultant tells me that under these circumstances he is not able to help me either.

For my 43th birthday I have the same wish as always since the accident happened: I want to be healthy. And—since Oliver and Larissa are no longer with me – I wish to see my children again. No more and no less than that. And I would like to regain my full working capacities, put some money aside and someday buy as a nice house with a fragrant rose garden and lots of room. I would have all my children with me again.

Soon 4 years will have passed since the fateful incident that turned my whole life upside down.

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Although I never see her, I can sense that Larissa is not doing well at all. It is impossible for me to get any contact with her. Later I find out that during all those moments that I suffered from the situation more than I normally did, and whenever I felt especially worried about her wellbeing, her life was actually in danger.

During the fall of 2006 make legal claim that Larissa's guardianship be returned to me. I am now in a much better condition than I was in 2004. Thanks to loans from friends the financial pressure has also been alleviated. I simply know that Larissa is not okay. And I am convinced that I can give her the help that she needs.

I take the case to court. Leonardo defends himself vigorously. He claims that Larissa is doing well. Everything is fine. I assert that the children should never have been separated from each other. After all, the wellbeing of the two younger children, Rahel and Laura, should be taken into account. They miss their big sister terribly.

I describe certain events that were brought to my attention to the judge, events that to me are a clear indication of the fact that Larissa is not doing well at all. Leonardo asserts that he has to work two jobs simultaneously to earn enough money to provide for the children. His fiancée also works fulltime. Alight, but then who is looking after my daughter? The circumstances of not having any contact with her mother and sisters alone should be enough reason to transfer Larissa's custody back to me. Children fare best with a caregiver that allows them to have contact with both parents.

I have cared for Larissa from the moment she was born up to her 14th year of life, the latter four as a single mother. I had to agree to transfer y guardianship to the father in an emergency situation.

I have tried to explain all of this to the judge. He doesn't address any of the facts. Leonardo proposes that Larissa should be questioned before the court. I agree to this, but I don't agree to a judge questioning her. In this problem laden family situation an expert is needed. But the judge wants to do it himself.

Before any survey can take place Leonardo goes on vacation. Larissa has heard about my wish and uses the absence of her father to contact me. We talk on the phone every day. A couple of times she visits us at home. We have to disguise our shock when we see how Larisa

has changed. This is not Larissa! We tell her that we love her – regardless of which choice she makes. It is important that she knows that she is always welcome with us.

Larissa finally utters the wish to live with us again. We discuss that we will remodel our apartment. Rahel will move into my room, which is very large. This way Larissa will have her own room. We speak about dividing the chores in our household and the practical details of the move.

The next Wednesday is the day of the survey. Leonardo breaks off his vacation for it. Instead of Larissa taking the train to Meilen by herself as previously planned, her father takes her there in his car. On her way to court Larissa changes her mind. This turn of events is hard to accept for all of us.

*In time I recognize that a cunning strategy for benefit suspension is not only affecting my person, but that there is a system behind it. No accident victim that has suffered injuries to the head and cervical spine has a chance to get the services he or she is entitled to, before all not in Switzerland, where the Federal court is estimated to be very Insurance friendly by claimant lawyers. Federal judges are elected by the parliament, and the biggest lobbies in our parliament are the insurance companies, the banks and the pharmaceutical industries. If the public remains unaware of what is being played here, I don't have a glimpse of a chance. I have to write a book.*

Ever since I was a child I have known that anything is possible, if I really want it. The first step is, to believe this. And most importantly, to believe in yourself.

While I am pondering on the greatness of this idea, the first doubts begin to dampen my euphoric mood. Who will believe me? Do I really have the courage to go public with all of this? De ZURICH is much too powerful! This is an insurance company with a global network!

I decide to start out by writing things down for myself, to fill the gaps in my diary and leave it to the future to decide if the contents one day will be, published into a book. Exactly at this moment the morning sun breaks through the clouds, its rays lighting up the entire room.

»Where to start? «, I ask myself and let my fingers wander over my keyboard. The best place to start seems to be my childhood in Altendorf (canton of Schwyz). Because here lies an important key to my self-image.

I was born on August 27 of 1963 as the youngest of five children. I am the only girl. My brothers are very inventive villains when it comes to concoct mischief. My mother is a housewife, my father works as an electrician and mechanic. He has built his own business long before I was born. He leads a small mechanical workshop. His machines seem large and noisy to me. My mother is responsible for the bookkeeping.

When I am four years old, my parents build a house in a hamlet on a hillside overlooking the village. We have only one neighbor. A farmhouse lies at a short distance from our house. Over the years more houses are built. By the time I am eight years old, other girls my age moving into our settlement. Finally I have two girlfriends of my own!

We live in a one family home and go camping in Italy once a year. Wir wohnen zwar in einem Einfamilienhaus und fahren einmal im Jahr zum Zelten nach Italien. But otherwise we live modestly. The income my father makes is not enough to allow expensive hobbies or toys. My father originates from an Appenzeller family. According to my uncles' research, in the 12<sup>th</sup> century their ancestors were gypsies. They traveled from Hungary to Switzerland and settled down in Switzerland. As a consequence we were raised as Catholics. My mother's family on the other hand, has roots in Finland. My great-aunt told me that during the fifteenth century, two brothers migrated to Switzerland. One of them settled in Brigerberg, the other in Guttet. Both villages are located in Wallis. From my grandmother's side, my family name is Kuonen.



In the community where I am raised we are taught by nuns during the first years. If we wished for anything we should pray to god. We also learn from the nuns that Audacity is not fitting and that god rewards modesty. My two friends in the settlement, Patrizia and Christine, take tennis lessons every Wednesday afternoon. I would love to join in, but we can't afford. I accompany them to their training and watch them being taught the arte of playing tennis from behind a barbed wire fence.

During one of these afternoons, I suddenly become deeply saddened. I have trotted along so often, but now I can no longer bear to simply watch. As I stand near the wire fence, I close my eyes and pray: »Please, please dear god let me play along too. I would be even better if you are able to cause a miracle, so I can play tennis. «

As soon as I have whispered the sentence, the tennis teacher calls out to me: »He you, we don't have enough players in this group, don't you want to come in and play? «

I don't forget to thank god and run over to the playing field as fast as my feet can carry me. From this day on I am always allowed to play when the number of players is uneven. And that happens a lot.

How great is my joy to no longer have to simply watch but be part of the fun! But even greater is the joy to have learned an important rule in the game of life: if I really want something and I don't hurt anybody with it, I will end up getting it too! From this day on I start trusting this insight and act accordingly. And so my life begins to bloom in every aspect. Almost all of my dreams come true. My experiences of success become greater and greater.

I am a child of fortune! How often have I thought this, until the day that my whole life falls to pieces. The car crash puts me into a slant. My wishes are no longer fulfilled as easily. Whatever I do, the pain remains. I can try as I might, but my family is falling apart and money is always short. But still I trust that justice will prevail. I just have to practice patience. I simply cannot give up!

My school years are a wonderful time in my life. From the first up to the sixth grade I'm the head of my class. I don't even have to make an effort to get the best grades. On the playing ground I am the leader of a group of boys and girls and we have tons of fun together. In spite of my obviously excellent grades it is obvious to my father that I should become a housewife. We siblings are being raised according to our roles. My brothers help my father in his workplace and I help our mother in the house. It is already predestined that after sixth grade I will visit the convent school in Wurmsbach, a secondary school with an emphasis on home economics and catholic education. My father has already registered me.

My teacher decides to give him a good piece of her mind during a parent meeting. She is outraged that a pupil with almost perfect grades is not encouraged, solely because she is a girl. And so I end up going to the gymnasium at the catholic Christ-König-college in Nuolen, from which I obtain my A-levels seven years later, in 1984. At the gymnasium I also meet my future husband Leonardo. I have just turned 18 and he has to ask several times before I agree to go out with him.

After my graduation, I work for a computer firm for about a year. After that I use my earnings to travel to England for one month in order to improve my English skills, and subsequently I take a two month Spanish course at the University of Malaga. In the fall of 1985 I enter law school in Zürich. Leonardo transitions from the college in St. Gallen to Zürich and enters university to achieve a degree in economics. We want to move in together and start making concrete plans for our future. In the canton of Schwyz, where we live, it is still indictable to live together without being married, so on the 11th November of 1985 we become husband and wife.

During my childhood I have watched all four children who were living in the farmhouse near our home grow up. Even more than that, I changed their diapers, fed them and babysat them,

while the farmer's wife was milking the cows or cutting hay. I have always been very fond of children, so I want to have children of my own as soon as possible. The idea of having to wait for motherhood until the end of my study doesn't appeal to me, but I don't know anyone who combines their time at the university with child rearing. But because Leonardo feels the same way as I do, we decide to let fate decide just one time. We agree that should we become parents we will both study fifty percent of the time and divide the remainder of our mutual time in raising our future child. I immediately become pregnant.

In 1987, after the first mid-term test for my lawyer's degree, Oliver is born. For the next couple of tests my husband and I plan to equally share our parental duties concerning Oliver. But as Leonardo doesn't pass his test, this plan falls into the water. So it is up to me to care for Oliver.

After a break of eighteen months, during which I am completely focused on my baby and my household, I resume my studies and write the necessary seminar papers. In May of 1990 my daughter Larissa is born. After another baby pause I resume my studies once again and by the spring of 1991 I am ready for my first oral licentiate test. At that time the procedure for obtaining the legal licentiate is to absolve two written as well as two oral test blocks, which are divided over one year. My household and child rearing duties leave me about four hours a day to devote to studying, and on weekdays Oliver und Larissa spend half days at a daycare center. Between the last two oral exams in March of 1992, our third child Laura sees the light of the world. In the meantime my husband has accepted a job in the private sector.

At that time, being pregnant or ready to give birth is not enough reason to postpone an exam, so I am forced to appear for my last oral exam block shortly after giving birth to Laura. I am left with no other choice than to bring my study books to the hospital and study during my childbed. In July of 1992, I graduate from law school with flying colors.

One year after Laura's birth, I obtain a part-time position at the district court, and gather my first experiences in the legal arena. At the same time I begin to consult couples that are in the process of a separation or divorce, a task that fascinates me. When I hear that a family mediator training is offered in Germany, I immediately register myself for it. Mediation is an alternative to legal proceedings, in which both parties are asked to make an effort to search for a mutual agreement. Conflicts are not solved in a confrontational way- one party loses, the other wins- but the intention is to lead both parties towards a positive result. I start to develop a large enthusiasm for family mediation and make a considerable contribution to its implementation in Switzerland. It is during this time that I start to write my dissertation about this solution-oriented method.

In 1996, just before the end of my training, Rahel is born. During the last training block I hold her in my arms while I listen to the teachers and nurse her in a separate room whenever she's hungry.

After my graduation I work for the renowned law firm Hammer Kaltenbach in Zürich and teach a postgraduate course in business mediation at an institute of the University of Saint Gallen. My fellow trainers are world renowned mediators and Harvard professors Gary Friedman and Jack Himmelstein. In the course of three training cycles we teach the art of mediation to about 120 people in leading positions.

To prepare myself for the bar exam in Zürich, I take a step back from my duties at Hammer Kaltenbach. In those times, when I am still at the peak of my capability, I have to read and memorize a large amount of complex legal literature on a daily basis. I am not yet aware that very soon I won't even be able to read and memorize a page in a novel!

On the 20th of September 2002 I sit for the written 10 ten-hour bar exam. In October of the same year I teach a four-day course in mediation at the University of Saint Gallen. The next block is planned for December.

On the 18th of November 2002 I resume my task at the law firm. There is much to catch up on, which will require that I work fulltime during the next few weeks. In January my last

learning phase will begin and the oral bar exam is set for the April 8, 2003. I have no doubt that I will succeed in this also, all the more because of my good grades in the written bar exam.

The admittance as a lawyer is supposed to be the crown on all of my dreams. This will fully enable me to lead a life that will be free of financial concerns, with regular holidays for me and my four children, and above all else, I will no longer have to rely on support from Leonardo, who moved out in 2002.

Every time I find it hard to find motivation to sit down and study, while my friends are enjoying their free time with swimming or skiing, I encourage myself with the idea of handing Leonardo a written agreement that settles our divorce with mutual interest, and which states that I waive all financial claims.

To me, being a working mom feels like a sensible and right choice. During working time I can recharge from my duties as a mother, and at home I can relax from my job. I have no trouble turning the switch, when I am at home I never think of the legal cases that are waiting to be finished at my office. I have an employer that generally respects work-free weekends, and if I have to work extra hours, I usually do this during weekdays. I have no trouble concentrating on something, which is my key to success. When semester exams are due, my fellow students spend eight to ten hours a day studying. I only have four hours to study at the most, but I don't let my thoughts wander; I don't go out to eat or drink coffee. I don't allow myself to be distracted by anything. With the exception of an »honors round« during the written bar exam which I barely passed at my first attempt, everything in my life has always succeeded exactly as I planned. Apart from my sharp mind, I possess a distinctly positive life attitude- my second key to success. I know that life has good intentions with me.

At that time I have no idea that the biggest challenge in my life is yet to come; that an accident will wipe away my previous life, my visions, my career and the wellbeing of my children with one tremendous blow.

And so back to the present: In June of 2007, the biomechanical rapport that the ZURICH has requested with respect to the liability proceedings, and which the chamber of Commerce has finally commissioned, arrives. The conclusion is as follows: »The fact that Mrs. Bono is suffering from complaints is on file, and this is not being called into question. However, based on the severe internal physical complaints and the absence of an assessment of Mrs. Bono's prior condition, we exclude the traffic collision on 19.11.02 as the cause of the above named complaints and diagnostic findings. The stress on the car's occupant during the collision could not be in any way described as being severe enough to cause organic unconsciousness (concussion, Commotio Cerebri). It remains open to which extent the anxiety-causing and unfounded diagnosis of a »light traumatic damage to the brain« has negatively influenced the applicants' ability to process the event. «

What looks as if it was formulated by the insurance company is actually the rapport of a court expert!

*In the meantime, it is the summer of 2007*

On Saturday I have to pay an emergency visit to the doctor. An uncontrolled head movement has once again worsened my pain such extent that it has become unbearable. Doctor Nobel diagnoses that I have a blockage in my cervical spine. He orders a so called upright-MRI scan in Germany, a scan that must be taken from an upright position, because I suffer from repetitive inflamed blockages. The examination is extremely painful, because I have to turn my head as far as possible before the scan and remain in this position during the whole procedure. Needless to say, the trip to the hospital and back is torture.

After the scan I have to wait for a while until I am called to the radiologist who has performed the examination. He wants to know what kinds of complaints I currently still have. He takes precise notes, and finally he says: »All of the complaints that you have been suffering from since the accident and that you are still having today are completely explainable by the x-ray pictures. You have an objective finding, which means that the x-rays have shown a visible injury on your head joint. I listen but I have no idea what he means by this.

The radiologist proceeds by taking a plastic skeleton and explaining his findings to me: »Your head is located on your head joint and the head joint rests on the Atlas. When you turn your head to the right, which is clearly visible in the pictures, the joint stays correctly positioned on top of the highest cervical vertebra, the Atlas. But when you move your head to the left, the head joint dislocates- which can be attributed to an injury of the respective head joint ligament. All your current complaints can be explained solely from these results: your neck-shoulder- and head aches, the radiation of pain towards the arms, especially toward the right arm, your tinnitus, the concentration problems, the fatigue, the blurred vision and the vertigo.«

All prior MRI's were taken from a lying position without any rotation of the head, so these medical findings were impossible to determine. The radiologist tells me that due to the one-sided injury there are probably other existing lesions. He advises me to have additional scans made further down my cervical spine and to subsequently discuss these with a certain doctor Hess. But for these additional tests I will need financial clearance from my health insurance first.

During the long ride home the actual significance of this day starts to sink in. I finally have proof in my hands! Five years after the accident all of my complaints are verifiable! And I even have the evidence in black on white!

The claim of the ZURICH that there was no torsion of my cervical spine during the accident is thus refuted. Does this mean that the whole scheme with the manipulated evidence in the pictures was all to no avail? And most importantly, I finally understand what is wrong with my body. Surely new findings will now surface concerning the movements which I should avoid. Finally, the tide is turning!

My health insurer is very accommodating. Without further notice I am given financial clearance, so that I can soon be X-rayed again.

Meanwhile, my legal claim against the ZURICH as an accident-insurer has arrived at the federal court.

On Tuesday, the 14<sup>th</sup> of August 2007, I hear that the court hearing for my legal claim against the ZURICH is set for the 23<sup>rd</sup> of August 2007 at the federal court in Luzern. There is going to be a public hearing! This means that the federal judge will confer the matter in attendance of both parties.

The court officer that has handled my case and knows it to detail, suggests that my claim against the ZURICH is valid. But the counter parties' officer pleads for dismissal of the case. So now the final verdict lies with the chairman of the court.

The chairman opens the hearing. He makes eye contact with me and says: »Mrs. Bono, with all due respect for the fact that you have worked fulltime next to raising four children and therefore adding to the family income, it is obvious to me that all of this was too much of a burden for you, and that your complaints might very well emanate from this double strain. « In other words: I lose the case with one against two votes based on the chairman's casting vote.

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A few weeks after the summer vacation Larissa calls me. »I'm in the hospital«, she says. »Will you come and visit me? «

I drop everything and immediately drive over to the hospital. When I arrive there Larissa doesn't tell me much, but I am so grateful to finally see my daughter after three years of practically no contact at all. But she remains very reserved, which makes it hard for me to form a complete picture of the situation with the small amount of information that she shares with me. She repeatedly signals that she can't talk and I don't pressure her. I decide to just be there for her.

I visit Larissa on a daily basis. But as soon as she is released from the hospital, our contact breaks off again. I have no idea how she is, what she is doing, or how I can contact her. But I sense that she is not alright. Every time I'm occupied with something my thoughts wander over to my daughter. I try to reach her on her cell phone and at home, but to no avail. I don't even know where she is absolving her apprenticeship. Ever since the move, Leonardo has refused to divulge any kind of information to me.

A few weeks later, Larissa finally calls herself. She is back in the hospital. And this time she finally begins to talk. During my time at the rehabilitation clinic, she had already felt helpless and alone and that's when her problems started. She tells me more things that completely startle me. After the move Larissa's condition worsened, it is even far worse than I ever imagined, but I still don't hear the entire story from her. This is all she wants to share with me at the moment, but she says that she would be happy if I visited her.

After our conversation I just sit there for a long time. I just knew, I knew it the whole time! Ever since we broke off contact, I sensed that Larissa wasn't doing well, but nobody believed me, especially not the judge and the authorities.

I would give everything to undo the turn of events in my daughters' life ever since the old 'me' was involved in that horrible accident. It all became too much for Larissa after that. And on top of it she had to deal with everything all by herself. She took on responsibility at home, which laid way too much burden on her shoulders. She almost couldn't bear to see me in so much pain, and she had given up hope that I would ever recover- especially when she saw how weak I still was after my lengthy stay at the rehabilitation clinic. Up to this point she had somehow kept her spirits up. But then her conflict of loyalty toward both parents came into the picture, the problems at school and finally her failure at passing the entrance exam for high school. All of this and more had piled up to a mountain of pressure that she was no longer able to handle.

The more I think about it, the angrier I become. My anger is directed toward Eva Shilling and the ZURICH insurance company.

I visit Larissa at the hospital again where, finally, she begins to tell me her whole story. Everything turns out to be far worse than I could ever have thought. It's the worst thing that can happen to a young person. But this is neither the place nor the time to elaborate on that. I am simply grateful that Larissa is still alive.

During one of my next visits, Larissa tells me that she already wanted to move back in with me in 2006, when I made the claim for a transfer of guardianship, but that she was afraid to assert herself. I would be thrilled if she came back, and I tell her so. But first, she must regain her strength. After that we will review everything, without any pressure.

A few weeks later and after a consultation with her doctors, Larissa decides to move back in with us.

*My accident insurance case against the ZURICH is lost. The civil court proceedings against the ZURICH as a liability insurer are not making much progress. And in the meantime we have already arrived in 2008, almost six years after the accident took place. I still have no income and I have to take on loans to be able to work in my law practice. But I am not yet ready to give up; I still have hope for improvement of my health and my financial situation.*

It is the middle of June 2008. After a good night's sleep I get out of bed feeling rested. I have lots of paperwork waiting for me at the office, and I have asked my secretary to be in by ten o'clock. We work until eleven, when the mail arrives. A big white envelope with an illegible stamp awakens my curiosity. I open it and see that it is coming from my attorney, so I proceed to read its contents: »Dear Mrs. Bono. In the enclosed attachment I have forwarded to you a copy of the verdict as laid down by commercial court in the canton of Zürich on 16.06.2008. Contrary to all indications given by the commercial court during the course of the proceedings, it has not only dismissed the claim by this verdict, but also destroyed all hopes of enforcing any compensatory claim against the insurance company concerned. The commercial court denies any correlation between the event of the accident and the claimant's persistent health problems. As primary grounds for this it mentions the biomechanical considerations. «

I can't read any further. My heart is pounding in my chest. I take a deep breath and try to understand what I just learned.

Then I force myself to continue reading: »Even when I can barely find the appropriate words to express the dramatic consequences of this verdict, I can say nothing more than the fact that where this partial claim is concerned we have at least reached a definitive ruling that cannot be revised with any means. In my opinion, any appeals against this verdict would prove to be futile.«

*My lawyer, who used to oppose the idea of seeking publicity, now agrees that I should contact the press about my case. In my two first attempts to go public with my story, I am brushed off by the media.*

Then I recall that a journalist from the paper »Tages-Anzeiger« once asked for my expertise concerning a certain legal area during his research for an article. His name was René Staubli. During the next couple of weeks I start following his articles. I find them to be well researched, to the point and objective, and from what he writes I gather that he has a strong sense of justice. He could be the right person to write about my case.

But nevertheless, this remains a tricky act. I have to be able to completely rely on his integrity, otherwise I might run the risk that certain important information will be passed on to the ZURICH. I gather all my courage and call René Staubli to tell him that I have an interesting story for him. He is willing to meet me.

During our first meeting I can quickly sense that my counterpart is a very sincere person, so I hand him a copy of my diary. René Staubli's reaction is very critical, and before we proceed he wants to know if I am able to prove what I have just told him. Yes indeed, I can prove it! I can back up every statement that I made with a document – except for the actual fraud. The only evidence that I lack is proof that the car belonging to the woman who caused the accident was replaced by another specimen. But this particular question, I hopefully tell the journalist, could be brought to light by an article.

Several months pass by where I don't hear from Staubli once. But then he contacts me and tells me that he is willing to write the article. In order to do this he says that he would need all

the necessary written records. During the next weeks I sift through my files and finally hand René Staubli the written evidence.

While sorting through my files I notice something that I failed to recognize before. In one of the files I read that the second car involved in the accident had a ragtop. Now it finally becomes clear! This is the exact reason why we only received two pictures of the car that caused the accident- and why only the front of the car was portrayed in them. The person that manipulated the evidence had to reckon with the fact that I would immediately and unequivocally recognize that this was a forgery, in case the entire car would have been portrayed in the pictures. Because the other car in my accident definitely did not have a ragtop!

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Based on my story, René Staubli, the journalist from the »Tages-Anzeiger«, has written three large articles that he will publish in a series. The reactions on the first article are overwhelming. At two o'clock at night, right after the text has been put into print, the first emails start rolling into my mailbox. I am even contacted by a movie director, because he thinks that my story will make interesting plot for a film.

After the third article in the sequel is published, I am also contacted by a local television network. Together with Doctor Nobel I am invited for a talk studio appearance. While we are waiting for our appearance at the networks' studio he explains to me that the shift of the dens axis (odontoid) was already visible on the x-rays made on the day of the accident. As a medical layman, this fact was unknown to me until now. Together with all the other findings, the shift can only be attributed to the accident. If the odontoid breaks, this means certain death, in other words a neck fracture. Doctor Nobel goes on to confirm how fortunate I was to walk away from this accident alive. Apart from this, a multitude of injuries of the facet joints are also visible on the MRI. Alright, so I was lucky on one side, but I had terrible luck on the other, because the commercial court estimated the x-ray report as being submitted too late, and therefore decided not to include the diagnosis in its ultimate verdict.

*We also appeal the commercial courts' negative verdict at the Swiss Federal court, which is the highest legal authority in our country. In the meantime, seven long years have passed since the accident.*

Seven years later

*Only six weeks after submitting my complaint, the federal court has already reached a ruling. The plea starts in January. The event is deemed to be a banal accident, and the federal court states that the commercial court did not act randomly when it based its' verdict solely on the findings of the initial doctor's reports. This course of action was permissible in the eyes of the federal court. The doctors didn't diagnose a concussion, which automatically implicates that I couldn't have suffered one. The diagnosis of the one-sided cervical sprain is estimated to be a medical error.*

*So now I have also lost this last lawsuit against the ZÜRICH, with a permanent verdict. But this still doesn't mean that I'm ready to give up fighting for my rights.*

*I am fully aware now that I will never achieve justice for myself if the media don't closely follow the judge's actions. Where I live, the state of law obviously doesn't function.*

Two days after the federal court's verdict the accident analysis rapport from Berlin arrives. It proves that the ZURICH has embezzled substantial damages to my Chrysler in their rapport. The photographs made in order of the ZURICH show that the entire rear of the Chrysler was compressed, which is also easily recognizable from the evident change of the gap on the rear of the car. But the valuator was instructed not to include these damages in his rapport- this fact is documented in a letter that I encounter while shifting through the files of the ZURICH accident liability insurance once more. In the same letter can I read that this includes the instruction to merely consider the tear in the Fiat Seicento's bumper, even though the hood of the car also shows several dents.

Based on the pictures made in order of the ZURICH, the German expert calculates the velocity of the impact to be two- to two and a half times greater than previously estimated, resulting in an injury-wise devastating rotation of the cervical spine caused by the impact to the right side of the car. This exactly matches the medical findings up to date.

But even more important is his statement that based on the assessment of the damage to my car, the listed damages to the car of the accident's causer must be incorrect. The expert compares the car in the picture to an undamaged Fiat and proceeds to prove that on an intact Fiat the upper portion of the headlamp visibly forms a line with the upper edge of the flashing light. On the supposed accident car this line has clearly shifted upwards and there is an evident change in the gap between the hood and the fender. It is visible with the naked eye that the light doesn't fit into the frame. Apart from these facts the hood is compressed in the direction of the passenger seat compartment. All these facts should have been taken into account for a proper calculation. In his opinion all signs point towards the fact that repairs carried out on the other car before the photograph was taken.

Furthermore, the rapport assesses that as a consequence of the actual events the bumper of the Fiat Seicento (assuming that the accident was in fact caused by this car) would have been considerably compressed, which based on the structural conditions would invariably have caused the hood and the lock carrier to be affected as well. And finally, it is »more than likely to assume that the lens of the headlight would have burst during the impact«. This matches my own memories and the notes I took after the accident. But the car in the photograph shows no damages to the headlight!

According the expert from Berlin it is logical to assume that the FIAT in the picture was submitted to emergency repairs before it was photographed by employees of the ZURICH on the 20<sup>th</sup> of December 2002. Based on the fact that he doesn't have any knowledge of the extent of the repairs that were carried out on the Fiat, he thinks that the velocity of the impact was possibly even many times higher as previously estimated.

At last! Now I finally have proof of what I knew all along!

*Because of my public appearance I am also contacted by a female physician, and after we meet she gives me her feedback of what actually happened from a medical point of view.*

Here is her answer:

»I can picture the chain of events during the accident and the associated injuries. Undoubtedly we are not only looking at a »classic whiplash«, but also at multiple injuries with different locations at the base of the brain and the cervical spine. Unfortunately, these injuries don't heal by themselves but instead require a reorganization of the patients' life style. «

Then, a couple of days later, she continues:

»Last night I was able to finish reading your notes. I have seldom read such an honest, unsparing report and the entire nightmare of such an accident becomes evident from your story. You also describe the impact that all of this has had on your children, which is especially hard to process for any mother.



After the accident you should have been immediately transported to a hospital by ambulance. As a physician I would certainly not have recommended any kind of active therapy for the first couple of months. Never! Every kind of active therapy only worsens the existing instability. Everything that is possible without adding pain is allowed. A few steps, sitting for five minutes at a time, walking another five minutes, then lying down long enough, then sitting up for another five minutes, then walking for another five, then sitting for five minutes again, after that lying down long enough to recover. The Atlanto dorsalis membrane becomes more stable after 18 months, the joint capsule after 12 to 24 months. Until then a patient needs as much rest as possible with only minimal movement, comparable to the extent of 95 year olds in a nursing home. For example: Reading for two minutes, then rest looking outside, four minutes on the telephone, 20 minutes pause after that. Not everything is improved by activity and it even worsens existing instabilities. «

She continues with the statement that I should have been urgently stabilized.

*My family doctor meets with a German specialist, who explains to him that it is standard procedure in Germany to carry out so-called neurootological examinations after a whiplash. As a result I am also submitted to these tests.*

I travel to Soltau near the city of Hannover, where electrodes are attached to my head for various computerized measurements. My brain is tested from »A to Z«. The measurements cannot be consciously influenced and they give me the irrefutable evidence that my story represents the truth from beginning to end. Especially where my brain performance limitations are concerned, there is a definite correlation to the medical findings: Seven and a half years after the accident there are still evident and provable damages to the cortex, the brain stem and the cerebellum, combined with injuries to the inner ear (the explanation for my extreme noise sensitivity which began at the site of the accident), the balance system and the central nerve system. My blurred vision is also proven. All of these things combined are the cause for my cognitive deficiencies.

The German specialist suspects that the vertebral artery which supplies the brain was also damaged during the accident. If the artery would have ruptured, this would have meant certain death for me. He confirms every single diagnosis from my previous doctors. He also acknowledges my inhibited judgment ability at the scene of the accident, which resulted in my inability to secure evidence or call the police for help.

*Up to this day, I haven't seen justice, but nevertheless I am able to see the positive side to my accident, or the fact that I became the victim of fraud.*

I am no longer the same person that I was before the accident. The accident has thrown me back in ways I would never have deemed possible. But in spite of everything, it has also given me a chance to learn many things. I have learned to fight, to grieve, to forgive and above all else to trust. To trust in the fact that all good things will prevail! My discipline to turn towards the positive even in times of great setbacks has paid off; that is the reason why again and again, I have experienced so many good things in these past years. I am convinced of this. To this day I am not receiving any kind of financial support from any of the five insurance companies involved in my case, nor am I receiving any financial aid from the social services. But the most important thing is; my children are doing well. They think and act in the social manner that I envisioned for them. All four of them had to grow up too fast and Larissa almost cracked under the pressure. But she regained her strength and today she has climbed over the hill. She is now enrolled in nursing school. Oliver has rounded off his apprenticeship in the hotel business. Laura is just about to graduate from high school. Rahel is in highschool.

Today, as I am writing these last sentences for my book, we are celebrating Larissa's twentieth birthday as a family, and I can at least draw a temporary line under all these past years with their hurtful experiences. Today is a happy day in every sense of the word. I am convinced that all that is yet to come can only be much better than the nightmare that I have lived through. I know that the seven lean years are over!

## Epilogue

I have waited a long time for this book. Its' publication was long overdue. Caroline Bono has shown the courage to stand up for herself against a system of intrigues, a system of counterfeit and shier fraud. She has done an immeasurable service to all of those victims who suffered accident related injuries to the head, and also to those who will be involved in an accident in the future.

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Anna Walti,  
MD., Zürich

*In March of 2010 the federal court reverses the two legal verdicts that we lost against the ZURICH in the civil lawsuit, and this means that it also reverses its' own verdict as well as the verdict of the commercial court. How did this come about?*

*The journalist Rene Staubli sank his teeth into the case, and thanks to his extensive research he was able to prove a gross violation of human rights. The commercial judge that was partially responsible for the verdict in my case was simultaneously involved in a different lawsuit, acting as a lawyer for the ZURICH insurance company at the same court. Neither the court, nor the judge in question, nor the ZURICH took it upon themselves to inform us about this fact. In the meantime the fallible judge has had to resign and my case has caused a shift in the obligatory composition of the court, which in future must ensure a more equal representation. But all of this doesn't change the fact that the judges in Switzerland are still appointed by the parties.*

*In May of 2010 we wanted to submit a new application in the second legal suit. This time, the evidence was overwhelming, because all of my injuries in the area from my head to my shoulders had been proven beyond a doubt. Ever since, the ZURICH insurance company has slowed down the proceedings with every imaginable trick, so that today, on February 1<sup>st</sup>, 2011, we still haven't been able to submit another application. Because when we finally submit it, we will have won the case. In the meantime, my children cannot absolve their education of choice. Up to this day we still lack any kind of income, and our survival depends on financial help from kindhearted people.*

*Caroline Bono, February 1st, 2011*

# Mysterious car accident destroys a life

**A rear-end collision has severe consequences for Caroline Bono. The formerly successful lawyer is convinced she is a victim of fraud.**



Caroline Bono at Bürkliplatz, where the car accident occurred in November 2002: a car crashes into her rear end while she is standing in front of a red light. Photo: Thomas Burla

It is November 19th, 2002; a cool evening in autumn, darkness has already broken over Zurich. Caroline Bono, then 39, is stuck in front of a red light at the Bürkliplatz in the city center. All of a sudden she hears an “incredible bang” and blacks out; her memory returns only when she is standing in the street looking at the car that crashed into the rear end of her Chrysler Voyager: its front is crushed, the lights are smashed, the hood is dented and raised. This is what she records in the notes she made after the accident.

The person that caused the accident, a 45-year old secretary, urges Bono to move her car immediately; congestion was building up, other drivers were honking. “I insured my car at Zurich Insurance Company. My husband works there. He’ll sort this out,” the woman says. “You can trust me; it’s clearly my fault.” So there is no police involvement and no accident report; the driver hands Bono her business card. In her recollection the woman smells of alcohol. But Bono’s head is thudding, and she gets back into her car and drives off “as if in

shock.” After 10 minutes, near Zürichhorn, she interrupts her drive home. She feels a horrible pain in her neck. Nausea and dizziness seize her as well as a heavy exhaustion.

### **Rushed to the hospital**

On the same evening, she goes to the emergency room of the Männedorf hospital. The intern on duty diagnoses a whiplash injury and certifies she is unfit to work for four days. During the following days the pain increases to an intolerable extent. Bono sees a doctor who assumes she might be suffering from spinal cord contusion and hospitalizes her on an emergency basis in the Hirslanden clinic where further injuries are diagnosed. She receives in-patient treatment for a month.

Five years after the accident Bono writes in her diary: “If I would have known what lay ahead of me, the violent pain I had to endure day after day, the fact that I would lose everything that was important to me apart from my younger two children and my best friends—I probably would have given up, fallen into despair or gone crazy.”

After treatment at the Hirslanden clinic, Bono spends 43 days in Rheinfelden for rehabilitation therapy. According to the clinic’s records, she can neither walk nor stand for longer than 30 minutes despite even the strongest pain medication. Nor can she remain seated for more than 20 minutes. Reclining is the only position in which she can bear the terrible pain. She cannot focus and forgets what she is told. Today, six and a half years after the accident, she is unable to work for more than three to four hours a day—with intermittent breaks. After 30 minutes the headache sets in.

### **A catastrophe – also for the children**

Bono is an excellent lawyer, as professional colleagues confirm. She worked for a corporate law firm and taught economic mediation to management students at the University of St. Gallen. She made good money and was resilient. Her first three children are born while she is at law school. She nevertheless graduates with honors. Her fourth child is born before she finishes her doctoral thesis. She manages her double roles as

mother and professional well, even after her husband leaves her, and never stays a day away from work. She speaks English, Spanish, Italian and French. However, after the accident, she is unable to make a coherent sentence in any foreign language, and she forgets important information.

During hospitalization alternating domestic aids take care of her four children – then 6, 10, 12 and 15 years old. They are distressed about mother’s absence; even after she returns from rehabilitation her health problems do not allow her to look after them properly. They are failing at school and anxious about being abandoned. Due to increasing financial problems and the pressure from social security she finally has no other choice but to grant her ex-husband custody of two of her children. One of them develops a severe illness as a consequence. Because of financial concerns Bono gives up her house and moves into an apartment in another town. She loses a large part of her circle of friends and acquaintances, as she is unable to involve herself in any social events.

Bono knows that her professional future depends on her passing the second part of the bar exam. Preparing for the exam is an ordeal. Despite being one hundred percent incapable of working, she tries to study in a reclining position. On November 22, 2003, she passes the exam only barely, mainly thanks to her solid previous knowledge. In the end, however, her employer, a law firm, lets her go: a 30 percent working capacity is just not enough. In addition, she is hardly able to concentrate. The downward spiral continues: Bono loses her tenure in St. Gallen and is battered with payment summons.

Then the shock: Zurich Insurance denies that her health problems are directly connected with the accident. They maintain her trouble comes from managing family and work and therefore pay out only minimal amounts, a fact that entirely wears Bono out. She requires assistance from social welfare. Because she cannot find a job she starts working as a self-employed lawyer in 2005. Her reduced working capacity does not allow her to

pay back the load of debts she took on. Friends advance her the money she needs for living costs.

### **Doubts about the car involved**

Caroline begins to investigate the background of her accident in detail, which takes months. Whenever her strength allows, she studies insurance statements, diary notes and police records of the interview with the driver at fault which were conducted by the police five months after the accident. She comes across surprising information. With each piece of evidence she becomes more convinced that fraud is involved:

According to her diary, on the day after the accident she talked with the driver on the phone. The woman emphasized that she crashed into her “with no more than 30 to 40 km/h (19-24mph).” “That’s too slow to cause a whiplash injury.” The “incredible bang” that caused her to black out still resounds in Bono’s ears.

For the first time half a year after the accident, Bono sees photographs of the car taken by Zurich Insurance 31 days after the crash. She is immediately convinced: they were not of the vehicle involved in the accident, but of another car. Only a few scratches can be seen, no smashed light and no dented or raised hood. In addition, Bono learns from the files, the driver at fault is divorced and had apparently been driving her new partner’s car.

The car insurer is Zurich Insurance. In fact, the ex-husband of the driver works there as a damage inspector. He sold the liability insurance policy to his wife’s new partner. If he, as she stated at the accident site, also analyzed the damage himself, has not been determined. To a series of questions put forward by the “Tages-Anzeiger” (Zurich daily newspaper), the insurance company answered: “We take no public position on current or pending cases.”

Immediately after the crash Bono’s lawyer makes a written request to Zurich Insurance to consign the car involved in the accident to the police. He also demands a criminal investigation. Neither occurs. The lawyer does not intercede because he

has no doubt that the accident and the health problems of his client are directly connected. He thinks it is a clear, uncomplicated case.

### **No chance of explanation**

He is to be mistaken: On the basis of the photographs, Zurich Insurance produces a biomechanical appraisal. Based on the established car body damages, the speed before impact is estimated at 10 km/h (6 mph). The resulting force is therefore set “in the range of slamming on the brakes.” Apparently Bono’s afflictions could not possibly have been caused by the accident. According to the police, the driver at fault made a statement on April 10, 2003 that she hit Bono’s car in the rear “driving at the speed of 20-30 km/h (12 to 18 mph).” On the day after the accident she had said it was 30 to 40 km/h (18-24 mph). Zurich Insurance did not try to get to the bottom of these inconsistencies.

However, the suspicion of fraud is so concrete for Bono’s legal protection insurance representative that she is awarded payment of 20,000 Swiss francs in order to hire an investigative detective. After a long silence the detection agency returns the assignment—along with the formal reasoning that they apparently were not able to get any information from the department of transportation. In the absence of success, only “a greatly reduced charge of 100 Swiss francs” is put on the bill. It turns out later that the detective has been contracted by Zurich on other cases.

On the advice of her attorney, the guilty (and previously convicted) driver makes no comment. So almost seven years after the accident, the inexplicable matter of whether the woman had been driving a different car than the one she presented as the “accident vehicle”, her new partner’s car, cannot be clarified by journalistic means. There is no evidence to be found on Bono’s car because it was bought by a dealer and exported to Eastern Europe. Only a criminal investigation could bring clarity, but the prosecution believes there is no reasonable suspicion.

## Part II:

### Lawyer loses her belief in the justice system

After the rear-end collision with serious consequences for her health and career, lawyer Caroline Bono goes to court and experiences the full rigidity of the justice system.



Caroline Bono lost her case in the commercial court (belongs to the Court of Appeals of the canton of Zurich), and in the **social security court**. Photo: Thomas Burla

Two weeks after the accident Caroline Bono is questioned in the Hirslanden hospital by an agent of Zurich Insurance. She explains to him how on November 19, 2002, she was stuck in front of a red light on Bürkliplatz when she heard an “incredible bang,” blacked out, later got out of her car and saw the badly dented and raised hood, realized that her car was hit from behind, and how she gave in to the request of the driver at fault to settle the case without the police and an accident report, because her head was throbbing. And how she wanted to drive home but had to stop a few minutes later because she felt nauseous and her neck hurt.

**“Yes, I lightly touched the brake.”**

Based on their discussion, the agent wrote a deposition. In his report, Bono had confirmed that her ve-

hicle, a Chrysler Voyager, did not move after the impact. Bono denies it. She had merely answered the question of whether she had had her foot on the brake with the following: “Yes, I lightly touched the brake, so that my car couldn’t roll forward.” The deposition was not put before her or her lawyer to sign. But it should play an important role in court.

Zurich Insurance is involved in the case in multiple ways: as accident and disability insurer for Caroline Bono as well as liability insurer of the driver at fault. The foundation of the court case is the bio-mechanical expert opinion (analysis of accident) produced by Zurich Insurance.

It is based on photographs made by Zurich Insurance 31 days after the accident. The pictures show the liable driver's lightly damaged automobile, which is insured by Zurich Insurance and is owned by her new partner. From the beginning, Bono is convinced that the car in the photographs is not the car that was involved in the accident. But she cannot prove her suspicions.

Zurich Insurance ceases payment of accident disability coverage in September 2003 with the following reasoning: "Based on the accident analysis, we view her afflictions as no longer a result of the accident." The insurance company does not deny that Bono suffers terrible pain and is completely unable to work. They are of the opinion, however, that this is not a consequence of the accident, but of the family and career pressure of which Bono was suffering at the time of the accident. Specifically: the care of four children, the dispute with the ex-husband over alimony and the performance expectations of her job. That all of the doctors who are treating Bono see the case differently did not seem to matter.

### **"Wild suspicion"**

Bono sues. But both the court of the city of Zurich (in a liability suit against Zurich Insurance Company) and the court of the Canton (in suit against Zurich Insurance as the accident insurer) protect the insurance company's arguments in the concurrent proceedings. The photographs of the only lightly damaged car show that the case deals with a commonplace accident that could not cause such serious injuries, and consequently, no damage liabilities. Bono's suspicion of manipulation is rejected by Zurich as "wild". "The decisive factor is that the insured person conceded that her vehicle did not move with the rear-end collision."

The court gives the order to produce an independent biomechanical report. However, this study done by professional experts is also based on photos of the lightly damaged vehicle. The report comes to the same unsurprising conclusion as Zurich Insurance: "Due to excessive internal stress ... we can rule out that the accident ... led to the described grievances and findings. Therefore, these must be traced back to another unknown factor, and cannot be attributed to biomechanical origins."

### **Impact falsely evaluated**

In summer 2007 Bono's doctor orders an examination with a new type of x-ray (FMRI). This made visible the injuries on her atlantoaxial joint that were never diagnosed before. In addition, cracks on three of the discs embracing the cervical spine are identified. Another x-ray shows a displaced cervical vertebra. These injuries were not identified on the images made immediately after the accident even though some of them were visible. The original diagnosis of a spinal cord contusion is confirmed. According to the doctor this portrayal of severe injuries suggests that the automobile crashed with a far greater impact than assumed by the expert opinion.

Bono now believes that she finally has decisive proof in her hands. The doctor writes in his report that the type of injury indicates that it is "securely within the realm of possibility" a direct consequence of the accident suffered. Bono's lawyer presents this piece of evidence on the day before the hearing to the federal insurance court. But it is not admitted as new evidence. It is too late; it cannot be delivered to the counterparty in time.

### **Decisive vote at the federal court**

At the trial on August 23, 2007, the presiding judge argues that it cannot be ruled out that such grievances could be the result of overburdening as a working mother of four children. He pronounces the final decision; the court dismisses Bono's complaint with 2 to 1 votes. It is also decided that Zurich Insurance's grounds for discontinuing payments one year after the accident because no further health improvements could be expected were justified. At that time Bono was 100 percent unable to work, today she can work 3 to 4 hours per day. Clearly an improvement had occurred. Zurich Insurance will not comment on this contradiction or other questions because of the ongoing liability trial.

On June 16, 2008 the liability trial reaches a first verdict. The commercial court also comes to close: there is no connection between the complaint and the accident – the ruling rests again on the biomechanical expert opinion. The commercial court refuses the FMRI report on the grounds that an x-ray could have been made earlier. Instead, a reference is found in the file to a torn ligament on the foot,

which Bono suffered 20 years before the accident. The judge accuses her of hiding this injury during the questioning. Similarly, her previous testimony to Zurich Insurance that after a 16-hour day on the computer she occasionally suffered from back tension is held against her. “Both statements would have been important during the judgment of the present case,” argued the court. “This omission shows that the plaintiff views her grievances exclusively as a result of the incident on November 19, 2002.” Nevertheless, the court, as it states in the testimony, had only asked Bono if she felt she was “generally healthy” before the accident, to which she agreed.

### **Court costs of around 100,000 Swiss francs**

The court costs of around 100,000 Swiss francs are imposed on Bono. Five judges partake in the judgment, three with a professional past or present in the insurance field.

Bono raises a complaint to the Court of Appeals on the judgment. However, in these proceedings the FMRI report is also not a part of the hearing; consequently the chances of success are slim. Also the hope of proving the suspected fraud of the car in a criminal investigation is destroyed. The prosecution sees no grounds of suspicion to warrant an investigation. The proceedings have shaken Bono’s confidence in the justice system. She writes in her diary: “I am supposed to have had, from one second to another, on November 19, 2002, problems with my left ankle that hadn’t bothered me in 20 years. These are supposed to have caused, similarly from one second to another, an almost unbearable pain in my head, neck and shoulders which made me completely bed-ridden and unable to work for the next three months. That I, in that second, coincidentally, also had a car accident, doesn’t seem to come into question for the court as the cause for my complaint.”



Part III:

## A Game of Cards: “Old Maid”

**A car accident in 2002 ruined the health of Zurich-based lawyer Caroline Bono. Her assumption that she was at least properly insured turns out to be an illusion.**



“The files concerning the dispute over Caroline Bono’s accident pile up to a big heap.” Photo: Thomas Burla

By conventional criteria Caroline Bono was well insured. She had taken out accident and illness daily allowance insurance as well as supplementary accident insurance by the Zurich Insurance. She had passenger insurance from Generali. The pension fund Columna would cover disability. And the driver at fault who crashed into Bono’s car in November 2002 was covered by Zurich Insurance’s liability insurance. With so many policies nothing could actually go wrong. Especially since Bono was not to blame for the accident: she stood innocently in front of a red light when she was hit from behind.

With the crash Bono’s promising career as a lawyer and university lecturer came to an abrupt end. She lost her job, can no longer cover the costs of her

household with four children and finally ended up on welfare. And what are the insurance companies doing?

Accident and disability: Zurich Insurance initially pays minimal disability compensation. After nine months the payments are discontinued on the grounds that there could be no expectation of improvement in her health. (At that time Bono was 100 percent unable to work; today she can work 3-4 hours daily.)

Instead of daily allowance for accidents Zurich is paying a daily allowance for illness, again at a low rate. After three months the payments are ceased for ten months, without providing a reason, which causes Bono additional difficulties. In the mean-

time, after some pressure, Zurich pays an outstanding 30,000 Swiss francs.

Zurich Insurance's view that Bono's complaints were not related to the accident, but rather a result of the stress of being a wife separated from her husband, a mother and full-time lawyer, were first shared by the social security court of the city of Zurich and later by the federal insurance court. Both rulings rest on the biomechanical report that was produced by Zurich Insurance – which was based on photographs that were taken 31 days after the accident and show only minimal damages on the vehicle of the driver at fault. From this report the court concludes that the impact of the collision was minor. In Bono's memory, the car had a badly dented front and a raised hood. She is nonetheless not able to undermine the suspicion of fraud. In legal terms, the accident and its severe consequences are therewith cleared up for good and no further insurance compensation is owed.

**Liability:** It is uncontested that it is a rear-end collision. Similarly it is uncontested that Bono is innocent. Hence, Zurich Insurance as liability insurer of the driver at fault pays Bono a 30,000 Swiss francs compensation payment for the total damages, and additionally, for a limited time, the hospital and doctors' bills. Further payments, such as for the necessary household assistance, meal service, increased deductibles for her personal medical insurance, costs for treatment, transportation and above all the salary loss, are excluded as of September 2003. Consequently, Bono's lawyer sues Zurich Insurance as liability insurer. The commercial court comes to the verdict that there is no proven connection between the accident and the health problems—once again based on the biomechanical report. Bono is obliged to pay Zurich Insurance 100,000 francs for trial costs—however the judgment is not yet enforceable. Bono has appealed at the Court of Appeals. Zurich Insurance is unwilling to answer questions about the ongoing case

**Social security disability insurance:** Because of her limited working capacity, Bono can no longer find an employment as a lawyer. In March 2005 she opens a private practice to free herself from welfare, and she succeeds. She particularly wants to offer legal advice to accident victims in similarly

desperate situations. Her friends advance the money she lacks for living expenses.

In April 2006 she has a medical examination. Result: her complaints are without doubt the consequence of the accident she suffered. Disability insurance puts the case on hold. They are waiting for the final verdict in the trial against Zurich Insurance, the main accident insurer.

In July 2006—three and a half years after the accident—disability insurance invites Bono to a rehabilitation discussion. She is praised for becoming self-employed and reintegrating herself into the working world at her own cost. Disability insurance promises to immediately offer an annuity and finances the already acquired office furniture. Then nothing happens. And also nothing happens when at the end of August 2007 the final verdict of the accident insurance hearing is delivered.

During this time the contact person at disability insurance changes. In January 2009 Bono learns that she should be examined once again, this time at a center in Bern that is known for its strict judgments against the insured. Bono's lawyer rejects the examiner.

She is offered an examination at a center in Zurich on June 17. Her lawyer also rejects this request. The examiner, Dr. J., is an internist and therefore not qualified to judge the complex neurological problems that are presented in Bono's case. Even in severe cases of whiplash he is “practically never been able to come to a conclusion that benefits the injured party.” In 2007 and 2008 the center where J. is engaged produced a total of 800 reports for the disability insurance amounting to a value of 7.2 million Swiss francs, and thus its business is strongly dependent on contracts with the state. The lawyer requests that disability insurance arranges an independent medical evaluation. A response has not been received to date. In fact six and a half years after the accident Bono has not yet received a franc of disability payment.

**Pension Fund and passenger insurance:** Here the circle closes. The Pension Fund Columna does not pay any pension benefits because they are waiting for the decision of disability insurance. Generali (passenger insurance) does not pay because the biomechanical report of Zurich Insurance refutes a

connection between the accident and the medical complaints. Therefore no compensation is awarded.

So Bono's supposed certainty of being sufficiently insured turns out to be an illusion. She was professionally successful. She was innocently involved in an accident. Since then she suffers from irreparable physical and degenerative damages. She lost almost everything—and can nonetheless expect little from the insurance. At least her legal insurance (Coop) has covered the legal fees.

The most striking thing in the Bono case is the shift of the financial burden. Thanks to favorable legal judgments, Zurich Insurance was able to save capital costs. Instead, medical insurance, welfare and

Bono herself are paying—and maybe one day disability insurance will pay for the consequences of the accident that from a legal standpoint never was one.

Because of her health problems Bono no longer can insure herself as a self-employed lawyer. She has neither accident nor illness daily allowance insurance; she has neither income loss nor life insurance. In addition, Zurich Insurance will no longer insure her on the grounds of her being a “medical risk” — the same Zurich Insurance Company that held the position that since 2003 Bono suffered no physical consequences of the accident and therefore had no significant incapacity to work.

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