

REVISED 7/20/05:

**STEVE WITTMER CASE REVIEW:**

**Wittmer firm secures \$300,000 payment from insurance company on \$10,000 policy.**

It was 3:00 a.m. and Larry DePaoli was beginning his regular route, delivering newspapers for the local daily newspaper. At the same time, Darbi Damon was driving home after a night of drinking and partying. It would become apparent that Ms. Damon was highly intoxicated and unable to drive her vehicle in a safe manner. Damon plowed into Mr. DePaoli's van, breaking his seat and sending him to the hospital. After months of therapy and treatment for back, neck and jaw injuries, Mr. DePaoli discovered he would need surgery to correct the damage done to both temporomandibular (TMJ) joints in his jaw. His medical expenses, which had already exceeded \$20,000 by this time, would soon escalate by an additional \$40,000 for the required surgery.

Several months following the accident, Mr. DePaoli's attorneys gave Damon's insurance company the opportunity to settle his claims in exchange for full payment of the \$10,000 limits of her automotive liability policy. The insurance company failed to settle the case and Mr. DePaoli was forced to file suit.

After several months of negotiation, our Firm was able to convince Damon's insurance company that they had violated Florida law and exposed their insured to damages beyond the policy limits of \$10,000. Convinced of their error, Damon's insurance company paid \$300,000 to settle Mr. DePaoli's claims.

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