

Insurance Company's Delay Results in One Million Dollar Settlement For Family

On June 18, 2004 John Rooney and his son, Tim were riding their motorcycles to their house. They turned off Lockwood Ridge Road into their subdivision just north of University Drive. As they proceeded down the subdivision road, Melissa McAllister drove her BMW across the same street, cutting them off. The Rooneys were unable to avoid the collision.

John and Tim sustained serious injuries from the accident. John was taken via Bayflight to Tampa General Hospital and remained there for several weeks. The hospital medical bills for both John and Tim approached \$500,000. After discharge from the hospital, both John and Tim required significant medical care. Neither man was able to work or provide for his family following this significant accident.

McAllister, the driver of the car involved in the collision, was insured by Great American Insurance Company for liability limits of \$100,000 per person, \$200,000 per accident. The Rooneys hired our Firm to represent them in their claim for injuries from this accident. Our Firm extended an early offer to Great American to settle all claims in exchange for a timely tender of the policy limits. Great American refused our client's offer and we were forced to file suit. After months of discovery Great American realized the damages in the case significantly exceeded the available insurance limits. Great American finally tendered the \$200,000 policy limit several months after the offer had expired.

After months of litigation Great American realized they had failed to settle these claims and had exposed their insured, Melissa McAllister, to a very large excess judgment. Great American failed to follow Florida law requiring an early settlement in cases where damages and liability clearly exceed available insurance coverage. Great American Insurance Company ultimately agreed to settle the case by paying \$1 million to our clients.

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