



SARASOTA

LITIGATOR

Journal

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Settlement of \$1.65 Million for Emergency Room Nurse

On September 4, 2003, Kathy Dearmin was driving home from the gym. Roberto Ramos was at the wheel of a large roll on/ roll off dumpster delivery truck. Driving south on Lockwood Ridge Road, Ramos was heading for a dumpsite at the end of the day. As Kathy was turning left from Lockwood Ridge Road onto Tallevast Road, Ramos ran a red light and hit Kathy's vehicle broadside on the passenger door, pushing her car over 150 feet.

Kathy sustained a serious traumatic brain injury from this accident. She was taken via Bayflight to Bayfront Medical Center, where she remained in a coma for over 6 weeks. Upon discharge from Bayfront Medical, Kathy went to a rehabilitation center, and then to an assisted living facility. Years of occupational, speech and behavioral therapy have followed. As a result of her serious injuries a Guardian was appointed to assist Kathy in her day-to-day life.

Before this accident, Kathy was an emergency room nurse. She now has the mentality of a teenager and will need constant care and supervision for the remainder of her life. Due to the severity of her brain injury, Kathy now requires a caretaker who can assist her in her daily activities.

Truck driver Ramos was employed by Curlie Joe's, Inc, a locally owned and operated construction debris and trash hauling business. Curlie Joe's was insured with Progressive Insurance Company. Our office immediately prepared offers requesting that the policy limits of \$100,000 be paid in a timely manner in exchange for a full settlement of Kathy's claim. Progressive failed to comply with the terms of our offer, forcing Kathy to file a lawsuit to recover her medical care and lost wage damages

After over two years of litigation, and just weeks before a trial was scheduled to begin against Roberto Ramos, Bradley Latham and Curlie Joe's, all parties to the lawsuit met at mediation in an attempt to settle the case. At that time, the Wittmer law firm and our team of expert doctors and accident reconstruction specialists produced overwhelming evidence that Kathy Dearmin's damages, including medical bills, past wage loss, future wage loss and future medical care, totaled close to \$7 million.

For several years Progressive refused to settle the case and protect their insured. Ultimately Progressive agreed that it had failed to properly evaluate this case, thus exposing their insured to a huge judgment in excess of the \$100,000 policy. The parties finally agreed to settle the case in the amount of \$1.65 million. All settlement monies were paid by Progressive.

Insurance companies like Progressive have a duty to settle claims quickly and with due regard for the interest of their policyholders. Failure by an insurance company to promptly adjust, evaluate and settle a claim only increases the risk to the policyholder. While you can imagine why the insurance company would want to hold on to their money, they may not do so if it exposes their insured to a huge judgment.

Other claims were also pursued for uninsured benefits as well as claims against other parties partially responsible for this accident. The total recovery for Kathy was \$1.86 million. The majority of the settlement funds were put into an annuity to earn interest and provide Kathy with a structured monthly payout that will allow her to receive the daily care and treatment that she will need for the remainder of her lifetime.

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Kathy Dearmin will never have the quality of life she enjoyed prior to this tragic accident, but our Firm is proud to have represented Kathy and her Guardian in this complex case.

Our Firm deals with the complicated issues surround-

ing insurance company bad faith on a daily basis. If you have a family member, friend or acquaintance who may benefit from our expertise, we would be pleased to assist them.