



# SARASOTA LITIGATOR Journal

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## Check Insurance Coverage Before You Get Behind the Wheel

Insurance is designed to protect the insured against big losses, not to make the person whole to the last dollar. However, many Floridians, especially new residents, shortchange themselves when it comes to proper auto insurance coverage. The deficits in coverage often surface following an accident.

"Too often I have a client tell me their insurance agent told them they had "full coverage" but they later realize they were only covered for PIP and property damage," Wittmer says.

"This means they don't have liability insurance to protect their family and they don't have uninsured motorist insurance to pay for their families' medical bills,

lost wages, injuries, etc., if the other (at-fault) vehicle and/or its driver are not insured."

### Required Personal Injury Protection (PIP) Coverage



Under Florida law, motorists are required to purchase personal injury protection (PIP) and property damage (PD) liability coverage. The no-fault PIP coverage provides \$10,000 of coverage for: payment of 80 percent of reasonable medical expenses, 60 percent of loss of income, plus a \$5,000

death benefit, for bodily injury sustained in a motor vehicle accident, without regard to fault.

PIP covers the people named in the policy, relatives  
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CASE REVIEW

## Injuries Sustained in Nightclub Brawl Result in \$1 Million Settlement

A local dance club in north Sarasota was the scene of an unfortunate incident that resulted in serious injury for a client of our firm. Larry Falgout and his son were exiting this establishment at closing time when a patron got into a shouting match with Larry's son. The altercation turned physical. Fists started flying and Larry's son was no match for the six-foot-seven, 280-pound patron. When Larry attempted to assist his son, both men

were pummeled by the patron and a friend.

Discovery revealed that the patron was an ex-bouncer. As soon as the fight erupted the club's current bouncers pushed all the men outside and locked the doors behind them. Larry and his son were abandoned by the very people hired to keep peace in this rowdy club. As Larry's head lay by the front door the large patron punched and kicked  
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## Employers: Should You Purchase Uninsured/Underinsured Motorists Coverage?

In some states, uninsured / underinsured motorist coverage (UIM) is optional on the business auto insurance policy. If your employees have company cars, should you buy this coverage?

Ordinarily, in states without no-fault insurance, the insurance of the at-fault party in the accident will cover the costs of bodily injury. If the at-fault party doesn't have insurance or enough insurance to cover his/her legal liabilities, UIM will

cover your insured employee and any passengers.

Will UIM duplicate coverage under other policies? Workers' compensation will cover your employees for injuries sustained in any work-related auto accident, so UIM might duplicate some coverage

you already have. However, workers' compensation would not cover any non-employee passenger in a company-owned vehicle.

Even if your company policies prohibit the use of company-owned cars for personal business, you never know when an employee will have a passenger in the car. For this reason, you might want to buy UIM coverage. Consult your insurance agent for more detailed information and guidance.



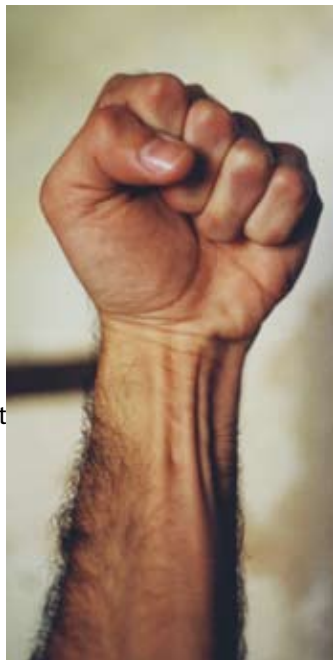
## Nightclub Brawl

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him while he was down until he was unconscious.

Larry suffered a subdural hematoma that required emergency surgery. Larry almost died from the incident and, after a lengthy recovery, was left with a permanent brain injury. Larry's thinking was forever impaired, his ability to communicate was significantly affected and his emotional behavior became very erratic.

Our Firm hired William Bopp, a former Chief of Police who reviewed the incident report and other data and concluded the dance establishment failed to protect Larry and his son. After extensive discovery the case was settled for over one million dollars.



## Check Insurance Coverage

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residing in the same household, persons operating the insured motor vehicle, passengers in the insured motor vehicle, and persons struck by the insured vehicle.

PIP coverage gives policyholders immunity from liability for economic damages up to their policy limits and for non-economic damages (pain and suffering) for most injuries. The immunity protects the insured from tort actions by others (and conversely, the insured may not bring suit to recover damages) for pain, suffering, mental anguish, and inconvenience arising out of the

vehicle accident, except in the following cases: (1) significant and permanent loss of an important bodily function; (2) permanent injury within a reasonable degree of medical probability, other than scarring or disfigurement; (3) significant and permanent scarring or disfigurement; or (4) death.

This "verbal threshold" means that lawsuits for pain and suffering may be filed in court only if injuries meet those four levels of seriousness.

### Liability Coverage

Current law also requires vehicle owners to obtain \$10,000 in property damage liability coverage that pays for the physical damage expenses caused by the insured to third parties in the accident. Additionally, under Florida's Financial Responsibility law, motorists must provide proof of ability to pay monetary damages for bodily injury and property damage liability after motor vehicle accidents or serious traffic violations. In the alternative, minimum amounts of liability must be purchased.

The minimum amounts of liability coverages are \$10,000 in the event of injury to one person, \$20,000 for injury to two or more persons, and \$10,000 property damage, or \$30,000 combined single limits.

### Optional Coverages

Many Florida drivers purchase "optional" coverages in addition to mandatory insurance including bodily injury liability, (which may be required by the Financial Responsibility Law), uninsured motorist, collision, comprehensive, medical payments, towing, rental reimbursement and accidental death and dismemberment.

Traditionally, to reduce auto insurance premiums, motorists have been urged to hike the deductible on collision coverage and cut back on liability coverage. Sometimes this can make sense, but often it's not worth the extra risk.

### Underinsured Motorist Bodily Injury Coverage

Underinsured motorist bodily injury coverage is available in Florida.

# Check Insurance Coverage

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This coverage pays for medical expenses, lost wages, and other damages when the insured or the insured's passengers are injured in an accident caused by a driver who has insufficient auto insurance coverage.

This kind of auto insurance coverage typically pays the difference between the coverage limit the insured selects and the other driver's bodily injury coverage limit.

The amount covered by underinsured motorist bodily injury is capped at the limit the insured chooses when buying an auto insurance policy.

## Underinsured Motorist Property Damage Coverage

Underinsured motorist property damage coverage protects the insured's car if it is damaged in an accident caused by a driver who has insufficient auto insurance coverage. This kind of auto insurance coverage pays the difference between the coverage limit the insured selects and the other driver's property damage coverage limit.

The amount covered by underinsured motorist property damage is capped at the limit the insured chooses when the auto insurance policy is purchased.

## Bodily Injury Liability

This coverage pays damages to injured persons in another vehicle when the insured is at fault in an accident. It also covers the passengers in the insured's car. The primary consideration here is protecting the insured's assets against lawsuits that arise from auto accidents.

Bodily injury liability is sold in standard increments designating both the amount of coverage per person in an accident, with an additional limit per accident. For example, buy bodily injury worth \$100,000/\$300,000, and each of the persons injured could be compensated \$100,000, but only up to \$300,000 per accident.

The depth of coverage is a function of what assets the insured needs to protect. For a person making \$30,000 a year and renting an apartment, \$50,000/\$100,000 should work. A person earning more than \$75,000 a year, who owns a \$150,000 home and \$40,000 in mutual

funds, should consider at least \$100,000/\$300,000 of coverage.

A person with substantial assets could buy \$300,000 in bodily injury coverage in an auto policy. Spend another \$150 - \$300 for a \$1 million umbrella policy, which covers the insured against all manner of liability claims. The cost for an additional \$1 million in coverage is minimal: about \$75 to increase coverage to \$2 million, and \$50 for each \$1 million

after that, according to the Insurance Information Institute.

## Collision and Comprehensive Coverage

Collision coverage reimburses the full cost of repairs or replacement of the insured's car after an accident.

Comprehensive covers damage to a vehicle from a natural disaster, vandalism or theft. For these coverages, choose the highest deductible affordable. For older vehicles, this coverage may not be needed.

Collision and comprehensive — which can account for 30% to 40% of the total premium — are cash-value coverages. If the cost of collision and comprehensive coverage is more than 10% of the insured car's Kelley Blue Book value, drop these coverages.

## Be Sure Your Insurance Coverages Meet Your Needs

Mr. Wittmer's firm recently handled an injury case that shows the need to review your insurance policies to assure you and your family are adequately insured. Mr. Doe was involved in a serious roll-over automobile accident. He sustained severe injuries to his neck and lower back requiring

surgical interventions. The at-fault driver had insurance but was only insured for \$10,000.00 for bodily injury. Mr. Doe had uninsured/underinsured motorist coverage for \$30,000.00. His medical treatment alone exceeded the amount of coverages available. Due to the limited insurance coverages, Mr. Doe is now unable to pay for his future medical needs and/or lost time from work. In order to protect yourself and your family, make sure your insurance policies meet your needs. It would be better to find out now rather than later.



## Now Accepting Case Referrals

The law firm of Steven T. Wittmer is accepting referrals of cases in the areas of personal injury, wrongful death, insurance disputes, workers compensation, and trust and estate litigation. We promise to work hard to earn and preserve your trust in referring cases to our firm, providing prompt, diligent and aggressive representation.

### Here are 4 good reasons why you can be confident when referring cases to our firm:

1. We are a local firm. Our practice and our families are part of the fabric of the Sarasota community. Locally referred clients will receive the most attentive, personalized service.
2. Our firm understands insurance coverage issues. We can make sure all available insurance coverages are located.
3. We are passionate about obtaining the maximum recovery for our clients, and will try the case to a jury if necessary to obtain the best results.
4. Recoveries in excess of available insurance coverage generate greater recoveries for our clients and larger referral fees to referring attorneys.

The hiring of an attorney is an important decision that should not be based solely on advertisements. Before you decide, ask us to send you free written information about our qualifications and experience.

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