



Now Accepting Case Referrals

The law firm of Wittmer | Linehan 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.

WITTMER | LINEHAN

EXPERIENCE COUNTS.
RESULTS MATTER.

Wittmer | Linehan, PLLC
2014 Fourth Street
Sarasota, FL 34237

PRSR STD
US POSTAGE
PAID
PERMIT 118
MANASOTA FL

SARASOTA LITIGATOR Journal

Published by the Law Office of Wittmer | Linehan, PLLC

Protect yourself against the uninsured and irresponsible before leaving the driveway.



You drive defensively. Seat belted. Laser focused on the road and the cars around you. You don't drink and drive. No texting. You pull over to make phone calls.

Despite your caution and discipline, you might not escape unbruised from the gauntlet of accidents, drunk drivers and uninsured motorists on Florida roadways. Motorcyclists are especially vulnerable.

"Drive defensively and insure yourself defensively," Sarasota attorney Gregory P. Linehan advises. "A lot of people are not as responsible as you are. Protect yourself and your loved ones from the irresponsible."

"In 2010, there were 9,465 traffic accidents in Sarasota County," Linehan says. "Forty people died in these accidents and hundreds were

injured, some seriously. Police officers, sheriff's deputies and state troopers arrested 1,245 drivers in Sarasota County for driving under the influence (DUI). To add insult to injury, some of the at-fault drivers involved in these accidents were uninsured or underinsured motorists."

Linehan suggests motorists check their auto policies to ensure they have more-than-adequate Personal Injury Protection (PIP) and property damage liability insurance coverage, and include uninsured/underinsured motorist coverage to avoid catastrophic losses.

The Insurance Research Council estimates that 24 percent (about one in four) of Florida drivers are uninsured or underinsured. As the economy squeezes household budgets, more Floridians will drop the insurance coverage on their cars

Continued on page 2

WITTMER | LINEHAN

EXPERIENCE COUNTS.
RESULTS MATTER.

Wittmer | Linehan, PLLC
2014 Fourth Street, Sarasota, FL 34237
T: 941.365.2296 • F: 941.365.0829
www.resultsmatterfl.com



Steven T. Wittmer, Esq.
Board Certified Civil Trial Lawyer
st Wittmer@sarasotalitigator.com



Gregory P. Linehan, Esq.
glinehan@sarasotalitigator.com

IN THIS ISSUE

1
Protect yourself against the uninsured and irresponsible before leaving the driveway.

3
Case Review

4
Now Accepting Case Referrals

CONTACT US ON-LINE

For complete text of newsletter articles and more information about W | L, our services and qualifications, please visit

www.ResultsMatterFL.com

Protect yourself

Continued from page 1

and trucks. They “go naked,” and gamble that they won’t be stopped by a law enforcement officer or be involved in an accident. It’s against the law. Florida requires drivers and vehicle owners to carry a minimum of insurance coverage: \$10,000 per person and \$20,000 per accident. Nonetheless, Florida is among the top five states in the country with the most uninsured motorists.

Defend Against Disaster

Linehan says because of the low minimum insurance coverage required of Florida drivers, uninsured/underinsured motorist insurance coverage is especially good to have in Florida.

“The uninsured go completely naked,” he says. “The underinsured are those who buy the \$10,000 minimum of Personal Injury Protection (PIP) and the \$10,000 minimum of property damage liability insurance required by the state. PIP would provide limited lost wages coverage. But, even a short hospital stay for a victim of a serious vehicle accident can easily consume \$10,000.”

There are added benefits to this coverage. Uninsured/underinsured motorist coverage provides for lost wages if an accident causes you to miss time from work. It is unlikely that health insurance would provide lost-wages coverage. Uninsured/underinsured motorist insurance also provides a pain and suffering benefit. An uninsured motorist who can’t pay for insurance probably likely does not have personal assets to settle a pain and suffering claim.

With uninsured/underinsured motorist insurance your insurance provider would be responsible for damages that otherwise would have been the responsibility of an at-fault driver.



“The underinsured are those who buy the \$10,000 minimum of Personal Injury Protection (PIP) and the \$10,000 minimum of property damage liability insurance required by the state. PIP would provide limited lost wages coverage. But, even a short hospital stay for a victim of a serious vehicle accident can easily consume \$10,000.”

– Gregory P. Linehan

Under Florida law, when a motorist elects not to include uninsured motorist coverage on their policy, they must sign a specifically worded form so they fully understand they do not have this coverage.

Non-Stacked vs. Stacked Coverage

If a Floridian decides to buy uninsured motorist coverage, he or she has the option to purchase non-stacked (limited) or stacked coverage.

Under non-stacked coverage, if someone is injured in a vehicle owned or leased by you or a family member who resides with you, the policy will apply only to the extent of that vehicle’s coverage. If you are injured while in someone else’s vehicle, or you are hit as a pedestrian, you are entitled to select the highest limits of uninsured motorists coverage available on any one vehicle for which you are a named insured, insured family member, or insured resident of the named insured’s household.

Stacking is an option that allows you to increase the limits you select for your uninsured motorist insurance coverage. Limits increase based on the number of cars that you insure. This increased level of protection typically will increase your insurance premium.

Here’s an example of stacking:

Jim has limits of \$100,000/\$300,000 for his uninsured motorist coverage and is insuring two vehicles. If he leaves them non-stacked, Jim’s limits would stay at \$100,000/\$300,000. If Jim instead chooses to stack his coverage, then his limits would double to \$200,000/\$600,000.

Continued from page 2

Since stacking is the application of more than one policy limit to the same loss or occurrence, if you only have one vehicle on your policy, then there would be no coverage to stack. With a single car policy there is no multi-coverage to stack, thus no benefit, since this option would not be available to you.

Insurers often offer non-stacked coverage at a reduced rate, since they will only pay the maximum amount allowed for one insured automobile.

Before Leaving the Driveway

“Insurance mitigates risk and provides a shield against economic disaster for the insured and their loved ones,” Linehan says. “We recommend that you contact your insurer and review your coverage. And don’t hesitate to call Wittmer | Linehan if you have any questions regarding your rights or legal obligations.”

CASE REVIEW

Wittmer | Linehan puts the brakes on insurance company’s denial of coverage.



On September 3, 2006 Larry Gillespie and his daughter were involved in a serious motor vehicle accident in Manatee County. The owner (Andres Islas) and driver (Francisco Guerrero) of this vehicle were 100 percent at fault for causing the accident and injuries. Hudson Insurance Company insured the owner and permissive driver of this vehicle with a \$10,000 liability policy. Hudson’s first action was to deny any coverage to their insured for this accident. Their denial was based on their belief that at the time of the application for insurance, the driver, Guerrero,

was living with the owner, Islas, and therefore should have been disclosed on the application in order for coverage to apply to his actions.

Hudson performed a very cursory investigation into this matter before denying coverage. After suit was filed against Mr. Islas and Mr. Guerrero, we met with them and determined that Hudson had wrongfully denied them the coverage they had paid for. We obtained separate counsel for Islas and Guerrero and worked with their attorneys to prove that Hudson’s denial of coverage was unjustified. Ultimately we were able to recover \$350,000 from Hudson for our clients.

All too often, insurance companies will wrongfully seek to minimize their exposure by denying coverage to individuals who cannot afford legal representation. On many occasions, this strategy works. If you know someone who might be facing exposure to a loss, and their insurance company is denying them the coverage to which they believe they are entitled, please tell them to call Wittmer | Linehan for a free consultation.