

# SARASOTA LITIGATOR Journal

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## Threat from uninsured drivers increases as economy slumps.



auto insurance, especially uninsured motorist coverage. Two big reasons: No.1, Florida is among the top five states in the country with the most uninsured motorists, and No. 2, Florida requires drivers/vehicle owners to carry only a minimum of insurance coverage - \$10,000 per person and \$20,000 per accident. In the event of a serious accident, that minimum coverage would prove woefully inadequate to pay for medical care.

The correlation between unemployment and uninsured drivers seems logical, but now the Insurance Research Council (IRC)

has calculated the effect. IRC researchers looked at more than 20 years of data and found that unemployment and uninsured driver statistics track closely. The Malvern, Pennsylvania-based trade group found that if the unemployment rate goes up by 1.0 percent, expect the percentage of people

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As the recession deepens and economic pain spreads, hard-pressed Americans will cull, or completely drop, the insurance coverage on their cars and trucks to trim expenses. Do not be so tempted. In fact, we at Wittmer & Linehan believe that it is more important than ever to maintain, if not reinforce, your

### CASE REVIEW

## \$1.6 million settlement follows extensive injuries in motorcycle incident.

When a local, retired police officer was involved in a serious accident our Firm was called to assist. "John Doe" was riding his motorcycle enjoying the day cruising around Sarasota, heading south on Beneva Road. Attempting to cross Beneva, motorist Joyce Svoboda failed to see our client approaching and hit our client broadside on his motorcycle. He was ejected from his motorcycle and sustained serious injuries. Bayflight was called and transported our client to Bayfront Medical Center.

The initial diagnosis disclosed multiple injuries, including a right foot talar fracture extending to the tarsal tunnel, right distal fibular fracture, comminuted fracture of the right humeral head, fracture of the superior and inferior pubic ramus on the right, fracture of the right distal radius, fracture of the right proximal tibia, fracture of the neck of the right fibula and a fracture of the right patella, and a fracture of the talus. Emergency surgery was performed to stabilize the right leg and right shoulder injuries.

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## Threat increases

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who are uninsured to go up by 0.75 percent.

Most economists anticipate the national unemployment rate will increase at least through 2010, and the IRC predicts that the number of uninsured motorists will rise - from 13.8 percent in 2007, to slightly more than 16 percent in 2010.

In 2007, the most recent year for which statistics are available, the IRC says the five states with the highest uninsured driver estimates were New Mexico (29 percent), Mississippi (28 percent), Alabama (26 percent), Oklahoma (24 percent), and Florida (23 percent). The five states with the lowest uninsured driver estimates were Massachusetts (1 percent), Maine (4 percent), North Dakota (5 percent), New York (5 percent), and Vermont (6 percent).

Consider it is estimated that in 2007, one in every four drivers on the road with you was not insured or was underinsured. And until late in 2007, Florida's economy was rolling along. Today, in 2009, many economists expect another 18 to 24 months of economic dol-drum. Expect the number of uninsured motorists to increase.

### Protect Yourself

Attorney Steven Wittmer says that uninsured motorist insurance is especially good to have in Florida, because of the low minimum insurance coverage required of drivers/vehicle owners - \$10,000 per person and \$20,000 per accident. "Uninsured or underinsured motorist insurance is a great hedge against catastrophic losses should you be unlucky enough to be involved in a serious automobile accident," he said. "In Florida, if the driver who hit you does not

have the required minimum insurance coverage, or is underinsured, they're not going to be covering your losses. Although you have purchased bodily injury insurance, if you haven't obtained uninsured motorist insurance, you won't be covered, period."

According to Florida statute, insurance companies must include \$10,000 of Bodily Injury coverage unless the insured signs a form indicating they can respond in damages if necessary for up to that amount.

Uninsured motorist coverage also includes a pain and suffering benefit. "An uninsured driver who injures you or damages your vehicle probably can't afford to pay for minimum PIP insurance," Wittmer explains. "It is doubtful they would have any assets to pursue in a pain and suffering case."

Uninsured motorist coverage also provides for lost wages. If the accident causes you to miss time from work, you could recoup the wages you would have made while out of work. Health insurance and PIP do not provide that coverage.

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 (a limited type of) or stacked coverage.

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## Motorcycle incident settlement

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our client was stabilized at Bayfront he was transferred to Doctors Hospital for extensive rehabilitation care and therapy. Dr. Sean Dingle was consulted for orthopedic care and case management.



The Defendant was only insured for liability coverage of \$100,000. Fortunately, our client had Uninsured/Underinsured Motorist (UM) coverage with Auto Owners Insurance Company. Primary UM coverage was obtained on the motorcycle in the amount of \$500,000.00. In addition, our client obtained excess UM coverage of \$1 million on his motor vehicle. Our Firm met with the treating physicians, surgeons and therapists to determine the future treatment needs. We evaluated the past and future economic losses sustained by our client and his family. Finally we worked with our client and his family to determine the impact this accident and the resulting injuries had on all the family members.

An offer to settle was extended to both the liability insurance company and the UM insurer, Auto Owners. Fortunately, both carriers realized that the injuries and damages suffered by our client and his family were extensive. A settlement of **\$1.6 million** was obtained by our Firm for our clients.

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 motorist 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.

An example of stacking is 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.

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 not be 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.

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

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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.



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