

GET IT SETTLED

Without A Lawyer!

Insider Information From A Former Insurance Defense Attorney



BONUS: *Includes 10 Major Mistakes People Make When Dealing With Their Doctor After An Accident*

BRYAN S. VANMEVEREN

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When Dealing With Their Doctor After An Accident*

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The information in this book, and the links to various informational videos, are geared primarily toward Colorado law, since Bryan VanMeveren is a Colorado attorney. Each state has its own laws and your situation may be different.

That being said, most people will find the information here to be useful in the quest to get their car accident claim settled. As presented in the following disclaimer, please do not consider the helpful information in this book to be comprehensive legal advice. Always consult with an experienced attorney who specializes in personal injury law.

About the Videos

[These videos](#) supplement the material and sometimes hearing me explain something will help you understand it better. Use the videos as a source of supplemental material that may help you, but don't use them as legal advice.

AN IMPORTANT MESSAGE AND LAWYER-LIKE DISCLAIMER

This book is designed to be a source of helpful information for smart people. I've provided this helpful information to thousands of prospective clients who called me and were unsure as to whether or not they needed to hire an attorney.

Obviously, neither the publisher nor the author makes any representations or warranties with respect to the accuracy or completeness of the contents of this book and specifically disclaim all warranties, including without limitation warranties of fitness for a particular purpose.

Neither the publisher nor the author are in the business of providing legal advice or guidance to people with whom there is no signed fee agreement in place. No guarantee is made that you will get more money from your case without using a lawyer. In fact, in many cases you will do far better with a lawyer. Read the book and you'll understand why some cases are better served with a skilled personal injury lawyer.

Importantly, each case is different. In fact, we **GUARANTEE** that there has never been a case exactly like yours in the history of the universe.

Legal requirements, including time limits for filing claims and lawsuits, vary by state.

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ABOUT BRYAN VANMEVEREN

Bryan VanMeveren has been practicing personal injury law since 1994. He is licensed to practice law in the state and federal district courts of Colorado, Arizona and Wyoming. Besides running two law offices in Northern Colorado, he is the author of two other consumer books and numerous opinions, commentaries and blogs on the law, most of which can be found on his website: www.vanmeverenlaw.com.

Mr. VanMeveren's practice spans nearly 25 years. The first eight years of his practice were exclusively limited to defending big insurance companies and their negligent insureds. Bryan's formative legal training included reading and researching everything there was to know about the big insurance companies' insider playbooks, including application of all the tips and tactics necessary to destroy the personal injury victim's case. The insurance defense work was interesting, intellectually challenging and it provided an opportunity for Bryan to learn from and work with some of the

top attorneys in the country. But the tactics employed by the defense attorneys, which were often dictated by the insurance company paying the legal fees, were often times unethical and contrary to Bryan's personal belief system. Sadly, Bryan witnessed insurance companies, time and time again, go to great expense to defeat or substantially minimize the value of the injured victim's case.

The "[straw that broke the camel's back](#)" came about 18 years ago when a senior partner at the big insurance firm he was working for told him to sign his name to a court document that was written to dismiss a victim's valid claims. The sole purpose of filing the court document was to save the big insurance company money that it was legally obligated to pay. Needless to say, he refused to sign the court pleading and struck out on his own, opening VanMeveren Law Group in 2002. Since 2002, his sole allegiance has been to his injured clients and their families. He hasn't touched a file from the insurance industry for over 16 years. While his sole purpose is to protect victims of negligence from the evil tactics of the insurance industry, he sincerely believes there are many cases that can be settled without an attorney. This book is designed to arm you with important knowledge and information that the insurance industry, their adjusters and lawyers do not want you to know. Bryan wants you to have this information to "level the playing field" and give you the confidence to stand up to the pushy claims adjuster who tells you that your case is of little or no value.

Mr. VanMeveren obtained his undergraduate degree from the University of Wyoming and his Juris Doctorate from the University of South Dakota. He served on the Colorado Supreme Court's standing committee on the Rules of Professional Conduct. While in law school, he was a two-year member of the Client Counseling and Negotiations Board, where he competed in several national counseling and negotiations events. He recently completed a six-year term on the Eighth Judicial District's Nominating Commission, which is responsible for the selection of Larimer County District Court Judges.

For the past fifteen years, Mr. VanMeveren has volunteered his time with both Larimer County Pro Bono Intake Services, and he currently serves as a speaker and legal aid for the county's Domestic Relations Program as well as being a regular speaker at local high schools and civic organizations. Mr. VanMeveren also serves as a representative on the county's Bench-Bar Committee, aimed at improving professionalism and ethics between attorneys and judges. When not busy with his law practice, Mr. VanMeveren enjoys spending time with his family, working in his community, and is actively involved in his church. He and his wife of twenty-nine years are the proud parents of six children.

He worked for over five years as a volunteer board member and chief legal counsel for the Boys and Girls Clubs of Larimer County. He continues to serve as legal counsel and as an honorary board member for the Boys and Girls Clubs

of Larimer County. He also enjoys volunteering at local running events and coaching basketball and track at area middle schools and high schools. He acted as race director for the Lory Trail Duathlon, a fundraiser for local children's organizations.

Mr. VanMeveren is also an avid trail runner, cyclist, skier, triathlete, and supporter of local health and fitness events. He ran the Boston Marathon and was a primary sponsor and served for twelve years as legal counsel for the Colorado Marathon, the largest marathon in Northern Colorado. He remains very active in the local health and fitness community, volunteering his time and providing free legal counsel to local race directors and health clubs.

VanMeveren Law Group continues to sponsor numerous local charity runs and triathlons. Mr. VanMeveren has completed over twenty-five marathons, twenty Ironman Triathlons, numerous Ultra Marathons, Xterra races, adventure races and bicycle races. He is a six-time Ironman World Championship Qualifier, a six-time Half Ironman World Championship Qualifier, and a nine-time USA Triathlon All American. He was named an Ironman All-World Athlete in 2013, 2014, 2015, 2016, achieving gold status with the top 1% of his age group in 2017,2018 and 2019.

SECTION 1



ISN'T IT DUMB TO TEACH PEOPLE HOW TO SETTLE THEIR OWN PERSONAL INJURY CASES?

Why would an experienced personal injury attorney who handles lots of cases each year write a book that teaches people how to settle their own case without an attorney? Why would an attorney risk the wrath of his fellow attorneys, especially those who run ads and create internet web sites that scream “Hire me right now, there’s no fee if we don’t win and I’ll give you a free consultation”?

The answer is that you don’t have to be a legal scholar to settle a small car accident case on your own. Despite the claims made in most lawyer ads, many of the smaller claims can be handled by anyone who understands the process and is willing to do the work. VanMeveren Law Group receives hundreds of calls each month from folks just like yourself who have been victimized by someone else’s negligence. Most of these calls involve an inattentive driver who crashes into

the rear of the caller's vehicle. These folks did nothing wrong and now they are strapped with a damaged vehicle, medical bills, lost wages and a whole lot of pain, inconvenience and frustration. The following pages of this book will provide you with the critical information you need to effectively and properly develop your claim, so you can recover what's fair and reasonable, not some arbitrarily low number the insurance adjuster tells you your case is worth.

The truth is that many of those lawyer ads which try to scare you into "Hiring me now because I can get you the most money for your case" and "Call me and I'll tell you what your case is worth" are disingenuous and deceptive. Lawyers know that they often cannot add anything to your small car accident case that you could not get from the insurance company on your own. Yet these same lawyers gladly take up to 40 percent of your settlement for their "help". Sometimes they even tack on costs and fees such as a mandatory "monthly file maintenance" fee.

As an attorney who works relentlessly, day in and day out, to protect victim's rights and insure you get a fair shake, you'll know up front if Bryan can add value to your case by hiring him. Certainly, there are many nuances a skilled attorney must utilize to effectively handle a complex injury claim in order to get a fair recovery. But when armed with the proper information, you can resolve your smaller injury claim without an attorney and before being misled by a deceptive legal ad or a skilled and savvy claims adjuster. Remember,

the “friendly neighbor” insurance adjuster definitely does not have your best interests at heart. Rather, the adjuster’s sole purpose is to save the insurance company they work for as much money as possible and they’ll go to great lengths to accomplish this goal.

Understand, some cases do require a skilled and experienced legal team and retaining a good lawyer will undoubtedly result in a higher recovery for you. But please be careful when selecting your lawyer. [Hiring the right lawyer](#) is an important step that should not be taken lightly. Despite what you see on television and what you repeatedly hear on the radio, all lawyers are not created equally. Definitely scrutinize the attorney you’re considering hiring, including reviews, ratings, experience and results.

This book is written to show you exactly how you can settle your own small car accident case. If you’re the type of person who can handle your own taxes, pay your own bills and file health insurance claims then you can take control of your own small accident claim and get a fair settlement from the insurance company.

SECTION 2



BRYAN, WHAT TYPE OF CASE CAN REALLY BE SETTLED WITHOUT HIRING AN ATTORNEY?

Answer: The typical case that could most likely be settled without an attorney is one in which:

- There was minor property damage.
- The injury consists of no more than “sprains and strains”.
- You either did not seek immediate medical care or you had no more than two visits to your doctor.
- You had no more than a few visits to the physical therapist or chiropractor.

- You have been discharged following minimal care and you are sure that you have no need for further care related to the accident.
- You lost five days or less from work.

These types of accidents occur hundreds of times a day all across Colorado. There generally is no need for you to hire an attorney to settle these types of cases.

If your case involves broken bones or scarring or any type of an injury that caused you to be admitted to a hospital or to have outpatient surgery, then yes, generally speaking you are going to get your money's worth with an experienced personal injury attorney in your area.

SECTION 3



OUR GUARANTEE.

Yes, lawyers can give guarantees!

I absolutely guarantee you that each case is different.

No two cases are the same. As you go through this process you are going to get all sorts of advice from friends, relatives and family. Even your medical providers are going to try to counsel you on the need to hire a lawyer. Be wary as many of your medical providers have unethical referral arrangements with disreputable injury lawyers. You are going to hear about how cases in different states were settled and how much money people got. Each case and each jurisdiction is different. Just remember that you really can't "compare" what some paid television spokesperson claims they recovered or what a quick Google search tells you your case is worth. Your case is unique, and so is the jurisdiction in which you bring your claim.

SECTION 4



TIMEFRAMES TO REMEMBER

NOTE: This information will vary by state. The following is for Colorado residents only. If your case is not in Colorado, you need to go find out what the rules are in your state! If your accident did happen in another state, please contact us as we handle cases all over the nation. If we can't help you, we are happy to provide a trusted referral.

In Colorado, an adult generally has three years from the date of an accident involving the use and operation of a motor vehicle within which to either have settled their claim or filed a lawsuit against the proper person in the proper court. Children generally have longer than that. In some cases, however, if you are hit by an employee of a governmental agency, there will be certain other mandatory notice requirements,

and the time for bringing a claim may often be much shorter, even for children. If your case involves being hit by an employee of a governmental agency, then your case is not the type of case that should be settled without an attorney.

Also, if your case involves an injury claim arising from a slip and fall incident, an assault or a dog bite, the time within which to bring your claim will be shorter. Please consult an experienced personal injury lawyer as soon as possible to properly determine the applicable statute of limitations.

What this book does is walk you through the steps you should take to adequately document your claim, present it to the insurance company and get it settled!

While we are talking about timeframes, remember this:

Don't Wait Until the Last Minute to Retain an Attorney

If you decide to hire an attorney, please do not wait until the last minute (the last minute in our firm being defined as any time less than three months prior to the statute of limitations running out) to start your search. The good attorneys are in high demand and will want to do an in-depth investigation before deciding whether your case is one that they want to accept. Waiting until the end of your statute of limitations period may mean that no attorney will want to take your case.

SECTION 5



**OK, SO YOU WERE IN AN ACCIDENT.
A BIG QUESTION THAT WE GET IS
“WHAT DO I DO NEXT?”**

What should I do when an accident happens?

- Call 911.
- Use GPS to identify and record your location, note weather and road conditions.
- Photograph damages to all vehicles involved.
- Photograph any distinctive features of the road or intersection.
- Photograph other drivers involved.
- Photograph driver's license and insurance card of other drivers involved.

- Complete list of people involved: info of other drivers, witnesses and reporting officers.
- Draw a sketch of the line of travel of the involved vehicles, indicating how the collision occurred.
- Make notes as to what you were doing just before the accident and every detail of what you saw, heard and felt directly after the accident occurred.
- Record all comments made by involved parties and witnesses.
- Provide your insurance and driver's license information to the other drivers.
- Do not talk about the accident or discuss how the crash occurred with the other driver. If injured, seek medical care immediately.
- When you have gathered all the case info, email it to us for free advice on your legal options.

Coloradoans were involved in 26,978 reported motor vehicle crashes last year. While that was a slight decrease from 2016, that's still almost 74 reported collisions each day. Undoubtedly, many crashes go unreported, so these figures

are much lower than the real numbers. The following are some important reminders to consider if you become one of the statistics and are forced to deal with the aftermath of a car crash.

Following a car accident, the first thing you should do, if you're able, is pull over to the side of the road, but only when you're able to do so safely. No matter the severity of the collision or the damage, call 911 and report the crash. Leaving the scene of an accident without notifying authorities may result in serious criminal and civil legal consequences.

After you are safely out of the flow of traffic, assess the damage to you, your passengers, and your vehicle. Take as many pictures as you can of the scene and damage. If there are witnesses, try to get their contact information for later reference. Exchange information with the other party. Get their name, phone numbers, and auto insurance information.

SECTION 6



OK, SO YOU WERE HURT IN AN ACCIDENT. BEFORE WE START WITH THE OTHER PERSON'S INSURANCE COMPANY, **DID YOU KNOW THAT YOU MAY BE ABLE TO GET MONEY FROM YOUR OWN INSURANCE COMPANY TO PAY YOUR MEDICAL BILLS?**

While this book deals primarily with presenting your claim to the insurance company for the person who hurt you, you should know that you may have coverage under your own policy that will pay a portion of your medical bills regardless of who was at fault in the accident. This is sort of the “comprehensive coverage” of personal injury claims. In Colorado, it is called medical payments coverage or “Med Pay”. Med Pay coverage will cover reasonable and necessary medical expenses up to a set limit (usually \$5,000.00), regardless of fault. In other states it is called Personal Injury Protection or “PIP”.

You should look at the “declarations page” of your car insurance policy or call your agent to see if you have purchased medical payments coverage.

Sample Declarations Page

Coverages*	Limits and/or Deductibles	Vehicle1	Vehicle 2	Vehicle 3	Vehicle 4
Bodily Injury Liability					
Each Person/Each Occurrence	\$1mil/\$1mil	\$151.20	\$68.60	\$103.50	\$47.80
Property Damage Liability	\$100,000	\$145.50	\$66.00	\$78.30	\$48.00
Medical Expense	\$5,000	\$30.70	\$17.00	\$27.90	\$10.00
Rental Reimbursement	\$30 Per Day	\$15.80	\$15.80	-	\$15.80
	\$900 Max	-	-	-	-
Uninsured Motorists Bodily Injury					
Each Person/Each Occurrence	\$1mil/\$1mil	\$28.94	\$27.49	\$28.47	\$27.49
Property Damage	\$100,000	\$4.37	\$3.95	\$3.65	\$3.95

If you have this coverage you will want to submit all of your medical bills directly to your own insurance company until they have paid up to the limits of their coverage for you. If you do not have this type of coverage, you should strongly consider purchasing it if for no other reason than, as we discuss in this book, your own health insurance company may be no more than a glorified loan that needs to be repaid at the end of the case. Unlike your health insurer, which typically has strong contractual subrogation rights if you recover money from a third party, your medical payments coverage does not have to be paid back to your auto insurer after you settle your claim. Again, this is Colorado law and other states may

have laws or regulations that require repayment to your medical pay insurer.

Before getting into any vehicle, it is critical to make certain that you protect yourself and review all available insurance coverages. Many people are unaware just how important your own car insurance coverage can be if you are injured in an accident while travelling in someone else's vehicle, crossing the road as a pedestrian or riding your bike. There are multiple types of insurance coverage you'll want to have in place before you engage in any activity that may involve motor vehicles:

1. *Uninsured/Underinsured Motorists Coverage*: This type of insurance coverage can help cover your damages in the event that the person who hit you did not have insurance or did not have adequate insurance or assets to fully compensate you for your damages and losses.
2. *Medical Payments Coverage*: Med Pay coverage will cover reasonable and necessary medical expenses up to a set limit (usually \$5,000.00), regardless of fault.
3. *Health Insurance*: Make sure you have a good health insurance policy in place before you ride in a vehicle, cross the street or get on a bike. This will help pay for your medical expenses but be wary as much of it may have to be paid back out of your settlement. The insurance company for the driver that hits you will not pay for any of

your medical care until the very end of your case so it's important to protect yourself and avoid exposure to medical bills during the pendency of your claim.

4. *Disability Insurance:* Due to the potential for severe and debilitating injuries following any motor vehicle related accident, review your disability coverage to protect yourself in the event you are unable to return to work.

PRACTICE POINTERS:

1. *Make sure you don't reject underinsured motorist or medical payments coverage when it's offered.
DON'T OPT OUT!*
2. *Get the maximum med pay benefits available.*
3. *Talk to an experienced personal injury attorney about your insurance coverage.*

SECTION 7



DOCUMENTING YOUR ACCIDENT

Although you will likely be reading this book days if not weeks or months after you have been in an accident, you should know that it is critical that you document the following to the greatest extent possible:

1. Exactly where the accident took place;
2. The position of the vehicles before and after the accident;
3. What the accident scene itself looked like immediately following the accident with vehicles coming to rest;
4. Photographs of signs, buildings or other obstructions that may have been involved, causing or contributing to the crash;

5. The names and addresses of anyone who was actively involved in the accident (passengers and drivers); and
6. The names and addresses of anyone who witnessed the accident.

Generally speaking, if the police or a state trooper investigated the accident then there will be a police report available to you. In the event you didn't call 911 and your crash is not investigated by a state trooper or police officer, it is wise to go to the state patrol office or the police station and file a counter report. Most police departments permit the filing of a report up to 72 hours following the accident. This will protect you in the event the other driver makes false claims about the accident later.

SECTION 8



INITIAL DEALINGS WITH THE INSURANCE ADJUSTER

Generally, you will be contacted by the insurance adjuster for the person who caused the accident shortly after the accident occurs. This contact may be by telephone, mail or in person. That insurance adjuster will likely ask for the following from you:

1. Signed authorization to obtain medical records.
2. Signed authorization to obtain work records.
3. A recorded statement.

In any conversation with an insurance adjuster always be polite and professional. An adjuster typically has hundreds of files on his/her desk and oftentimes, sadly, can be short

tempered, demeaning or insulting. Unpleasant conversations with rude claims adjusters are very common and often the driving factor behind an injured party contacting an attorney. You should always be above the fray. But you may want to consider recording your conversations with adjusters. Colorado is a “one party consent” state, meaning it is perfectly legal for you to record conversations so long as you are a party to the conversation.

The simple fact is that human beings will respond well to other human beings whom they like. It is no different in the claimant/adjuster relationship.

Should You Sign the Medical Authorization?

If you are going to settle your case on your own, then the best thing that you can do is to request your own medical records from your own doctors and any hospitals that you have visited. You should be the one to send these records to the insurance company. When you give a signed medical authorization to an insurance adjuster you never know what records they actually receive. Most of the authorizations they use are very broad and would allow the insurance company, for example, to request records from health care that pre-dated the accident without you knowing they are doing so. You may not want your privacy invaded to that extent. Our recommendation is that you obtain the actual medical records from your own doctors and hospitals first.

*Sample Medical Authorization Letter
You Can Model to Get Your Own Records*

Your Name _____

Address _____

Date of Birth _____

SS# _____

[name and address of health care provider]

Dear: _____

Please provide me with a **complete copy** of my **entire** medical records file(s) and itemized billing statements. This request seeks **all records** regarding me in your possession, including any records of other care providers you may have in your file. Please mail the records to me at my home address listed above. Pursuant to HIPAA, please provide me with the records within 30 days of the postmark date of this request.

Pursuant to 45 C.F.R. § 164.524 (HIPPA) will pay the reasonable direct costs of copying the medical records. I understand that under Colorado law I am entitled to a copy of my medical bill at no charge. Please note that under HIPPA an individual cannot be charged a 'retrieval' or 'search' fee when that individual requests his/her own records.

If you require advance payment for copies of my records, please respond in writing within the next seven days, providing me with an accounting of copying charges so that I may remit payment.

Please accept this letter as my written request for records in full compliance with all HIPAA requirements. DO NOT SEND ME AN AUTHORIZATION FORM TO FILL OUT. Under HIPAA, this letter is legally sufficient. Authorization forms may only be required by a care provider when a third-party is requesting medical records. You are not permitted under HIPAA to require me to execute an authorization to receive a copy of my own records.

Sincerely,

Name: _____

Date: _____

Should You Fill Out a Lost Wage Verification Form?

The same goes for the lost wage verification. You should be the one going to your employer to obtain verification of the dates missed from work because of the accident. This verification should include your rate of pay, your job description, and your job title. Do not depend on the insurance company to do this for you. The insurance company should have no objection if you obtain this information yourself and send it to them.

Here's a sample wage and salary verification form you can use:

Wage & Salary Verification Form

I am making a claim against an insurance company for injuries I sustained on _____. In order to complete my claim, I would appreciate it if you would provide the following information:

Employer name: _____

Dates of Employment: _____ through _____

Occupation: _____

Salary or wage: _____ per () week () month

Dates absent following injury: _____ through _____

Signed: _____

Printed: _____

Title: _____

Date: _____

What If the Insurance Adjuster Asks For a Recorded Statement?

Most often, the insurance company's request for a recorded statement is a one-way street. In other words, if you ask them if you can get a recorded statement of the person who hit you, they'll just laugh. That is why in most cases it is not a good idea to give a recorded statement to the insurance company. If, on the other hand, you are going to handle the case without an attorney and the insurance adjuster absolutely refuses to deal with you unless you give a recorded statement, then you are probably going to have to do so.

Request that the insurance company provide you with a transcript of the recorded statement. You will want to check it for accuracy. You would be wise to make your own recording when providing a recorded statement to the adjuster. The insurance company will use the recorded statement against you to the extent possible.

What About the Property Damage Claim?

In most accidents there are two separate claims to be made. The first is the property claim. Your car may need to be repaired or, if the repairs would cost more than the value of the car, your car may be "totaled". While the insurance company for the car that hit you may reach out to you regarding getting the repairs done, do not be afraid to turn to your own insurance company (provided you have this type of coverage) and get them to repair it for you. You will usually get better

service from your own company than you will from the company of the person who hit your vehicle. After all, you likely have been paying insurance premiums to your insurance company for years.

No matter who repairs your car, you should make sure that the repairs are done to your absolute satisfaction. Oftentimes there is damage that is not readily ascertainable upon first inspection.

How Much Will They Pay For the Property Damage?

If the car is repairable for less than the value of the car the day before the accident, then the insurance company will repair it. That should not be the end of the equation however. They should also pay you for the diminution in value. A car that has been in an accident and repaired is worth less than a car that was not in an accident. Proving diminution in value can be difficult but oftentimes can be accomplished with an affidavit from the repair shop. If the cost to repair your vehicle would be greater than the value of the vehicle before it was in the accident, then the insurance company may “total” the car. They would pay you essentially the price at which the car would have exchanged hands the day before the accident, and you will surrender the car to them.

Determining that fair value, again, can be difficult but oftentimes an affidavit or report from your local mechanic or used car dealer can be of assistance. The bottom line with

property damage cases is that because the vehicle is typically much more “valuable” to you than it is to any “Blue Book”, the sad reality is that you are almost never “fairly compensated” for that car’s value to you. Getting an attorney involved in the property damage aspect of the case is usually not warranted because you may end up paying more in attorney fees than you will recover for “loss of value.” It is almost always best to try to work out the property damage claim with the insurance company yourself.

SECTION 9



WHO WILL PAY MY MEDICAL BILLS WHILE MY CLAIM IS PENDING?

As you are being treated for your injuries, doctors and other health care providers will expect to be paid. The last thing you want to have happen is to have your medical bills sent to collections and have your credit damaged.

Here is what you do with your accident-related medical bills while your claim is pending:

1. If you carry medical payments coverage, submit your bills to your auto insurer first. In Colorado, your auto insurer must offer to provide medical payments coverage. Unless you've opted out in writing, the coverage is available to cover unexpected, accident-related medical expenses up to \$5,000.00. This important coverage can also help with health insurance co-pays, deductibles and other accident-related care that may not be covered under a traditional health insurance policy.

2. Once your medical payments coverage is exhausted, submit your bills to your health insurance. You will usually be charged the lowest rate by the health care providers and your bills will typically be paid quickly. If any health care provider suggests that you do not submit the bills to the health insurance company, you should probably run. When you do not submit the bills to the health insurance company, you typically end up paying “list price” for the health care. This is usually a bad idea. Also, do not let a health insurance company tell you that it does not “cover” accidents. It is a rare health insurance policy that does not actually cover accidents. You need to explain to your health insurance company that your doctor will not wait two years to be paid. If your health insurance company denies, balks or delays paying your medical bills after an accident, call us.
3. If you do not have medical payments coverage or health insurance, there may still be a way that you can get health care for injuries related to your accident. Some health care providers will provide a limited amount of care on a written reimbursement agreement. This means that they will charge you the full amount of the bill (and you will ultimately remain responsible for the full amount of the bill); however you will enter into an agreement with them to repay the health care provider directly out of your settlement proceeds. Often, in small cases with no health

- insurance, the client's goal is to come out of the case at least "even" and to not owe for medical care. Thus, many clients with small cases and no insurance seek as their primary objective not having their credit rating impaired by being sued by health care providers. Frankly, if you do not have health insurance you may be better off in the long run by retaining an experienced personal injury attorney who can help you work through obtaining proper medical care via provider reimbursement agreements, Medicaid or one of the charity funds available in Colorado.
4. When it is time to settle your case, you will submit the bills to the insurance company for the person who hit you. You should be aware that these bills will not be paid as they are incurred but will only be paid once the claim is totally settled at the end of the case. Remember to submit all your bills. The person who hit you and that person's insurance company are responsible for all of them, even if they have been paid by one of your insurance companies. Remember that you may need to repay your own health insurance company, and the adverse insurance company may not always agree that your bills are "reasonable and necessary".

SECTION 10



COLLECTING THE DATA TO BE PRESENTED TO THE INSURANCE COMPANY

The “Demand” Package

The major elements of damage that you will be seeking recovery for in a small personal injury claim are:

1. Your medical bills, even if previously reimbursed by your medical payments coverage or health insurance.
2. Your lost wages.
3. Any ancillary expenses such as medical equipment, hiring someone to drive you to and from doctor’s visits, and hiring a babysitter if you have children who need to be tended while receiving medical care.

4. Your pain, suffering and inconvenience caused by the person who hit you. This includes damages for the negative impact a person's injuries have had on their quality of life.
5. Your damages for permanent impairment. This category includes physical impairment and disfigurement damages. Physical impairment damages are not clearly defined in Colorado, but would include any physiological disorders or conditions, cosmetic disfigurement or anatomical losses affecting the body.

This means you must gather the actual medical bills and verify the lost wages to which you're entitled. The insurance company for the responsible driver is responsible for your lost wages and the total amount of your medical bills. That's even if your doctor if your doctor accepted less than the total because he or she has a deal with your insurance company. Sound unfair? It's not. What the law says is that you were smart enough to buy insurance and so you should retain the benefit of that insurance, and the fact that you may have gotten a discount on your health care should not be something that benefits the careless person who hit you. But be wary: the insurance company for the bad driver may still try

to argue some or all of the charges were not “reasonable” or “necessary.”

Be aware that the statements you receive from your health insurance company (explanation of benefits) are not the actual bills that will need to be submitted to the car insurance company. You need to ask your health care provider for a printout of the actual bills.

In fact, most health care providers can print out a bill showing only the charges and not any payments that you may have paid or that may have been paid on your behalf.

What other documents will I need to collect and submit to the defendant’s car insurance company?

In assembling the claim that you are going to be making to the insurance company without an attorney, your claim should generally include the following:

1. Copies of the actual medical records generated by your health care providers because of the accident. Please note that the “discharge form” that a hospital hands you on the way out the door is not a “complete copy of your actual medical records”. You need to collect the records.
2. Documentation through photographs or video of any scarring or bruising that you have suffered.

3. Documentation of your pain, suffering and inconvenience. You should use this book to chronicle your pain, suffering and inconvenience. Feel free to submit a copy of your diary or journal in its entirety to the insurance company.
4. Five years of medical records that predate the accident. This may be important if you have previously suffered an injury to the same part of your body. You should obtain those prior medical records and hold them until the insurance company asks for them. In any event you should know what is in these records.
5. Your previous accident history. If you have been in other accidents, you should attempt to obtain the records of those accidents. Again, this is something that you may want to have to ensure it is accurate before turning it over to the insurance company (but only if they ask for it). If you have been in prior accidents be advised that the insurance company probably already knows all about it! Don't try to hide prior accidents.
6. An ISO claim search report on you. This is the insurance industry's database of any claim that you have made in the past. The insurance company will be looking at this database. You should look at it as well to make sure that

the information in it is accurate. To obtain an ISO claim search report contact this company:

ISO CLAIMSEARCH

545 WASHINGTON BOULEVARD,
JERSEY CITY, NJ 07310-1686 TEL: (201) 469-3097-
FAX: (201) 469-4139

7. A narrative report from your doctor. Sometimes medical records can be indecipherable (or at least confusing). Once your treatment has ended you may want to get your doctor to write a narrative report which details the nature of your injuries, the relationship of those injuries to the accident, what care the doctor provided or recommended, and how you progressed through that care. If you have had surgery because of the accident (or need to have surgery because of the accident) your doctor should outline the direct connection between the accident and the surgery and she should explain why you would not have needed the surgery if you had not been in an accident.

(Remember, if you have had (or need) surgery because of the accident it is not generally a good idea to try to settle that case on your own.) To the extent that you have any residual, permanent or partial disability, this should also

be noted in the narrative report. Of course,, if you have residual, permanent or partial disability this is probably not a case that you should try to negotiate on your own. Narrative reports from your doctors will also be extremely beneficial in validating the reasonableness and necessity of your medical care. Please note that doctors will charge for this report. You should know the amount that your doctor will charge you for the report before committing to it.

What does the package look like that I send to the insurance company?

Insurance adjusters typically have many files on their desks. To them you are sometimes no more than a claim number. Therefore, the settlement package that you present should be thorough, yet simple and straightforward enough for them to read and understand. It should be well organized and include the following:

1. A formal demand letter (discussed in the next section).
2. The traffic accident report.
3. Any written witness statements to the accident.

4. Any photographs or video of the accident, the accident scene or the property damage to the vehicles.
5. All of the bills directly associated with your injuries from the accident. If there are itemized bills not directly related to the accident you should clearly mark on the bills that you are not claiming these nonrelated charges. If you claim nonrelated charges, you may be accused of insurance fraud and, at the very least, the insurance company will see you as someone who is overreaching and exaggerating a claim.
6. The medical records for all your care after the accident.
7. If you are making a lost earnings claim, the wage verification form.
8. Any bills or receipts for any ancillary expenses such as child care, medical devices or taxi cabs you had to take to and from physical therapy or doctors' visits.
9. Photographs and/or video of your injuries.
10. Written statements of any friends, relatives or coworkers who can attest to the effect that the injuries have had on you.

In the opening of the demand letter, you should state that you are communicating with the insurance company in an attempt to settle your claim without having to hire an attorney. You should list the documents that you are enclosing.

You should detail for the insurance adjuster the exact circumstances of the accident so that the company can easily see that the accident was their insured driver's fault. You should quote from any witness statements that you have obtained regarding the details of the accident or of your injuries.

You should detail your injuries and the effect that they have had on your life. You need to balance out the need to educate the insurance adjuster about your damages versus overdramatizing or overreaching on your claim. It is helpful if you can provide detailed, specific examples of pre-accident activities that you used to enjoy but are now limited or impossible to do.

If the insurance adjuster believes that you are overreaching on your claim or that you are a malingerer, then the company may value your case lower than what is reasonable. Your demand letter should outline the treatment you receive and itemize the bills that you are claiming. If possible, you should use the exact billing codes that have been used in your case as the insurance company will be inserting those billing codes into its computer.

Remember that when you settle your case you are ending your case. If there is any sense from you or your doctor that you are not completely healed or that you may need future

care, treatment or surgery in the future, then you should not be settling your case unless you can provide the adjuster with a detailed prognosis from your doctor regarding your ongoing medical care needs and the costs associated with any future care. In fact, if after four months you still need care, you likely should be seeking the services of an experienced injury attorney.

SECTION 11



ESTABLISHING THE VALUE OF YOUR CASE

In the old days, there probably was a formula for determining the value of your case. Today, I do not believe that there is any such formula. Instead, both insurance companies and experienced personal injury attorneys evaluate their cases based upon the “marketplace”. The marketplace for a personal injury claim is what amount of money a jury in the jurisdiction where the case will be filed is typically awarding for cases with similar fact patterns and injuries. Every insurance company maintains its own data bank of cases that were settled or tried to verdict. The insurance companies use these prior cases as a guide for evaluating your case. Nevertheless, a well-organized, thorough, yet concise, demand letter can certainly be persuasive in motivating the insurance company to put more money on your claim.

Since you are attempting to settle your case yourself without an attorney, you obviously are not in a position to fully

evaluate or have even a reasonable sense of what juries are doing with cases like yours. We suggest two websites for this information: verdictsearch.com and juryverdicts.com. The Jury Verdict Reporter of Colorado is a subscription-based publication that provides state wide coverage of Colorado civil jury verdicts. These offer reasonably comprehensive information about the value of personal injury cases in the area. Remember, each case is different, and be wary of any attorney who claims he or she can tell you the value of your case during your initial consultation.

SECTION 12

**NEGOTIATING WITH THE
INSURANCE COMPANY**

Three important factors to take into consideration when negotiating a final settlement for your case are:

1. What would a jury award in my case?
2. How much will it cost me to get there?
3. What are the risks of taking my case to trial?

First, when you settle your small personal injury case on your own, you are saving the typical 33% attorney fee that we charge in these cases. Most attorneys will charge you a 33% fee whether the case settles quickly or years after extensive case preparation and negotiations. If the case does not settle and a lawsuit must be filed, attorney fees may increase to 40% to 50% of the verdict.

Second, you are usually avoiding the expensive fees that doctors and other expert witnesses charge to come to trial to testify. You should keep both of these fees that you are “saving” in mind when you settle your case. You may be able to settle your case for “slightly less” than the actual “value” from a jury and yet still pocket more money for yourself by avoiding these expensive witness fees.

In terms of your risk assessment, even if you did nothing wrong, there are no guarantees you will win your case at trial. Always remember that whether you’re represented or not, a jury of six complete strangers, all with their own biases and pre-conceived notions, may not like you or your case. As a result, you may not receive the “marketplace” verdict you expected.

Once the insurance adjuster receives your complete package and your demand letter, the company will typically evaluate the case and get back to you with an offer. Sometimes there are additional records that adjusters need or want to obtain. You should always put a deadline in your letter. The typical deadline is approximately 30 days. **Remember the statute of limitations.** In fact, an adjuster would love to avoid paying on a valid claim because you failed to settle or file suit prior to the statute of limitations expiring. The insurance adjuster is not required to remind you of your deadlines!

Once the insurance company makes an offer, you can negotiate; most insurance companies do not offer top dollar the first time. Frankly, the insurance company is at quite an

advantage at this stage of the case because they do have a good idea of how much your case is worth in front of a jury, and they know you are unlikely to file suit without an attorney by your side. The fact you probably do not have an idea what your case is worth is one of the “unknowns” of attempting to settle your case on your own without any advice or input from an experienced personal injury attorney. For many small cases however, the savings may be worth it.

SECTION 13



WHAT IF THE OTHER PERSON DOES NOT HAVE INSURANCE OR THEIR INSURANCE COVERAGE IS ONLY THE STATE MINIMUM LIMITS?

If the person who caused the accident does not have insurance, you will need to make a claim under the uninsured motorist provision of your policy. You will have to provide your own insurance company proof that the person who caused the accident is not insured. The insurance company may be able to verify this for you. Your own insurance company now becomes your adversary, in effect “representing” the person who was driving the car without any insurance.

The uninsured motorist provisions of your own car insurance policy also provide coverage in the case of a hit and run accident. If you do not know the identity of the person who hit you because the bad actor fled the scene, you can make a claim under this provision.

Finally, this same provision will also provide underinsured motorist coverage if the person who caused the accident only carries the state minimum in liability coverage, and you are able to prove your claim exceeds the minimum limits. Again, having an experienced personal injury attorney review your situation is a good idea even if you are ultimately going to be the one to negotiate with the insurance company.

While this type of claim is slightly more complicated, it still is one that you can often handle yourself if your case otherwise fits the parameters that we have discussed in this book.

SECTION 14



I HAVE REACHED AN AGREEMENT WITH THE INSURANCE ADJUSTER – NOW WHAT?

Great! Congratulations!

Once you and the insurance adjuster reach an agreement on the sum to be paid to you for your injuries, the adjuster will send you a settlement release. Review the document very carefully. Once you settle your case there is no going back. If it turns out that you are not completely healed or that you need future care or surgery, you will be on your own to cover any future costs incurred after the release is signed.

SECTION 15



I SETTLED MY CASE – THAT’S THE END OF IT ISN’T IT?

Maybe. There are several instances in which you must repay others out of the money that the insurance company has sent you. The insurance company will not generally tell you about this. Be aware however that you may have to repay others in the following circumstances:

1. If any of your bills were paid by Medicare or Medicaid;
2. If your bills were paid under an ERISA-governed group health benefit plan that is self-insured;
3. If your bills were paid under any military health benefit plan;
4. If your bills were paid under any federal government employee health benefit plan; or
5. Any unpaid medical bills (of course).

Typically, if your health insurance plan is seeking recovery from you, the plan will send you a letter to this effect. If you receive that letter you need to examine it closely and make sure that the bills on the claim are bills that were actually incurred because of the accident. If your insurance company is entitled to reimbursement and you settle your case without reimbursing them, you may find that later your insurance company will not pay your future medical bills. Your insurance company may also sue you if you do not repay them. Of course, the federal government can also bring a claim against you if you do not repay Medicare. The state government can do the same if you do not repay Medicaid.

Remember, the car insurance adjuster does not care if you have to repay someone else and will not typically bring up the topic at all.

The issue determining whether your health benefit plan needs to be repaid can be complex and is obviously well beyond the scope of this book. I would caution you however that just because an insurance company sends you a letter stating that they are entitled to reimbursement, it does not mean that they necessarily are entitled to your money. An experienced injury attorney can look at this issue for you.

SECTION 16



HELP! I CANNOT GET MY CASE SETTLED BUT I WOULD STILL LIKE TO TRY TO FILE A LAWSUIT WITHOUT AN ATTORNEY.

You are running into dangerous territory here, but it still can be done. In Colorado for example, we have different types of trial courts that can handle these claims. The jurisdictional maximum amount you can recover in small claims court is currently \$7,500.00. County Court is designed for people to bring a lawsuit seeking recovery of under \$25,000.00 (\$15,000.00 prior to 2019). Witnesses will be sworn, and the judge will conduct the trial so as to do substantial justice between the parties.

You can also file a lawsuit in District Court. In that Court, the judge must apply the Rules of Procedure and Evidence to each case that it hears. District Courts hear civil cases in any amount, as well as domestic relations, juvenile, probate and mental health cases. The defendant in an injury case

will typically have an attorney provided by the car insurance company. Many pro se (without an attorney) plaintiffs represent themselves successfully each day. This is not without its problems however.

One last note. Before you file a suit in any court, you need to know the defendant's correct name and address. If the defendant is a corporation, you should call the State Corporation Commission in Denver to get the correct address. Understand that determining the name and address of a corporation can be tricky. Being injured in a McDonald's for example does not necessarily mean that you are suing McDonald's. Many nationally known trade name stores and restaurants are actually franchises, owned and operated by a separate independent corporation. You must sue the correct corporation.

SECTION 17



HOW CAN I FIND THE RIGHT ATTORNEY FOR MY CASE?

We do hope that you can use this book to settle your own case without an attorney, but we realize that not everyone has the time or is willing to put in the work. Again, if you're seeking skilled representation, do your homework. Watch my videos at www.vanmeverenlaw.com on important steps to take before hiring an attorney and learn more about conducting a thorough internet search of qualified attorneys through trusted legal sites like MartindaleHubbell at www.martindale.com.



CONCLUSION

As I discussed at the beginning of this book, there are many small accidents that occur each day in Colorado that can be settled without the assistance of an attorney. Some people will hire an attorney anyway just to not have to deal with the hassle and the paperwork of dealing with the insurance company. Others will hire an attorney out of ignorance or because they have been lured in by attorney advertising. Only you can decide whether attempting to settle your case without an attorney is in your own best interests. If you have questions you should consult with an experienced AV rated injury attorney in your area.



TEN MISTAKES PEOPLE MAKE WHEN DEALING WITH DOCTORS AFTER AN INJURY

1. Failing to Seek Immediate Medical Attention After a Traumatic Event

The victim is always responsible for proving that he or she was injured in a particular incident. Insurance companies and juries often believe that if you aren't hurt badly enough to seek immediate medical attention, you aren't hurt badly enough to deserve much in the way of compensation. Don't try to "tough out" your pain. See a doctor as soon as possible, as minor injuries may worsen without prompt medical attention. Not only is failing to seek prompt medical attention a health risk, it also strengthens the insurance company's argument that you failed to mitigate your damages.

2. *Failing to Fully Disclose Your Health History and Habits to Your Doctor*

A health care provider will usually ask if you had any injury or sickness before your current problem. It is critical to be honest when answering this type of question. Doctors use past medical history to diagnose and treat you. Providing incomplete information can impact the quality of the medical care you receive. Concealing prior injury or sickness from your doctor will also hurt your legal case. If you provide your doctors with incomplete information, their medical opinions could be rejected by insurance companies and juries. Failure to fully disclose your medical history will also impact your credibility and could negatively affect the value of your claim.

3. *Talking with Your Doctor About Lawsuits or a Lawyer's Advice*

A doctor's job is to focus on your medical condition. In order to do that job, a doctor does not need to know about your lawsuit or your lawyer. Sharing your legal issues or concerns with a medical care provider is unnecessary. Most doctors do not want to be involved in a lawsuit. If you tell a doctor he or she is treating an injury that is the subject of a lawsuit, it could impact the willingness of the

doctor to provide treatment or reach important conclusions about the cause of your injuries.

4. *Missing or Showing up Late for Medical Appointments*

Insurance companies and juries get to see all medical records related to your claim. When you skip a medical appointment, your record just says “DNS,” which means “did not show.” Excuses – no matter how valid – usually do not make it into the record. More than one or two “DNS” entries could make it look like you were not committed to getting better. Skipping medical appointments or showing up late could also irritate your doctor. Irritated doctors do not make good witnesses for their patients.

5. *Failing to get Your Pain Accurately Documented in Medical Records and Supported by Diagnostic Studies*

Insurance companies and juries will not believe that you are in pain just because you say so. They need to read about your pain in your medical records. When insurance companies and juries review your records, they will be looking to see how soon you reported pain after an injury and how long you continued to report that pain.

Moreover, diagnostic studies such as X-rays, CT scans and MRIs are extremely helpful objective evidence that can support your subjective complaints of pain.

6. *Failing to Inform Your Doctor if Your Injury is Affecting Your Ability to Work*

Insurance companies and juries will not believe that your injury affects your ability to work just because you say so. If your injury is affecting your ability to work, it is important to mention such a problem to your health care provider. Work problems caused by injury may be treatable and they should be noted in your medical records. Further, if you're claiming you couldn't work because of your injuries, it is imperative that you obtain a doctor's note excusing you from your job.

7. *Failing to Take Medications as Prescribed*

There is a reason why doctors prescribe a particular type of medication for a particular time. You should follow your doctor's recommendation until your doctor tells you something different. If you think a medication is making your muscles ache or your stomach hurt, say so; side effects are not rare, and your doctor can usually switch

you to another drug. Don't put yourself in the position where you have to admit that you chose not to follow your doctor's advice. Again, if you quit taking your prescribed meds and don't report this to your physician, this will impact your credibility and ability to recover your full damages.

8. Stopping Medical Treatment Too Soon

Insurance companies and juries often believe if a person stops seeking medical treatment for an injury, the injury must be healed. They also believe that significant gaps between treatments suggest that you healed from one injury and must have suffered a new one unrelated to the first. If you have an injury that is affecting your ability to function, you should consistently seek medical treatment until you've healed or until a doctor tells you that there is nothing more that can be done to improve your condition. If you are still suffering and your doctor tells you to "come back as needed" or "call me if you have any problems", you should ask how long you should wait to call if you continue to have the same level of pain and disability. You should also consider obtaining a second opinion if you feel your doctor is not taking your ongoing complaints of pain seriously.

9. *Failing to Follow Treatment Recommendations Related to Depression or Anxiety*

Often pain and/or disability can trigger depression and anxiety. Psychological conditions like depression and anxiety are just as real as broken bones. They cannot be overcome without appropriate treatment. A person who causes another person physical injury is also responsible for resulting psychological conditions. Insurance companies and juries usually only compensate victims of injury-related depression and anxiety if those conditions are properly diagnosed and treated by medical professionals.

10. *Failing to Keep a File*

It is important that your lawyer knows every medical care provider that you see after an injury. It is also important that you keep track of all doctor orders, treatment referrals and/or work restrictions. Keeping a file of all materials provided to you by health care providers and insurance companies, including all of your out-of-pocket expenses related to your care, will ensure that you can provide all necessary information to your lawyer at the appropriate time.



SAMPLE DEMAND

November 9, 2016

Progressive Claims
123 N. Steelhead Way, Ste. 123
Boise, ID 81234

SENT VIA U.S.P.S. & FACSIMILE: (801) 495-1234

RE: Our Client: J. Brent Smith
Your Insured: Jared A. Jones
Date of Loss: July 27, 2016
Claim No.: 16-12345678

Dear Progressive:

We are writing this letter on behalf of J. Brent Smith to present you with his demand for settlement for the injuries he sustained on July 27, 2016 as the result of a motor vehicle collision occurring at the intersection of Colorado Highway 14 and Link Lane in Fort Collins, Colorado. **This letter constitutes an offer of settlement pursuant to C.R.E. 408, the contents of which are inadmissible in court for any purpose.**

CLAIMANT

On July 27, 2016, Brent Smith is a 75-year-old married man who is retired from working as a machinist at Woodward Governor. Prior to the collision, Mr. Smith was experiencing low-grade impingement in the AC joint of his right shoulder, but was managing it well with Mobic, a nonsteroidal anti-inflammatory. *See prior medical records.* He otherwise was fit and healthy, with no prior trauma or injury to his upper back and neck.

FACTS OF THE INCIDENT AND LIABILITY

On July 27, 2016 at approximately 9:40 a.m., Mr. Smith is the restrained driver of a 1999 GMC SLE pickup. His wife, Sherry, is the front seat passenger. The Smiths are traveling eastbound on Mulberry Road, also known as Colorado Highway 14, approaching its intersection with Link Lane. At the same time, your insured, Jarod Jones, is driving a 2007 Nissan Murano, traveling westbound on Colorado Highway 14 also approaching the intersection with Link Lane. The traffic light is green for east and westbound through traffic. Mr. Jones attempts to make a left turn onto southbound Link Lane immediately in front of the Smiths' vehicle, causing the front of the Smiths' pickup to crash into the right side of the Nissan. *See attached police report.* Both front airbags in the Smiths' vehicle deploy.

Police and emergency services are dispatched to the scene. Trooper Howard Thomas of the Colorado State Patrol investigates the crash and speaks to witnesses on scene, including Todd Ball. Mr. Bauer was in the east bound lane of Colorado Highway 14 in the left turn lane, waiting to turn northbound onto Link Lane. He observed the Smiths' vehicle traveling eastbound on Highway 14 and saw them go straight through the intersection with the clear right of way. In a subsequent interview with this office, Mr. Ball stated that he saw Mr. Jone's vehicle suddenly made a left turn across the eastbound lanes to turn onto the frontage road without slowing down. Mr. Ball stated that he saw the Smiths' truck hit Mr. Jone's vehicle nearly head on and when he went to the Smiths' vehicle to check on them, he could tell that they were hurt. He called 911 and waited with

the Smiths until police came to the scene. He stated, “The Smiths did not stand a chance and they were 100% in the right.”

Trooper Thomas issues Mr. Jones a citation for Careless Driving Causing Bodily Injury in violation of section 42-4-1402(b) of the Colorado Traffic Code. *See attached police report.* The entire front end of the Smiths’ vehicle is severely damaged, the truck is inoperable and is towed from the scene. *See attached property damage estimate, photographs and police report.*

Paramedics evaluate Mr. Smith and note that although he was able to get himself out of his vehicle, he is experiencing dizziness and pain in the bilateral scapulae, which radiates across the upper back. *See Poudre Valley Hospital EMS narrative.* Mr. Smith is transported via ambulance to the emergency department of Poudre Valley Hospital.

INJURIES

As a result of the impact of the collision, Mr. Smith sustained injuries to his left shoulder, neck and upper back.

DIAGNOSES AND IMPRESSIONS

Emergency Physicians of the Rockies, David Doctor, DO
Cervicalgia (M54.2); Dorsalgia, unspecified (M54.9)

Family Medicine – North Loveland, Kevin A. Fixer, DO
Primary osteoarthritis, right shoulder (M19.011); Pain in right shoulder (M25.511); Person injured in unspecified motor-vehicle accident, traffic, initial encounter (V892.XXA); Pain in left shoulder (M25.512)

Orthopaedic & Spine Center of the Rockies, Thomas Surgeon, MD
Impingement syndrome of right shoulder (M75.41); Pain in right shoulder (M25.511)

MEDICAL VISIT SUMMARY

Poudre Valley EMS

On July 27, 2016, EMS responds to a report of a motor vehicle collision. Upon arrival they find Mr. Smith sitting in the driver's seat of his truck, being attended to by Poudre Fire Authority. He is complaining of shoulder and back pain. Mr. Smith is able to self-extricate with slight dizziness once out of the truck. He is transported to Poudre Valley Hospital.

Poudre Valley Hospital

On July 27, 2016, Mr. Smith is seen in the Emergency Department following a motor vehicle collision in which he was the restrained driver. He reports pain in the muscles of his upper back and neck that gets worse with movement or deep breathing. Examination reveals pain in the paraspinal musculature. Mr. Smith is given a muscle relaxant and a prescription for Oxycodone. He is instructed to follow up if any of his symptoms worsen or change.

Orthopaedic and Spine Center of the Rockies

On August 9, 2016, Mr. Smith presents to Dr. Thomas Surgeon with increasing right shoulder pain following his recent motor vehicle collision. Most of the pain is lateral in nature which worsens at night and with reaching and lifting. Examination of the right shoulder reveals mild pain with full active abduction and full active internal rotation. Dr. Surgeon also notes tenderness over the AC joint with a positive crossover arm test. Imaging reveals moderate degenerative changes to the AC joint. Dr. Surgeon recommends a corticosteroid injection for the right shoulder due to the persistent and worsening symptoms after the collision. Mr. Smith chooses to proceed with the injection. The right shoulder is prepped, and a mixture of Dexamethasone, Marcaine and Lidocaine are injected into the right AC joint and right subacromial space. Mr. Smith will continue taking his pain medication and follow-up as needed.

Family Medicine, Dr. Kevin Fixer

On August 24, 2016, Mr. Smith presents to Dr. Kevin Fixer with worsening pain in his right shoulder that radiates across his back and into his left shoulder. He has been taking Mobic for the pain during the

day and Percocet at night but is having trouble sleeping. He received a steroid shot in his shoulder which actually worsened his pain after just one day. Examination reveals tenderness in his right shoulder, left shoulder, and cervical spine. Mr. Smith will get an MRI of his right shoulder and is instructed to follow up with Dr. Surgeon. Dr. Fixer instructs Mr. Smith to continue using the pain medication, and suggests he try sleeping in a recliner with his shoulder in a neutral position to help decrease his pain.

Poudre Valley Hospital

On September 1, 2016, Mr. Smith reports to radiology for an MRI of his right shoulder. Imaging revealed moderate to severe AC joint degenerative changes, and focal high-grade undersurface tearing distal posterior supraspinatus fibers. There is also some fluid within the sub-acromial/subjective bursa.

Orthopaedic & Spine Center of the Rockies

On September 19, 2016, Mr. Smith returns to see Dr. Surgeon to review the results of the shoulder MRI. Dr. Surgeon notes that Mr. Smith has had longstanding impingement associated with his right shoulder that was recently exacerbated by a motor vehicle collision. He had a targeted steroid injection that was only helpful for a day or so. The MRI shows some underlying impingement and partial rotator cuff tear, with high-grade AC joint degenerative changes. Dr. Surgeon prescribes Mobic and will see Mr. Smith as needed when he returns from wintering in Arizona.

MEDICAL EXPENSES TO DATE

Poudre Valley Emergency Medical Services	\$854.80
Poudre Valley Hospital	\$1,459.94
Poudre Valley Hospital MRI	\$2,875.97
Emergency Physicians of the Rockies	\$227.00
Orthopaedic & Spine Center of the Rockies	\$855.00
UC Health, Dr. Kevin Fixer	<u>\$211.00</u>
TOTAL	\$6,483.71

See attached medical records, medical bills and medical expense summary.

OTHER OUT OF POCKET EXPENSES

As a result of the collision caused by Mr. Jones, the Smith's small terrier mix dog was thrown into the back of the pickup cab. They took her to be examined by their veterinarian, which cost **\$54.00**. *See attached bill*. In addition, Mr. Smith paid **\$11.10** at the Poudre Valley Hospital pharmacy for pain medications. *See attached receipt*.

TOTAL ECONOMIC LOSSES **\$ 6,548.81**

PERMANENT IMPAIRMENT

Mr. Smith had pre-existing degenerative joint disease and mild impingement in his right shoulder, which was significantly exacerbated by the violent impact of the collision caused by your insured. He now experiences worsened shoulder pain, a partial rotator cuff tear, limited range of motion, and high-grade AC joint degenerative changes. Mr. Smith has a life expectancy of 10.94 years and will suffer the worsened condition of this right shoulder for the rest of his life. *See attached life expectancy table*.

IMPACT ON QUALITY OF LIFE

Since retirement, Mr. Smith made a significant financial investment in a project to rebuild and restore a World War II airplane, expecting to sell the finished product for a profit. Before sustaining injuries in the July 2016 collision, Mr. Smith would work on the plane at least five days a week, even taking portions of the plane with him to Arizona for the winter to continue to work toward completion of the project. At his pre-collision pace, Mr. Smith anticipated finishing the restoration within 2-3 years. Since the collision, Mr. Smith's work on the project has completely ceased. His physical ability to work on the airplane has been severely compromised due to his shoulder injury.

He was also adversely affected emotionally due to constant worry and anxiety related to his wife Sherry's injuries and recovery process. He

spent the first five days after the collision attending to Sherry while she was admitted at Poudre Valley Hospital. She was then moved to Centre Avenue Health & Rehab Facility, where Mr. Smith monitored her progress and attended to her needs for an additional two and a half weeks. Once Mrs. Smith was released from the rehab facility and allowed to return home, Mr. Smith became even more consumed with her care. Mr. Smith did all of the household duties, including mowing the yard, cooking, grocery shopping, and running errands.

Due to the pain in his shoulder, Mr. Smith was having difficulty sleeping as he could not get comfortable. His doctor advised him to try sleeping in a recliner with his shoulder in a fixed position, which he did for more than three weeks. Even in the recliner, he had trouble sleeping and the quality of sleep he got was poor. Mr. Smith still experiences some hyper-vigilance when driving and recently, someone pulled in front of him, causing him a lot of anxiety.

SETTLEMENT DEMAND

In an effort to bring this matter to a prompt and reasonable resolution, Mr. Smith authorizes us to demand your insured's policy limits **\$25,000.00** as full and final settlement of his claims. This offer shall remain open until December 9, 2016, unless sooner accepted, rejected, extended, or revoked.

Sincerely,
Bryan S. VanMeveren



QUALITY OF LIFE SAMPLE

The following is a set of questions aimed at obtaining a detailed account of how your life has been affected by your injuries. These should be answered in your own words and incorporated into your demand letter.

Home Life

Please describe your daily routine around your home before the crash.

What are your responsibilities/duties in your home?

Are there certain errands or chores outside of the home that you typically take on?

How have these duties been affected by your injuries?

Has your spouse taken on more of these responsibilities?

Do you experience pain while performing them?

If so, please describe the pain.

Has your sleep been affected by your pain and discomfort?

If so, please describe your sleep patterns before and after the crash.

How has your relationship with your spouse been affected?

Hobbies

What types of activities did you enjoy participating in before the crash? (travel, work out, shop, etc.)

How often did you partake in these activities?

How have these activities been affected by your injuries?

Do you experience pain or discomfort?

If so, please describe the pain.

Did you participate in any sports prior to the crash?

If so, which sports and how often?

How have these activities been affected by your injuries?

Personal

Constant or recurrent pain can take a toll on a person psychologically.

Have your injuries caused you to suffer in any other way? (i.e. depression, anxiety, fatigue, relationships)

If so, please give a detailed description of you as a person before and after the crash.

Career

Where were you working and what was your job title at the time of the crash?

Has this changed since the accident?

Please describe in detail the duties required of you at your place(s) of employment.

What were your work hours prior to the collision?

Has this changed due to your injuries?

Have you had to take any time off of work due to your injuries and treatment?

If so, how much time and approximately when was this time taken off? (immediately following the crash, to treat with your medical providers, etc.)

Have you had to use any vacation or sick time due to your injuries?

If so, how much time?

Have you lost any income due to the injuries you sustained?

If so, how much? (Please provide supporting wage loss information, W2s, wage statements from employer(s), etc.)

How has your work performance been affected by your injuries?

Have you had to change your work routine to accommodate your pain?

If so, what changes have you made?

Do you experience any specific symptoms while at work or while performing your job duties?

If so, what do you experience?

MY ACCIDENT JOURNAL

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WA

Why would an experienced personal injury attorney write a book that teaches people how to settle their own case without an attorney?

Because there are times when you don't have to be a legal scholar to settle a small car accident case on your own. And lawyers know when they cannot add anything to your small car accident case.

Yet some will gladly take up to 40 percent of your settlement for their so-called help.

Attorney VanMeveren wrote this book to "level the playing field" and show you exactly how you can settle your own small car accident case. **AND—MOST IMPORTANTLY—** to know the difference between a case that you can handle and one that requires a skilled attorney.



Bryan VanMeveren has been practicing personal injury law since 1994. The first eight years of his practice were spent defending big insurance companies. Bryan learned and worked with some of the top attorneys in the country. The tactics employed by these defense attorneys were often times unethical and contrary to Bryan's personal belief system.

He founded VanMeveren Law Group in 2002, and his sole allegiance since has been to his injured clients and their families protecting them from the evil tactics of the insurance industry.

VanMeveren Law Group

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