



## Is the Driver Speeding Toward You Adequately Insured?

### Should you 'insure defensively' as well as 'drive defensively'?

The two cases described on the previous two pages and this page highlight the importance of purchasing uninsured and underinsured motorist coverage in your insurance policy. A study conducted by the Insurance Research Council and published by the Insurance Information Institute (III) revealed that nearly one in four Florida drivers may be driving without insurance, and that these numbers will likely rise. (Florida had the fifth highest number of uninsured drivers in the 2007 study of all states.) The study found a strong correlation between the number of uninsured motorists and the unemployment rate. Florida law requires drivers to carry automobile insurance, and the driver may be fined or lose their license, vehicle registration, and vehicle tag if caught driving without the insurance. However, the economics of unemployment (or underemployment) lead drivers to take the risk and violate the law. This creates a risk not only for themselves, but for other drivers.

Responsible drivers comply with the various state laws requiring automobile insurance, and they protect themselves from uninsured drivers by adding insurance to protect them from drivers who do not comply with the law. ♦

Visit [Florida Insurance Council's website](http://www.flains.org) for information on the study, and talk to your insurance provider about the need for coverage.

[www.flains.org](http://www.flains.org)

## Couple battles insurance company for uninsured/underinsured motorist protection

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Neither the driver responsible for the crash, nor the owner of the vehicle, had sufficient insurance coverage to compensate Hilda and Gunter for the extensive injuries they suffered. Fortunately, the couple had purchased uninsured/underinsured motorist (UIM) coverage in their policy with The Hartford Insurance Company. The Bloys filed a claim under their policy with The Hartford. While The Hartford admitted that the driver of the SUV was negligent, they offered the Bloys very limited compensation, arguing the severity of Hilda's and Gunter's injuries. The couple asked SDSBS attorney **Sia Baker-Barnes** to represent them in an action against The Hartford Insurance Company. After a thorough investigation of the Bloys' situation, which included expert medical testimony, Ms. Baker-Barnes demonstrated the severity of the injuries suffered by Hilda and Gunter Bloy. The Hartford Insurance Company was compelled to admit that those severe injuries were caused by the collision. Just days before trial, The Hartford Insurance Company agreed to pay the Bloys \$460,000 for their injuries. Hilda and Gunter Bloy take comfort in knowing that they will not lose their home, and that they will be able to continue to provide support for their son. ♦

## Verdict against insurer is nine times the settlement offer for uninsured motorist claim

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TIC demanded numerous additional medical examinations, and even conducted surveillance of John, filming him at work in his salon and getting in and out of his car. TIC attempted to malign John's credibility by pointing at inconsistencies in his medical records. The delaying tactics went on for months.

Eventually, John sought representation by SDSBS attorneys **Darryl Lewis** and **Ed Ricci**. After repeated attempts to reach a settlement with the insurance company, the attorneys filed a civil action against TIC charging that the company was acting in bad faith and was obligated to provide a reasonable response to John's claims under his policy. On November 10, 2010, a jury returned a verdict in John's favor for an amount four times greater than the policy's limits, and nine times greater than the settlement offer that had been rejected. ♦