

## Insurance Company Tries to Avoid Good Faith Claim

In April 2009, Miguel Garcia (not his real name) was driving home along Hypoluxo Road in Boynton Beach, Florida. As Mr. Garcia approached the intersection of Hypoluxo Road and I-95, Roberto Aguilar (not his real name) was driving his pick-up truck on I-95 and exited the interstate highway using an exit ramp that intersected with Hypoluxo Road. Instead of yielding to the right-of-way traffic on Hypoluxo Road, Mr. Aguilar drove straight onto the road, crashing violently into the passenger side of the vehicle driven by Mr. Garcia. The impact of the collision was so severe that Mr. Garcia's vehicle was flipped onto its side and into the traffic median where it struck a tree. Mr. Garcia suffered tears in two major ligaments in his shoulder which required surgery and extensive physical rehabilitation. In addition to his physical injuries and pain, he suffered damages that included medical expenses, diminished earning capacity, aggravation of a preexisting physical condition, and the possibility that some of his injuries had caused permanent damage.

The automobile insurance company for the at-fault, reckless driver of the truck failed to tender the low limits of insurance despite numerous good faith attempts to reach settlement. Mr. Garcia asked SDSBS attorneys **Darryl Lewis** and **Ed Ricci** to represent him in a civil action against the insurance company. Ultimately, the insurance company paid Mr. Garcia three times the limits of insurance due to the efforts of the attorneys to present the full extent of Mr. Garcia's damages and to disclose the questionable claims-handling practices of the insurance company. ♦



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