

At-fault driver's insurance carrier tries to avoid claim for injuries in motorcycle accident

Insurance carrier was eventually compelled to settle claim for hundreds times the policy limit.

In October 2017, John Smith (not his real name) was riding his motorcycle on Indiantown Road in Jupiter, Florida. Without warning, a sedan pulled out into John's path causing John's motorcycle to impact the sedan. John was propelled into the air by the impact. John traveled a significant distance through the air and made a hard landing on the curb of the median. John sustained catastrophic injuries and spent the following month in nearby St. Mary's Hospital. While recovering in the hospital, he incurred millions of dollars in medical expenses. Upon speaking with his own insurance carrier, John learned that the at-fault driver had an insurance policy with a limit of only \$10,000. That small amount would provide only a very marginal amount of relief. Nevertheless, John and his family gathered a package of his medical bills and records and sent the package to the at-fault driver's insurance carrier with a request for the \$10,000. The family was shocked at the insurance carrier's response: their claim was denied because the policy coverage on the at-fault vehicle was being retroactively removed! In light of the accident's circumstances and the insurance carrier's blunt denial, John and his family contacted SDSBS attorneys **Chris Searcy** and **Boris L. Zhadanovskiy** to seek their assistance in holding the insurance carrier accountable.

The attorneys immediately filed a lawsuit against the insurance carrier to learn the basis for the carrier's decision. They uncovered a complicated coverage dispute fueled by uncertainty as to the owner of the vehicle. Shortly after the lawsuit was filed, the insurance carrier offered John the \$10,000 coverage limits but did not explain what had changed between its initial denial of claim and the lawsuit which had apparently coaxed a "change of heart." On the

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advice of counsel, John and his family rejected the insurance carrier's belated offer. Mr. Zhadanovskiy informed the insurance carrier that it had failed to meet its obligations under law, and that the opportunity to pay the miniscule limit of the policy was now gone. A trial date was set and, as it grew closer, the insurance carrier realized that its actions might not be viewed favorably by a jury. John's attorneys, with the help of attorney Greg Yaffa of Domnick Cunningham and Whalen (experienced in lawsuits involving bad-faith insurance issues) were able to secure a settlement worth hundreds of times more than the original policy limit. ♦

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