

Seriously Injured Bicyclist Learns the Importance of Having Uninsured/Underinsured Motor Vehicle Insurance

On a beautiful evening in July 2010, Mr. K, a thirty-five-year-old computer analyst, was riding his bicycle on a sidewalk in downtown Oviedo, Florida. Suddenly, a motor vehicle operated by twenty-eight-year-old Ms. W pulled out of a parking lot and drove head-on into Mr. K, throwing him violently onto the pavement. Witnesses later stated that Ms. W's car actually ran over Mr. K's left leg.

Police and emergency medical technicians were summoned and Mr. K was taken to the emergency room of Florida Hospital. Examination at the hospital revealed that Mr. K had suffered a bicondylar tibial plateau fracture. He was immediately taken to surgery where he underwent an open reduction with internal fixation requiring a tibial locking plate, multiple locking screws, and hardware.

The surgery was successful and Mr. K was discharged to a regimen of physical therapy. Unfortunately, like so many of our fellow citizens today, Mr. K had been out of work for some time. Although he had very recently been hired by an excellent company, his

new health insurance coverage would not begin until he had been on the new employer's rolls for 90 days.

Both Mr. and Mrs. K were frantic. How would they provide for their three children? What if Mr. K suffered complications regarding his injury? What if another surgery was necessary? How would the family survive? How were they going to be able to pay the \$65,000 in medical bills that Mr. K had already incurred for treatment and care?

Mrs. K contacted a local law firm for help in recovering costs for the damages caused by the accident. That firm expressed concern about whether or not there was adequate coverage under Ms. W's insurance policy, and stated that they "were not sure we can help." She next turned to Ohio attorney Frederick Weisman who referred her to SDSBS attorney **Chris Searcy**. Both Mr. Weisman and Mr. Searcy are fellow members of the International Association of Trial Lawyers. Mr. Searcy is currently serving as president of IATL.



Chris Searcy, along with SDSBS attorneys **Karen Terry** and **Brian Sullivan**, investigated the case and the available liability coverage. Unfortunately, but not surprisingly, they quickly learned that Ms. W had only \$10,000 in bodily injury coverage, a woefully inadequate amount for the serious and permanent injuries she had caused Mr. K. The state of Florida does not require drivers to have bodily injury liability insurance (an amount available to be paid should the at-fault, covered driver cause an accident involving injury). It is estimated that 35% to 40% of Florida motor vehicle drivers do not have any liability insurance coverage which would permit an injured party to seek recovery for injuries and costs.

Fortunately, however, Mr. and Mrs. K had purchased uninsured-underinsured motorist coverage (UM) from their own insurance provider. Purchase of this coverage allows a non-negligent party who is injured by a negligent motorist to recover for their injuries from their own insurance carrier, should the at-fault driver be found uninsured or underinsured.

The SDSBS attorneys made an immediate demand on Ms. W's bodily injury policy limits. Upon securing the negligent driver's policy limits, the attorneys demanded that Mr. and Mrs. K's insurance carrier provide the full and complete limits of their uninsured-underinsured motorist coverage. Within 30 days, Mr. and Mrs. K's insurance carrier agreed to tender its full policy limits, resulting in a six-figure recovery.

Everyone reading this article should review their own insurance coverage to ensure that they are covered by uninsured/underinsured motorist protection. It may be arguably the most important insurance coverage a Florida resident can purchase.

The K family's substantial medical and hospital bills were then successfully negotiated by SDSBS attorneys to conform to their limited recovery in this case, allowing the K family a significant net recovery. The K family discovered the importance of careful planning in selecting insurance coverage. ♦