

# Couple Battles Insurance Company for Uninsured/Underinsured Motorist Protection

In the fall of 2008, Hilda and Gunter Bloy were enjoying their golden years in Palm Beach Gardens, Florida. Hilda, 70 years of age, was employed as a locker-room attendant at the Turtle Creek Country Club in Tequesta, Florida. She regularly worked a full-time schedule, adding extra hours during the busy season in south Florida. Gunter, 85 years old, was a retired professional chef. Both were very active, enjoying daily walks, hosting dinners at home, and spending time with family and friends.



**Hilda and Gunter Bloy**

On Wednesday, September 24, 2008, everything changed. The couple had spent several days at home enjoying a visit from Hilda's niece, Debbie. After dropping Debbie off at the airport, Gunter and Hilda drove north on Military Trail toward home. Gunter was driving with Hilda sitting in the backseat directly behind him. It was a rainy day and the roads were wet. A mid-size SUV driven by Angela Parrilla was heading south on the same highway, traveling at a speed far too great for the weather conditions. Suddenly, the SUV swerved across the highway's median and into the northbound lane of traffic. The large vehicle smashed into the driver's side of the Bloy's car. The impact was so severe that Hilda had to be extracted from the vehicle by emergency personnel using the "jaws of life". Taken by ambulance to the emergency

department of the Jupiter Medical Center, Hilda was diagnosed with a left shoulder contusion, acute cervical strain, and blunt-force head trauma. Further examination revealed that she had also suffered a coracoid, or scapula, fracture and a full-thickness tear in her left shoulder rotator cuff. The injuries required surgery which was performed on October 10, 2008. Her condition did not improve and a second surgery was performed in June 2010 to repair the rotator cuff.

Gunter was also injured in the crash, suffering a torn tendon in his left thumb and a rotator cuff injury to his left shoulder. In October 2008, doctors performed surgery on the ulnar collateral ligament in his left thumb. This surgery repaired the tears, but he is now left with limited strength and range of motion in his hand.

Because of her injuries, Hilda was unable to work for a long period of time. She has since returned to her job, but suffers a great deal of pain performing her regular duties. Gunter's limitations prevent him from participating in many of the activities he enjoyed before the crash, including cooking for Hilda, and their family and friends. The financial impact of the crash has threatened their ability to provide financial support for their son who suffers from a terminal illness.

*(Continued on page ten.)*



## Is the Driver Speed Adequately

### Should you insure defensively

*The two cases described on these pages illustrate the importance of purchasing uninsured and underinsured motorist protection.*

*See more information on page 10.*



## 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

*(Continued from page eight.)*

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

*(Continued from page nine.)*

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. ♦