

Collision results in serious injury and a battle between insurer and policy holder

Jury awards plaintiff \$1.6 million after deliberating 28 minutes.

In August 2018, Betty Chase (not her real name) was driving westbound on a highway in Palm Beach County, Florida. As she approached an intersection for an access road to another major highway, she had a green traffic light which gave her right-of-way to continue west through the intersection. Another driver was traveling eastbound on the same road, approaching the same intersection. That driver also had a green light at the intersection but had moved into the left-turn lane to cross the highway to head north. Because that driver was turning across the opposite lanes of the highway, he was burdened to yield right-of-way to oncoming traffic.

The other driver turned left as Betty proceeded through the intersection and crashed into the driver's side of Betty's car. Her vehicle was later declared a total loss. The impact to 71-year-old Betty was equally significant. She felt a severe pain in her left wrist and on both sides of her pelvis (likely an impact from her seatbelt). Betty was taken by ambulance to the emergency department of the local hospital. An examination quickly determined that she had a broken wrist. As days and weeks passed, Betty's pain and other physical difficulties increased. Despite not having back or hip problems prior to the collision, she was now suffering significant problems in both areas.

It became clear that Betty's physical problems resulting from the crash were likely to be long term. She contacted Searcy Denney partner **Jack Hill** and asked for his advice and representation. Shortly thereafter, Mr. Hill filed a legal action against the driver and the car's owner on behalf of Betty and her husband, Jim. The at-fault driver had only \$10,000 in bodily injury coverage, and the vehicle owner had only \$25,000 in coverage. The Chase's car insurance provider was Auto Insurance, Inc., (not its real name). In addition to the statutorily required automobile insurance, the Chases had purchased uninsured/underinsured motorist coverage from Auto Insurance for precisely this situation. If they were ever injured through the negligence of someone else who did not have adequate insurance for their injuries, the added coverage would be available to make up for the shortfall. Mr. Hill included Auto Insurance as a defendant in the legal action seeking damages.

Betty Chase's path to justice was neither short nor easy. Although the insurance carriers for the at-fault driver and the

vehicle owner paid the maximum amounts available under their policies, Betty's carrier, Auto Insurance, refused to pay what she deserved. Auto Insurance offered a low-ball proposal of \$24,000 to settle Betty's claims, hoping that Betty would cave under the pressure of having to pay her own insurance company's attorney fees if she did not win the case. Betty rejected her insurance company's offer. She and her attorneys countered with a proposal to settle for \$750,000 before trial. The insurance company refused their offer.

The case was originally scheduled for trial in March 2020 but was postponed for more than 18 months due to the Covid pandemic. In December 2021, Betty was finally able to have her day in court. Over four days, Mr. Hill, along with Searcy Denney attorneys **Boris Zhadanovskiy** and **Juan Diaz**, tried her case before a Palm Beach County jury. During the trial, the Auto Insurance attorney argued that despite years of treatment, including two hip surgeries and more than a dozen injections and pain management procedures, Betty was not permanently injured in this crash but had suffered only bruising and swelling which should have resolved in a few weeks. The insurance company also argued that Betty had exaggerated her condition. After deliberating for just 28 minutes, the jury returned their verdict, strongly rejecting Auto Insurance's arguments. The total amount of the jury's award was \$1,625,000.

After deliberating for just 28 minutes, the jury returned their verdict, strongly rejecting USAA's arguments. The total amount of the jury's award was \$1,625,000.

Various post-trial motions are still pending before the court, but Betty and Jim hope to put this trying chapter behind them soon. Though justice for Betty Chase was delayed by both their own insurance company and Covid, it will not be denied. ♦

