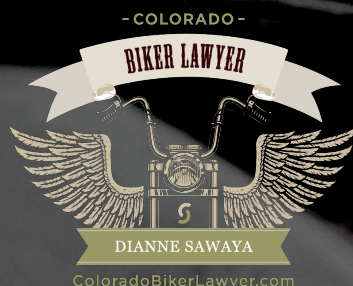


# YOUR LEGAL GUIDE TO **MOTORCYCLE INJURY COMPENSATION**

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*What Bikers **MUST** Know About Insurance  
Claims, Settlements & Jury Verdicts*

By Attorney Dianne Sawaya



To My Dedicated Riders,

**The only thing worse than being seriously injured in a motorcycle accident is to NOT get the compensation you deserve – or to find out later that you have been taken advantage of by an insurance company.**

Insurance companies have a huge advantage over accident victims. After all, they are not hurting for money. Unlike you, they can pay their bills easily.

Insurance claims adjusters KNOW all the tricks in the book. The companies they work for have had years of practice in diminishing, devaluing, and denying motorcycle insurance claims and wrongful death cases.

**Never forget... the insurance company has an army of lawyers helping them. Shouldn't you have a legal team fighting for you?**

Call (303) 647-3989 to speak with an attorney and get answers to ALL of your legal questions.

*Dianne Sawaya*

**Founding Member**  
National Academy of  
Motorcycle Injury Lawyers



For over 25 years, I have fought against corporate injustice in the personal injury field. In that time, countless injured people have come to me for help after being mistreated by their insurance companies. Their claims had not been taken seriously, and their injuries had been downgraded or dismissed.

That was the case when I represented a client, named Henry. Henry was very badly hurt when a teenager driving a local company's vehicle turned in front of his motorcycle, causing Henry to crash into the side of the car. The company's insurance provider denied any liability and said there would be no settlement offer at all.

Henry was obviously devastated. He had sustained permanent injuries in the crash, and he didn't know how he would ever make ends meet again. When he came to me, he was desperate. Instead of turning him away because the case wasn't easy, I immediately sent an accident reconstruction engineer to the scene of the crash and the salvage yard to examine both vehicles.

Based on the accident expert's report, I was able to show clear liability on the part of the employer and bring the insurer around to a reasonable settlement of \$700,000.00. Without that extra level of dedication, Henry would not have received the compensation he needed to get back on his feet and back to living his life.

I've been defending the legal rights of motorcyclists for years, and I know how to represent you in court. I know how to handle insurance policies, bills and damages. I will help you through your claim. I will help you get whole again after somebody else has hurt you and caused all kinds of other damage. I know what to do if a loved one's been killed by a distracted driver.

I want you to call me whenever you are injured or in trouble. I have solutions. Call me with ALL of your legal questions. I will take the time to talk with you, so you know what to do. And if we can't represent you, I'll recommend a professional that can handle your case.

# 11 QUESTIONS YOU SHOULD ASK BEFORE YOU SIGN ANYTHING

## DON'T BE FOOLED OR TAKEN ADVANTAGE OF!

The first thing the insurance company wants you to do after a motorcycle accident is sign a release and submit a recorded statement. **DON'T DO IT! Speak with an attorney FIRST and know your rights!**

But, if you think you can represent yourself, ask the adjuster these questions first to see for yourself if he or she is really going to treat you fairly. Here are 11 important questions you should ask the adjuster before you sign anything:

1. Ask the insurance company to put in writing the fact that the accident was not your fault and was actually the fault of their insured driver. (If they are not willing to do this, it is because they plan to argue later that it was your fault, either in whole or in part.)
2. Ask the insurance company for a copy of their insured's insurance policy, declaration sheet, or something in writing to tell you the policy limits of their insured, or in other words, the amount of money that they have available to pay your claim. (Injury victims with serious injuries should have this information provided to them. PERIOD.)
3. Ask the insurance company for a copy of their insured's recorded statement. (Most of the time, they will have already taken your recorded statement. If they haven't yet, they will.) Most insurance companies will take your statement, but they will refuse to let you see or get a copy of the statement taken from their own insured. (Most insurance companies prefer to keep their insured's statement a secret from you.)
4. Some insurance companies will ask you to sign a medical release, so they can collect all of your medical records. Before you sign the

medical release, ask for a WRITTEN PROMISE that they will provide you with copies of each and every medical record they collect. By the way, most medical releases are written so broadly that it allows the insurance company the right and privilege to talk to any of your doctors and to get any of your records, even if the records do not pertain to the injury you suffered. Medical releases allow the insurance company to get your medical records all the way back to your birth if they want. Ask the insurance company to restrict the medical release to records pertaining to the accident and see what happens.

5. Ask the insurance company for copies of any statements they have taken from others who witnessed the accident and your injury. (We doubt very much if the insurance company wants to share this information with you, but you are entitled to it.)
6. Ask the insurance company about secondary insurance coverage and if there is an umbrella policy. (Be careful, there might be an umbrella policy out there and the insurance company doesn't want you to know about it. If they say there is no umbrella policy, be sure to get a signed affidavit from their insured.)
7. Ask the insurance company for a copy of any medical information or personal information they have obtained about you through computer databases or other sources. (There are many ways they can get this.)
8. Ask the insurance company if they have obtained any kind of credit information or debt information about you. Some insurance companies know how much money you owe, to whom, and when your next payments are due. They can find out if you are late on your payments and use this information against you. For example, if you are behind on payments, that would be the perfect time for a quick, LOW settlement offer.
9. Ask the insurance company if they have canvassed your neighborhood asking questions about you and if so, ask who they have talked to and ask for copies of the statements and information collected.

10. Ask the insurance company if they have conducted any surveillance or investigation on you and then request a copy of any films or photographs or investigative reports they have obtained regarding your injury or you. (We would be surprised if any insurance company would be willing to share this information with you... it's their secret.)
11. Ask the insurance company for the amount of the reserve they have set for your case. (We don't know any insurance company that would share this information with you as it is "top secret." The reserve is the amount that they believe they owe you. Instead of just paying you the reserve, they would prefer to do a little negotiating.)

**If the adjuster says "NO" to any of these questions, it's a RED Flag that they will not treat you fairly or compensate you fully for your injuries!**

My case management software contains the historical data of every client and case that my team and I have represented over the years. This data includes information on all the insurance companies, attorneys, and adjusters I have fought against.

These historical reports provide knowledge of how each adjuster usually evaluates their cases. For example, if the adjuster historically offers less than the medical bills, I may decide that pre-litigation negotiations will be unproductive, and we need to file the case into court without delay.

If the adjuster typically offers more than the medical bills, I may focus on the non-economic damages in the case when negotiating. If the insurance company will not reveal policy limits, I can pull a report of that company and see what types of policies they generally issue. I can also pull reports of the opposing attorneys and prepare a plan of action with the knowledge of the experts they typically retain.

Finally, I can pull reports of medical experts to determine the strength of their testimony. This information is extremely valuable in preparing a legal strategy and maximizing the value of each case.



## 5 STRATEGIES THAT CAN DOUBLE YOUR INSURANCE SETTLEMENT

Here are 5 tips, plus a bonus, to show you how you can double the settlement value of your motorcycle accident claim.

1. Take photos of the scene, take photos of your injuries if you have bruises, scars, and cuts. Take photos of the vehicles, take photos of your motorcycle. You cannot have enough photos because photos are worth a thousand words.
2. Get a diagnosis for every injury you have. I know some of you think “I’m a tough guy... I just worry about my back and neck,” when you might have elbow issues or knee issues. If you don’t get them diagnosed and put in the medical records correctly, what happens is the insurance company will say, “You must have gotten hurt somewhere else because when you went to the ER, and you went to your doctor for the first time, you said nothing about your knee getting hurt... and now three weeks later you’re starting to feel the pain in your knee even more.” The deal is – you must document every injury at the beginning of your claim.
3. Follow the doctor’s advice. If they send you to therapy, go to therapy. Show up for the appointments on time. Tell the doctor everything that’s going on with you. Do not make light of any injury or any pain. If you have a level 8 pain in your neck, but only a level 4 pain in your knee – tell them all about the knee and the neck, not just the neck.
4. You’re going to need to hire the appropriate experts. If you have lost wages, or future lost wages, you’re going to need an expert economist. If you own a business, you want an expert to show how your injuries are going to affect your business in the future. If you

have a permanent disability, you will want an expert to talk about that and give you a rating. If you have future medical bills, you're going to need to hire a life care planner who will calculate what it will cost for your future medical expenses. You will also want to hire an accident reconstructionist. These are the types of expert witnesses that will help double your injury claim right from the beginning.

5. Once you get your settlement, the way to put more money in your pocket is to negotiate down hospital charges, medical expenses, and doctor bills that you incurred and are unpaid – and as lawyers, we do that every day for clients.

**And here's a bonus:** The best way that you can double your compensation is to hire a lawyer. Insurance companies know this, because they did a study several years ago, and their study showed that people who hired lawyers got, on average, over two and a half times more money in their pocket after attorney fees than claimants who did not hire a lawyer.

### **BOTTOM LINE: What is your motorcycle injury claim worth?**

Although I can't give you an instant answer... I can promise you that our team of motorcycle accident lawyers will do the very best we can, and get you the most money that we can, to compensate you fully for your injuries and your pain and suffering. And that's the kind of law firm you should be looking for.

At my firm, we make sure our clients' injuries are documented and treated while also making sure we maximize the value of their case.

I frequently bring medical professionals to my office to educate my staff. These medical professionals include: chiropractors, physical therapists, acupuncturists, neurosurgeons, neurologists, cognitive rehabilitation specialists, pain management doctors, orthopedic surgeons, psychologists, neuropsychologists, and many more.



These experts present the medical research behind their treatment plans and use 3-D models of the human body to describe the injuries our clients have sustained. They also explain treatment procedures and how the treatment works. In some presentations, they were able to demonstrate the actual procedures.

With this medical knowledge, my staff is empowered, so they can effectively review our client's medical records, highlight the nature of the injuries, and explain the repercussions of these injuries to insurance adjustors. They can also speak to our clients knowledgeably and empathize with them.

With my medical network, I can make sure my clients are seen immediately by a medical professional without having to wait weeks for an appointment. My office can communicate with the providers and supply medical records immediately. We can also set up financial agreements with the provider so that my clients can receive treatment even if they do not have any healthcare coverage.



## 5 MISTAKES THAT CAN RUIN YOUR MOTORCYCLE INJURY CLAIM

1. The number one mistake people make is to give a recorded statement. Once the adjuster has your recorded statement they will use your own words against you. This is extremely important! You can tell them how the accident happened but never give a recorded statement.
2. The second biggest mistake is to believe what the adjuster says. If the adjuster says you don't have a case, or you are partially at fault, or they are not going to pay your claim – DON'T believe them. Go see a lawyer first before you make the decision to take a lowball settlement!
3. The third mistake is not taking pictures or waiting too long to take them! The accident scene, the other person's car, their driver's license and insurance papers – are all important. Try to preserve all the evidence you can. Memories fade, and people tell different stories, but pictures do not lie. You should take pictures of all your injuries – and continue taking pictures during your recovery. If you're in a hospital, get some of your family members to take pictures, because that's going to be the best evidence to show the insurance company what you've been through.
4. The fourth mistake is something I see people do all the time...they miss their doctor's appointments or don't make their therapy appointments and they say, "I don't feel like going." Well, here's the way that it will look in court: If you didn't feel like you needed to go to the doctor, then you must not have been really hurt. Unfortunately, that's what the insurance company's lawyer is going to tell a jury and it's enough to ruin your case. Then I see people who fail to follow the doctor's instructions when they are released from the hospi-

tal, or they don't get an MRI or other procedures that the doctor has recommended. This will also kill your case.

5. The most fatal mistake is trying to represent yourself. You have too much emotion involved in it, and you need somebody to speak for you that is not going to have their words used against you. What I mean by this is that anything you tell an adjuster, or tell the lawyer for the insurance company, can be used against you. But anything your lawyer says cannot be used against you. So, wouldn't it make sense when you're advocating your case to protect yourself and make sure that the things you say cannot be twisted around and used against you later on when you're trying to pursue your claim?

Insurance companies will look for any opportunity to exploit a lack of knowledge. It can be even worse when an injured person attempts to take on a case by themselves. That's what happened with Laurie, another of my clients. Laurie needed months of medical treatment after she was hurt in a Denver car accident on Interstate 70. Obviously, that treatment was expensive. The person who crashed into her had \$100,000.00 of insurance, and Laurie's bills added up to a good portion of that. Despite her desperate need for a full and reasonable settlement, Laurie decided to handle the case on her own because she didn't want to pay attorney's fees.

What Laurie didn't know—and what many lawyers who don't specialize in personal injury law don't know—is that Colorado law requires special permission from Laurie's insurer before she could accept the at fault insurer's offer. Otherwise, her insurance company wouldn't have to pay her underinsured benefits. Thankfully, Laurie changed her mind about handling this on her own, and she hired me to navigate the complex laws. I was able to get Laurie a fair reimbursement for her accident with a settlement of \$350,000.00. In addition, I was able to utilize another Colorado law to obtain a waiver on her health insurer's lien of over \$100,000.00.

## **How Long Until My Claim Is Settled?**

How long will it take to get my motorcycle injury claim settled? That's the question most bikers ask after a motorcycle crash.

Well, it really depends. My best advice is that you never want to settle too quickly. One of the insurance company's biggest tactics is to offer you five or ten thousand dollars very early on for you to sign a release.

This is before you even know what is wrong with you or what your physical recovery is going to involve. Understand this: you get one opportunity to obtain a financial settlement. Once you settle your case, you can never come back later and get the compensation that you require for any additional medical care & expenses.

The deal is, you should never even think about settling your case until you get released from the doctor and he says, "I've done as much as I can for you. Whatever symptoms remain is what you are going to have to live with, and unfortunately you may have some permanent injuries." Never agree to a settlement offer before that time.

It usually takes about three to six months after you get released from the doctor to gather all the bills, put together a demand letter, send it to the insurance company and negotiate a settlement.

Every case is unique, and every claim is different. So, there is no set time frame. But please... you only have one shot at this. Once you sign the release it is over forever. So be sure not to settle too quickly.



## 5 QUESTIONS THAT INSURANCE ADJUSTERS NEVER WANT YOU TO ASK

What are the top questions that insurance adjusters never want you to ask them?

1. They never want you to ask them how much their insurance limits are. In fact, they refuse to tell you in probably 90% of the states in the union.
2. “How much check writing authority do you have?” That will tell you a lot, because different adjusters have different ranges of authority to write checks – and that’s going to tell you what they think your claim is worth right from the beginning.
3. “What is the settlement reserve?” That’s going to tell you about how much they are going to be willing to pay you when the claim is processed. The settlement reserve is something they must set at the beginning of a case. It is required by the insurance commissioner’s office, so that the insurance commissioner knows they have enough money in the bank to pay this claim when it comes to an end. And they don’t want you asking that.
4. “Does their insured (the person that caused the accident) have any other insurance?” They never want you to know that because they don’t want to be paying out all their limits. You are never going to know if they have any other coverage or have an umbrella policy unless you hire a lawyer & file a lawsuit to discover it.
5. “Can I get a copy of your insured person’s recorded statement?” They will refuse to give it to you.

Remember to ask these questions and then listen to the way they try to avoid the answers. That should be enough to tell you that you need

a lawyer to protect your rights. The insurance companies are there to protect their insured's rights – and NOT yours.

### **Do I Have To Go To Court?**

If I have been injured in a motorcycle crash and it wasn't my fault, do I still have to go to court if I hire a lawyer?

This is a question we get a lot, and the answer is no. You are the boss. You decide whether or not we file a lawsuit. But in most severe motorcycle injury cases, your lawyer will need to file a lawsuit to get just compensation... because the insurance adjuster needs to learn more about your injuries and they're not going to just take your word for it. They are going to interview your doctors, and they're going to want to take your deposition, and your family's deposition, so that they can properly evaluate the claim.

Does that mean that you're going to trial? No. As lawyers, we give you our recommendations of what the best-case scenario is, and the worst-case scenario. Now, some people say, "I'm not the suing type." Well, you don't have to take it all the way... but believe me, in many cases the insurance companies will never get serious about offering a fair settlement until you file a lawsuit, and they see you are willing to take them to trial if necessary.

Retaining a lawyer does not mean that you have to go to court, it does not mean that you have to file a lawsuit, and it does not mean that you have to go to trial – but these are some of the options that you will have once you hire a lawyer.

## Brenda's Story

My former client, Brenda, was injured when another driver merged into her lane, sideswiping her. After working with another personal injury attorney for two years, Brenda was blindsided again when her attorney told her that he was dropping her case rather than taking it to litigation. Brenda, now living in another state, frantically started searching for a new attorney.

After making several calls, Brenda luckily called my office. She came to my firm with a \$1,200.00 offer from the at-fault driver's insurance company, despite the severe injuries she had suffered in the collision. My team immediately got to work collecting evidence to support Brenda's case, and in less than one year, we were able to negotiate a total settlement of \$75,000.00.

Brenda's result was possible because I have an amazing litigation team and the insurance companies know this. If the offer being presented is unacceptable, I will not respond with a counter-offer, I will file a complaint. I do not bluff with complaints about going to trial. I am 100% prepared to go forward with litigation for every complaint filed. Insurance companies know they can't afford to push a low offer on my firm. We're going to get the right result, whether it's in a settlement or in court.



## WHAT ARE THE 3 BIGGEST FACTORS AFFECTING THE VALUE OF MY CLAIM?

What are the most important factors affecting the amount of my insurance settlement or outcome of my motorcycle injury case?

1. There are 40 to 50 things to look at, but the Number #1 thing is liability, meaning who is at fault. Typically, an insurance adjuster will look for some contributing factors, so they can try to diminish your claim. Or they will even say that you were at fault, in whole or in part. And in some states, if you are 1% at fault, you get nothing! But, what we have found is that juries will tend to look past that. And whoever was mainly at fault will be the ones that are made to pay, if you have hired an attorney to represent you and the adjuster knows there's a chance your case will go to a jury!
2. The amount of available insurance – the policy limits of the insured and any umbrella coverage. The policy limit is the maximum amount of insurance coverage the other driver has. Umbrella policies are insurance policies some drivers have that kick in if they are sued and the damages are more than the auto policy. This can be a complicated analysis, but an experienced lawyer is trained to sort this out and determine all available insurance policies. Was the person that caused the accident an uninsured driver? Or were they driving a work vehicle covered by a business policy? Many times, it requires investigation to discover all of the insurance coverage available to you.
3. Your attorney. Studies done by insurance companies show that victims of accidents who are represented by an attorney get over 2.5 times more in their pocket after attorney fees than those who go it alone. Not only are they going to ask if you have a lawyer, but more importantly, they want to know what trial experience your lawyer



has. Is this somebody that does motorcycle injury cases regularly? Is this somebody that's not afraid to go to court? Most large insurance companies keep records of which lawyers file lawsuits. They know which lawyers are good at depositions and jury selection. They also know who is able to convince a jury to overcome their bias and set aside the perception that jurors have that bikers must be crazy to get on a motorcycle and should assume the risks if they get hurt. They are also aware of which law firms have the resources to win multi-million dollar cases, and they are much more likely to offer a fair settlement if your lawyer is somebody who has the capability of hitting a home run with large jury verdicts – because that's what makes them nervous.

### **How Do Insurance Companies Determine The Value Of My Claim?**

What do insurance companies look at when evaluating your injury claim after you've been in a motorcycle accident?

1. They look at you as the plaintiff. They look at what kind of person you are. They look at whether or not you will come across well to a jury in explaining your injuries and the pain you've suffered. Are you believable and sympathetic? They also look at your work history. Have you had a solid work history, or has it been spotty? Then they look at your criminal background. Do you have a clean record with only a few speeding tickets here and there? Or do you have felonies and drug charges?
2. Next, they look at their own insured – the person who hit you. They look at the same things: Will they come across well to a jury? Do they have a good work history? Do they have a criminal background? If it's a preacher or a nice old lady, the jury is going to be a lot more sympathetic. Also, were there any aggravating factors? Was their drinking involved or distracted driving? Did the police issue a DUI or take the driver to jail?
3. Then they look at your injuries. Did you have a complete recovery? Or are your injuries permanent in nature? Do you have any scarring

or soft tissue damage? Do you have complete or partial disability? Will you require shoulder or back surgery 10 to 15 years from now? Are your injuries going to require ongoing medical treatment or future medical care and if so, how much? The insurance adjuster calculates the medical bills that you've had up to the time you get released from the doctor... and then they look at what it's going to cost to take care of your additional medical bills in the future. In many cases, you will need an economist or a life care planner in order to come up with those figures.

4. They also look at the pain you suffered. Is it a serious injury with excruciating pain? Did you have broken bones? Did you require a hip surgery or have pins put in your legs? Was there a traumatic brain injury? These are the type of things they're looking at.
5. Next, they look at your lost wages or loss of business. Not just what you have lost since the accident, but also if you'll have future lost wages. Are you going to have future diminished earning capacity? Maybe you're not disabled, but you can't go back to the old job that you had. Or you'll have to work part-time or take a job making half as much. That's what we call diminished earning capacity. Are the injuries that you have going to force you to retire early or are you going to have to get on disability earlier than if you had not been in this accident?

These are the types of things that insurance companies look at. And this is less than a third of the things that an experienced lawyer will consider when evaluating your case and demanding that the insurance company pay out the maximum dollar amount of what your claim is worth. Most people do not understand the extent of compensation they are entitled to, and insurance companies are not going to tell you.

So, when you've been in a serious motorcycle accident, the best way to handle this is to hire a lawyer that concentrates her practice in handling motorcycle injury cases.



## 5 SECRETS THAT ADJUSTERS DON'T WANT YOU TO KNOW

These are the five secrets that insurance companies don't want you to know about your motorcycle accident injury claim:

1. They don't want you to know that they have set a reserve at the beginning of your case, which is an estimate of how much money they're willing to pay on your claim. They are required to do this through the state insurance commissioner so that they have adequate funds set aside to cover your claim should they have to pay.
2. They don't want you to know that they have a recorded statement that they have taken from their insured.
3. They never want you to know what their policy limits are, whether there is more insurance coverage available, and whether the person that hit you has an umbrella policy or additional sources of insurance.
4. They don't want you to know that they are watching you. They are watching you on Facebook, on Twitter, on Instagram, and on Pinterest. They are watching all of your outside activity and sometimes they will go as far as hiring a private investigator to stake out your house and follow you around for days at a time.
5. They don't want you to know that if you hire a lawyer, you are likely to get over two and a half times more than what you would without a lawyer. That's why they try to do a quick settlement and get you to sign a release – because they know that if you're going to hire a lawyer they will have to pay more. This study was done by their own people, the National Insurance Council, which stated that claimants with lawyers received, on average, over 2.5 times more in their pocket after attorney fees than people who did not hire a lawyer.

## WHAT DO YOU DO AT THE SCENE OF A MOTORCYCLE CRASH?

To begin, let's go over what to do at the scene of a crash. The moments after a motorcycle accident are critical. You will likely be quite shaken up after a crash, but knowing what steps to take can help you during the legal process down the road.

Below are the steps you should take if you or a family member has been involved in a motorcycle accident. These steps apply to both drivers and passengers, and can be helpful to all parties, regardless of fault.

### 1. **CALL 911**

If you are involved in a motorcycle accident, it is very important that you do what you can to ensure the safety of you, your passengers, and the passengers in the other vehicle(s) involved in the accident. Begin by calling 911. Do not simply assume the other driver, a pedestrian, an onlooker from another motorcycle, or anyone else has taken this action. Your well-being is too important to wait.

In many instances, the other driver may suggest simply exchanging insurance information and moving on. This is not a good idea. Call 911.

### 2. **TAKE CARE OF THE INJURED**

If you have been injured in the motorcycle accident, stay calm. This will likely be difficult to do, especially if you've been seriously hurt in the crash. Stress and anxiety can harm your body more than help it, sometimes more than the collision itself. Take long, deep breaths to calm yourself down, and take some comfort in knowing that the proper authorities have been called, and that help is on the way. If you are an uninjured passenger, call 911 (if you haven't done so already). Then do what you can to help those who are hurt in the accident. Keep calm and provide as much comfort to them as you

can as the authorities try to get there.

In the instance of a burn injury, do not remove clothing from the burn. Allow paramedics to tend to this type of very delicate wound—early treatment methods can be key to scar prevention and long-term effects from burns.

### **3. TAKE PHOTOS OF THE CRASH SCENE**

In this day and age, nearly everyone has a cellphone with the capability to take pictures. It can be extremely helpful if you have photo evidence from the scene of the crash. If you don't have a camera on your phone, it is likely someone nearby does. Ask them if you can borrow their phone for pictures.

At the crash site, be sure to take photos of:

- Any bike damage
- Road conditions
- Debris or wreckage from the crash
- Apparent or possible injuries

### **4. COMMUNICATE WITH WITNESSES**

Be sure to get all witness accounts of the accident, if possible. For example, if other cars pulled to the side of the road after the accident to help, ask the driver or passengers for their names and contact information. Their firsthand account of the crash could be beneficial in the future.

No matter what the circumstances are following a motorcycle accident, do not provide a statement to any insurance company—yours or the other driver's. That's where your experienced personal injury lawyer comes in.

# MOTORCYCLE INSURANCE COVERAGE

I want you to understand the insurance coverage that benefits you the most – so you can get it ahead of time – before you're in any kind of accident. I can't stress this enough. Your insurance agent might not tell you everything... but here is what you need to know:

## **Uninsured/Underinsured Motorist Insurance**

In Colorado, when you are involved in an automobile accident that was caused by another drivers' negligence, you have the right to seek damages from that person. Typically, you do this by seeking compensation from the Bodily Injury (BI coverage) portion of their auto insurance policy.

Fortunately, Colorado law does require vehicle owners to purchase BI coverage. Unfortunately, they are only required to purchase a minimum of \$25,000. Despite Colorado law, many drivers still drive without coverage. That means there are thousands of people all over the state with no coverage or minimum coverage to compensate you for damages they cause you, when they are negligent behind the wheel! This is why Uninsured/Underinsured Motorist Coverage (UM/UIM) is so important. Many people falsely believe that they have "full coverage" insurance and that this includes UM/UIM coverage – but it does not. UM/UIM coverage is something extra that you buy to protect yourself from uninsured and underinsured drivers.

For example, let's say you are on your motorcycle, headed down the road and out of nowhere someone turns left in front of you slamming you with their vehicle. You did nothing wrong, but you now have injuries from the accident. You learn the driver of the at-fault vehicle didn't buy BI coverage. In this scenario, if you didn't buy UM/UIM coverage you will likely recover nothing to compensate you for your damages. You may be on the hook for thousands of dollars in medical bills and expenses

because the other driver was operating his/her vehicle with no BI coverage.

Let's look at another example. You are cruising through an intersection and out of nowhere someone side swipes you and knocks you off your bike. In this scenario, let's say the at-fault driver purchased the minimum required \$25k in BI coverage. If you purchased UM/UIM insurance then you can pursue this coverage as well as the BI coverage to compensate you for your damages. If you didn't buy UM/UIM insurance then all you are likely to recover is \$25k which in most cases is not nearly enough to pay your medical bills and cover all of your damages after a motorcycle accident.

### **Medical Payments Coverage**

Every person who operates a motor vehicle in the State of Colorado has an option to purchase Medical Payments Coverage (MedPay). This covers you, the driver, and possibly passengers, for medical treatment related to an accident. Unfortunately, Med Pay coverage is not required by state law and is an extra premium. In the event you are involved in an accident with an underinsured or uninsured driver, this coverage can come in very handy. Additionally, if you have no health insurance or high deductible coverage, medical payments coverage can help to fill the gap and pay down your accident-related medical bills.

To look out for yourself, it is important to get MedPay coverage. The benefits of MedPay are that if you are in an accident and need medical attention, you know that your medical bills will get paid quickly without having to worry about whether the other person has insurance.

I recommend getting as much as your insurance company will allow. MedPay policies are usually sold in increments of \$5,000.00. I have seen MedPay coverage as high as \$100,000.00. Check with an insurance agent to see how much MedPay is available on your policy and get as much as you can.

Even though you have MedPay, you should still get Uninsured Motorist coverage. Often in motorcycle accidents, the medical bills are much higher than MedPay coverage. The MedPay would pay your immediate bills and make sure that you got the immediate attention and treatment you needed. You still will likely have to go after the other driver or your Uninsured Motorist coverage to pay for bills above MedPay.

### **Bottom Line**

The alarming statistic is that 13.3% of Colorado drivers do not have any means to pay for injuries they have caused you. That's why it is in your best interest to purchase a motorcycle insurance policy that includes both UM/UIM insurance and Med Pay coverage. Although it is an extra premium, the overall cost usually isn't significant and the peace of mind you will have, knowing that you are covered, is worth the added expense.

### **Why You Absolutely MUST Get Uninsured Motorist Coverage**

Colorado only requires vehicle owners or drivers to have \$25,000 of insurance to pay for another person's medical bills, which typically is not enough to cover any serious injuries. Moreover, it is not uncommon for people not to carry this type of coverage, despite the law.

According to the Insurance Information Institute, Colorado, with an estimated 13.3% of uninsured drivers, is ranked as number nineteen in the nation with the worst rate of uninsured motorists.

On a motorcycle, it is especially important to have uninsured motorist coverage because of the increased likelihood of catastrophic or serious injuries in the event of an accident.

Every driver should have bodily injury coverage to protect themselves if they cause an accident and hurt someone else. Bodily Injury Coverage helps prevent a driver from coming out of pocket or losing assets if he or she is sued after causing injuries to another person. As a motorcy-



clist, you should consider getting the highest available uninsured motorist coverage you can.

Another way to increase the amount of uninsured motorist coverage is to ask to have your insurance “stacked.” If you have multiple vehicles, purchase separate policies for each vehicle. For instance, if you have a motorcycle and two other vehicles, you can triple the amount of uninsured motorist coverage you have by having each vehicle on a separate insurance policy. It generally does not cost a lot for stacking and it allows you to maximize your uninsured motorist coverage.

Uninsured motorist coverage does not just cover you if the person is uninsured. It can also cover you if the other person is under-insured. Going back to our scenario where you have \$200,000 in medical bills... if the driver of the car has only \$25,000 in coverage and you have \$300,000 in uninsured motorist coverage, then your uninsured motorist coverage would kick in after the person pays their \$25,000 in insurance.

The best way to make sure that your medical bills will be paid is to have uninsured motorist coverage. Because injuries on a motorcycle can be significant, get as much uninsured motorist coverage as you can afford. If you don't look out for yourself, no one else will.

Motorcycle riders need specific insurance coverage. Insurance agents will not tell you this. Do yourself a favor and get a FREE Insurance Review from a lawyer who has seen “first-hand” the harm done to injured bikers and their families when they do not have the proper coverage. Get a FREE audit of your motorcycle insurance coverage by calling our lawyers at (303) 647-3989 today. We will listen, give you the right advice, clear up any questions you have, and help you prepare to meet with your insurance agent to get the proper coverage for yourself, your family, and your motorcycle.

## MOTORCYCLE ACCIDENT CASE RESULTS

### **Severe Injuries Will Require Medical Care for Life**

Monte L. was in a serious motorcycle accident. His motorcycle was totaled by a commercial vehicle and Monte sustained major injuries, including a brain injury. He was taken to the hospital by ambulance for extensive treatment. Monte found himself unable to work, and unable to continue hobbies he had enjoyed for years. Monte's family also saw a change in his personality after the accident.

Monte came to the Law Offices of Dianne Sawaya a year after his accident. He pulled his case from another personal injury law firm because he felt he wasn't getting adequate treatment or attention to his case. Dianne Sawaya took Monte's case to mediation and settled it for \$900,000. He didn't have health insurance at the time of his accident, so Dianne Sawaya's office worked with his medical providers to see about helping Monte by reducing his extensive medical bills.

**Settlement: \$900,000**

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### **Quick Legal Action**

Henry T. was badly hurt when a teenager driving a local company's vehicle turned in front of his motorcycle, causing Henry to crash into the side of the car. The insurance company that issued the policy to the company employing the teenager denied any liability and said there would be no settlement offer.

Dianne Sawaya immediately sent an accident reconstruction engineer to the scene of the crash and to the salvage yard to examine both vehicles.

Based on his report, Dianne was able to show clear liability on the part of the employer and bring the insurer around to a reasonable settlement.

**Settlement: \$700,000**

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### **Searching for Every Source of Compensation**

Irene H. was the passenger on a motorcycle that was hit broadside by the driver of a car that ran a stop sign. She suffered severe neck injuries, a broken leg and a head injury, even though she was wearing a helmet. She was treated at a Denver trauma center, and was treated by more than a dozen providers in the two years following the accident – including a neuropsychologist, orthopedists and a vision therapist. The accident left her unable to ever work again, and Irene couldn't take care of her three-year-old child. Despite the injuries and the complexity of the case, Dianne Sawaya found several sources of insurance money, developed a life care plan and has helped Irene prepare for her future needs.

**Settlement: \$585,000**

## TESTIMONIALS

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*I was in a motorcycle accident, hit by a girl who made a U-turn in front of the motorcycle on a highway. It was a total of 32 days in the hospital and 6 months out of work.*

*She (Sawaya) is the one that fought for me. She didn't back down. I needed her to be aggressive and take care of things that mattered most, and that's exactly what she did.*

*She's very smart; she's intuitive. She knew exactly what she needed to do for me. She didn't hold back. She kept me informed on everything.*

**- Denise**

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*My husband was hit while riding his motorcycle by a car.*

*I was totally messed up—I couldn't do anything.*

*I liked Dianne Sawaya from when I first met her—she treated you like a human. She actually made you feel comfortable.*

*All of the people that work for her have always treated us with the utmost respect. She is very honest, thorough, and gets the job done. She doesn't miss anything. She actually works for you.*

**- Maggie & Stan**

## MEET ATTORNEY DIANNE SAWAYA



Dianne Sawaya devotes her law practice to victims of motorcycle, truck, and car accidents. She has practiced law for more than 30 years, and has devoted 25 of those years to achieving personal injury settlements for accident victims, those injured on the job, and those who have been harmed by the negligence or carelessness of others.

Her college pre-med studies help Dianne truly understand what her clients are coping with. Her medical knowledge allows her to communicate clearly with treating doctors and medical professionals, as well as explain to clients the complicated medical issues and procedures they may be facing.

Dianne's desire to bring a more personal, compassionate approach to her work as a Denver personal injury lawyer led her to found The Law Offices of Dianne Sawaya. She is licensed to practice law in Colorado

and the District of Columbia, including in Colorado district courts, U.S. district courts in Colorado and Washington, DC, and U.S. courts of appeals in Colorado and Washington.



Her commitment to providing personal attention and services tailored for each client has made her the most visible female personal injury lawyer in Denver. She values the trust her clients place in her. Her ability to achieve results far greater than other personal injury lawyers is shown by her membership in the exclusive national Multi-Million Dollar Advocates Forum.

Dianne is passionate about bringing to bear everything her team of attorneys, paralegals, and staff has to offer to achieve the best outcome for her clients. Together, the legal team at The Law Offices of Dianne Sawaya has the collective experience and legal knowledge to handle your accident claims, and personal injury needs – anywhere in the state of Colorado.

## A FINAL WORD

Anytime you have a legal question, I want you to call me. I will take the time to talk with you, so you know what to do.

Don't let prejudice in the legal system and insurance companies penalize you just because you ride a motorcycle. I will fight for your rights and for what you are entitled to.

If you have been injured, I will help you get all possible insurance and assets – anything and everything you deserve for just compensation. I've successfully settled complex claims and I've won millions of dollars for injured clients and their families.

Even if you think you're dealing with something that we don't handle, I will still give you the right advice. We've worked closely with many law firms over the years. If we cannot take your case, we will get you to the right firm to help you and your family.

We offer free consultations to discuss the specifics of your case, answer your questions in more depth, and gather enough information about what happened to formulate a preliminary strategy for your injury claim or legal defense.

**Never forget... insurance companies have an army of lawyers helping them! Shouldn't you have a Motorcycle Injury legal team fighting for you?**

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