

MONTHLY NEWSLETTER – MARCH 2011



TIP OF THE MONTH

➤ No-Fault continued. This month we return to our ongoing discussion of no-fault claims. We are frequently asked how long no-fault benefits last. The insurance company is required to pay no-fault benefits until one of the following occurs:

1. Your limits are exhausted. Every injured person will be covered up to at least \$50,000.00 in no-fault benefits. Once that amount is paid — and there are no other benefits available — the insurance company's obligation ends. This is true even if you still have ongoing treatment. This is the primary reason why you should consider buying extended no-fault benefits when purchasing your automobile coverage;

2. The carrier determines that you do not need treatment or care, or are no longer disabled from your employment. This can only be done **after** the company has had you examined by a qualified healthcare provider. This determination can be challenged, but the process can be lengthy and troublesome. (We will cover this in future editions);

3. One-year has passed on a claim for mileage, extra or incidental expenses. The company only has to pay such expenses for one-year from the date of the accident; or

4. Three-years have passed on a lost wage claim. The insurance company only has to pay lost wages for a period of three years from the date of the accident.

RECENT CASE OF NOTE

➤ Even the Federal Government is Accountable. This month's case of note serves as a reminder that even the Federal Government can be sued where it was negligent. On the eve of trial in Federal Court, the Federal Government settled our client's case for \$1.4 million. She sustained very serious back injuries which derailed her career as a nurse. She was struck by a Veteran's Administration van. The only way to make a claim against the government was under the Federal Tort Claims Act (FTCA). This must be done in Federal District Court. The FTCA provides the only remedy for those injured by the negligence of the government. We have handled many of these claims in the past, and this most recent case underscores the fact that even the Federal Government — where negligent — can be held accountable for its wrongdoing.



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