



## MONTHLY NEWSLETTER- AUGUST 2010



### **TIP(S) OF THE MONTH**

- **Prompt Notice of a No-Fault Claim is Critical.**  
As we mentioned last month we will be providing several notes in the upcoming months about the initiation and handling of no-fault claims. The main thing the clients must keep in mind is that New York State is a “no-fault” state. This means that regardless of who was at fault for the happening of an accident, your own insurance company, or that of your host driver, will automatically pay your medical bills, a portion of your lost wages, and other enumerated expenses. Prompt notice, however, is critical. A no-fault claim must be filed with the proper insurance company within 30-days of the happening of the accident. Filing the claim after 30-days may result in a complete denial of coverage. Filing the no-fault claim is as simple as completing the proper application. We stand ready to assist you in this process.

### **RECENT CASE(S) OF NOTE**

- **Southern Tier Jury Awards \$2.2 million in Medical Malpractice Claim.** Following a three-week trial, an Allegeny County jury unanimously decided that two Olean surgeons negligently treated our client during an unnecessary bowel surgery that resulted in life threatening complications and additional major surgeries to correct the error. The jury awarded \$2.2 million to compensate our client for her past pain and suffering – from the date of the surgery to the present- and her future pain and suffering that she is expected to incur for the remainder of her life. Throughout the course of the trial, insurance companies for the doctors refused to negotiate in good faith. This required the case to be sent to the jury. The physicians did not appeal.



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