

MONTHLY NEWSLETTER- NOVEMBER 2010



TIP OF THE MONTH

➤ Automobile Coverages – Alphabet Soup. We take a break from our monthly discussion of no-fault coverages to remind clients and friends of the office that your automobile insurance declaration page lists all of the coverages you have purchased. We list below the more important coverages and use the terms you will see on your declarations page:

- PIP (Personal Injury Protection). This is the mandatory no-fault coverage each New York State motorist is required to carry.
- APIP (Additional Personal Injury Protection). This coverage is for additional no-fault benefits. Not everyone will purchase this coverage, but you typically can double the available no-fault coverage for a very little extra premium.
- OBEL (Optional Basic Economic Loss). This is a type of additional no-fault benefits, but you are able to elect under this clause to direct the benefits only to lost wages, medical bills, or even both.
- SUM (Supplementary Uninsured Motorist Coverage). We featured this in our June 2010 Newsletter. Simply put, this insurance provides additional coverage for an injured person where the negligent party carries insufficient insurance to fully compensate the injured party.

➤ With this information handy, you may be able to make more sense of your automobile insurance declaration page.

RECENT CASE OF NOTE

➤ Jury Awards \$600,000.00 in Nursing Home Negligence Case. Following a week long trial in Erie County Supreme Court, a jury awarded the Estate of our deceased client \$600,000.00 for pain and suffering and punitive damages. Our client was a resident at the Oakwood Nursing Home. Due to her underlying medical condition, she was taking a blood thinner. This type of medication must be very carefully monitored, and we claimed that the nursing home failed to do so. We also claimed that this failure ultimately led to significant bleeding consequences and her death. The jury agreed. They awarded \$400,000.00 for compensatory damages for the conscious pain and suffering suffered by our client and \$200,000.00 for punitive damage. Punitive damages are designed to punish the wrongdoer for essentially reckless actions.



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