



MONTHLY NEWSLETTER – SEPTEMBER 2010



TIPS OF THE MONTH

- No-fault, continued. Following prompt notification of the no-fault claim to the proper insurance company, you will receive a claim number from that insurance company. We stress that all healthcare providers must be given this claim number so the bills can be sent directly to the insurance company. Do not have any bills sent to the insurance company for the other driver, even if that driver caused the accident. The insurance company can deny payment of the bill if it is received more than 45-days after the services were rendered to you. Therefore, if you have your claim information handy, the bills can be promptly sent to the insurance company.

- Statute of Limitations. Several recent Appellate Division decisions again remind us to inform our clients and friends of the relevant statute of limitations in cases involving a municipal defendant. If you are injured as a result of the negligence of any Town, Village, County, School District, or even the State, the statute of limitations can be as short as 90-days from the day of the accident. The municipality must be given proper notice within this 90-day period or you may forfeit your right to bring suit. That's why — as usual — it's important to contact us as soon as possible after an unfortunate accident.

RECENT CASE OF NOTE

- \$2.7 Million Settlement for Injured Patient. During a trial in Erie County Supreme Court, our client accepted a \$2.7 million settlement from the insurance companies for a local mental health and substance abuse residential facility. Our client suffers from a bipolar disorder and was admitted to the defendant's facility for treatment. During his admission, he opened a window of his second floor room and jumped out in an apparent suicide attempt. His injuries left him a paraplegic. We proved that the facility was required to have windows that could not be opened more than 8-inches. We contended that the facility failed to take reasonable measures to comply with this state requirement. The facility simply used removable window stops and should have used tamper proof stops that were readily available, especially in light of the high risk population it served. A bulk of the recovery will be used to meet the future medical needs our client will continue to require.



Contact us today!

1-800-66-BROWN or (716) 681-7190

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