



◆ THE POPPE LAW FIRM ◆

SPRING 2006

Brought to you by
The Poppe Law Firm

Hans G. Poppe

6004 Brownboro Park Blvd.

Suite E

Louisville, KY 40207

502-895-3400

FAX: 502-895-3420

e-mail:

hans@poppelawfirm.com

OFFICE HOURS

Monday-Friday

8:30 a.m.-5:30 p.m.

AREAS OF PRACTICE

- Automobile Injuries
- Litigation
- Medical Negligence
- Legal Negligence
- Professional Negligence
- Insurance Bad Faith
- Personal Injury
- Consumer Protection/Fraud

Licensed in
Kentucky and Indiana

**THIS IS AN
ADVERTISEMENT**

Does "full coverage" insurance really mean you are fully covered?

A large number of the cases I handle are for people who are significantly injured in car wrecks. I have found that most people really do not understand what type of insurance coverages they have. Once you have been in an accident, it is too late to get more insurance. This month, I would like to explain what full coverage really means.

Full coverage does not mean you are "fully" covered and have an unlimited amount of insurance to protect you. It simply means you have purchased certain *types* of insurance. We will talk about the types of insurance first.

Liability—This covers you, *up to your limits of insurance*, if you cause a wreck that injures other people. For example, if you have the minimum liability limits of insurance required by Kentucky law, then you have liability coverage of \$25,000 for each person injured,

with a maximum of \$50,000 total, regardless of the number of persons injured.

Property damage—This covers you, *up to your limits of insurance*, if you cause a wreck that caused damage to other people's property.



Hans G. Poppe

Comprehensive—This covers you, *up to your limits of insurance*, for damage to your own automobile, regardless of fault.

These three coverages are known as "full coverage." As you can see, though, you are not necessarily fully covered. If the harm you cause exceeds your limits of insurance, you are *personally liable* for any amounts in excess of your limits. For example, if an accident you

cause results in serious injury or death, and you have the minimum limits of \$25,000 per person, \$50,000 per wreck, you will be personally liable for a jury verdict if it exceeds this amount.

Do you know how much coverage you have?

The above coverages protect you if you cause the wreck; however, there are also two types of coverage available to protect you if you are injured in a wreck that is someone else's fault.

Uninsured coverage—mandatory in Kentucky—is usually the same amount as your liability coverage. This provides you coverage from your own policy if an uninsured person injures you. What is important to know is that you can usually buy additional uninsured coverage, and it is *not* expensive.

Underinsured coverage is similar to uninsured coverage in that it provides coverage to you under your own policy if you are hurt in a wreck that is someone else's fault. It is designed to protect you if the other person has insurance, but not enough to cover your injuries. This coverage is not mandatory in Kentucky; it must only be offered. Many people reject it because they do not realize how important it is. Please do not make this mistake. You should own as much underinsured coverage as your company will sell you. It is some of the least expensive coverage and provides you the greatest protection from the negligence of others



(continued on back page)

Legal news you can use

Patients' rights in hospitals

Going to a hospital for an emergency or a prescribed surgery or treatment can make anyone anxious. On top of that, many individuals and their families fail to understand what their rights are as patients.

Since most hospitals and care-providing centers prepare documents that specify their patients' rights, everyone can request a copy. Many institutions' patients' rights statements comply with the requirements of the Joint Commission on Accreditation of Healthcare Organizations.

The rights patients should be entitled to include:

- Respectful care
- Notification of next of kin upon admission
- Privacy
- Personal safety
- Confidentiality of treatment
- Understand the full extent of medical conditions
- Comprehend the ramifications of all prescribed treatments
- Participate in decisions about treatment
- Request or refuse service or treatment, according to law
- Formulate advance directives for care
- Review and contest billing
- File a grievance about service or treatment
- Receive service and care without regard to gender, economic status, educational background, race, color, religion, ancestry, national origin, sexual orientation, marital status, or the source of payment for care.



Patients believing their patient rights have been transgressed should contact legal counsel.

Auto accidents and injuries *Colossus®? What's that?*

Colossus software, developed by Computer Sciences Corporation, is used by several dozen national insurance companies to predict settlement values of accident and other injury claims.

Although marketers claim Colossus ensures fairness by considering many input factors, such as medical treatment, pain, and impairment level, critics express alarm. Their concerns include the software's lack of flexibility of input factors, such as pain and suffering and loss of consortium, reduced input from claims adjusters, and proprietary software secrecy.

Detractors, who perceive Colossus as a means of lowering claims values of the injured, were even more concerned when executives at a large insurance company boasted that Colossus had reduced claims payouts across the board by 20 percent.

Drivers involved in accidents who are concerned with settlement fairness can take several steps:

- Obtain the counsel of an attorney familiar with accident litigation.
- Determine whether Colossus software is being used by insurers in the settlement.
- Insist that adjusters include factors and information supportive to your claims and case, which Colossus may not value highly.

© Computer Sciences Corporation



Police response time

No national average or standard exists for police response times for Priority 1 calls for assistance.

Priority 1 means the caller faces a life-threatening danger, such as an armed robbery, assault, or shooting in progress.

Many cities and municipalities decline to release average police response-time data, even if it is collected. Some cities do. In 2004, Washington, D.C.'s metro police took an average of 8 minutes, 25 seconds to respond to Priority 1 calls. Boston's police took 8 minutes. San Francisco's officers arrived in 10 minutes.

Late responses

After a man was assaulted by a neighbor wielding an ax, he went to a police station to report the incident. A desk sergeant told the victim to return home and await a patrol car. Thirty minutes later, while waiting for police in his driveway, the victim's angry neighbor arrived and killed the man by repeatedly running him over. The victim's estate sued the police department for failing to protect him in a timely manner. A jury agreed and awarded the murdered man's estate significant damages.

ASBESTOS

Protect your family at home

Asbestos may be found in older homes in attics, pipe and furnace insulation, shingles, wallboard, textured paints, and floor tiles. Exposure to silently spreading asbestos dust can cause serious harm to the lungs, colon, and other organs. Even brief exposure can lead to irreversible asbestos diseases, including cancers.

According to the Environmental Protection Agency, home owners suspecting asbestos may be present in their homes can take several precautions. **Leave** asbestos material appearing in good condition alone.

Check suspected material regularly without touching it. Inspect for signs of wear, tears, abrasions, water or other damage, or flaking that can release asbestos fibers.

Discard suspect household materials.

Check with local health, environmental, or other appropriate officials to find out proper handling procedures, and dispose of damaged or worn asbestos gloves, stove-top pads, or ironing-board covers.

Obtain professional removal assistance if asbestos material seems highly damaged or if home maintenance or improvements may disturb it.



FOR YOUR SAFETY Recalled product roundup

Here are some recently recalled products you may have in your home or at work:

- ✓ **Atico International USA, Inc.**, asked consumers to return 480,000 Surf Club™ Arm Bands. Seams can tear, causing the inflatable child flotation device to deflate, exposing young children to drowning.
- ✓ **World Wide Cycle Supply Inc.** has voluntarily recalled 25,000 Harley-Davidson 16-inch BMX bicycles with front-wheel fork welds that can separate and cause rider injuries.
- ✓ **American Greetings Corp.** called back 120,000 Sesame Street Toy Sunglasses with lenses that can separate from frames and choke young children.
- ✓ **Target Stores** recalled 494,000 Back Trails Jr. Toddler, Youth and Child Bicycle Helmets, which fail to meet U.S. Consumer Product Safety Commission standards and can cause head injuries to bicycle riders.
- ✓ **Lamplight Farms, Inc.**, wants 963,000 Tiki® bamboo torches and about 18,000 replacement fuel canisters returned. The painted surfaces can absorb fuel, ignite, and burn users and their property.

What you mean to us

Those who use our legal services mean everything to us. That's why our promise to you is to always do our best every time you need to call on us for assistance.

We hope that the quality of our service pleases you. Behind the scenes, we are always working hard to make sure that each client receives the benefits of our hard work.

Client focus

We have a genuine interest in every client's satisfaction, and we also have a very strong work ethic. We train all our employees to bring integrity and honesty to all we do to be sure clients always feel that they receive our best efforts. We empower all our employees to make decisions that foster client satisfaction and loyalty.

Professionalism

If you have questions about service, consultation, billing, or anything else, we will give you straight answers. If we don't know an answer, we'll find out and get back to you right away.

You mean everything to us.

RETURN SERVICE REQUESTED

ADVERTISEMENT

© Copyright 2006. Newsletters, Ink. Corp. All rights reserved. Printed in the U.S.A. www.newslettersink.com

The information included in this newsletter is not intended as a substitute for consultation with an attorney. Specific conditions always require consultation with appropriate legal professionals.

Home-owner's insurance *Peace of mind*

To obtain mortgages and protect their families, home owners purchase insurance to safeguard their homes' structure and personal belongings. Insurance also provides personal liability protection for accidental injuries and payment of living expenses if a fire or other insured disaster forces a family to temporarily live elsewhere.

Bad-faith claims

When insurers refuse to pay on claims, home owners have recourse in the justice system. A garage's swing-out automatic door seriously injured a condominium owner's neighbor. When the condo association's blanket-policy insurer dug in its heels, refusing to pay \$60,000 for the neighbor's medical bills, the injured woman sued. A jury found that the insurer took a callous approach to the injury. Jurors ordered the insurance company not only to pay the \$60,000 in medical and rehabilitation costs, but also awarded the condo owner multiple times that in damages for the insurance company's bad faith in failing to live up to its own policy's terms.

Medical malpractice and repeat- offender doctors

In July 1998, Ricardo Romero of Humble, Texas, entered a hospital for routine back surgery. While his wife, Dolores, waited nearby, Ricardo nearly bled to death on the operating table. His heart stopped, leaving him with irreparable brain damage. Dolores must care for his every need.

After filing a lawsuit, Dolores learned that her husband's doctor had been named in numerous malpractice suits. He had left sponges in patients during surgery and allegedly abused drugs.

Nonetheless, hospital administrators and physicians permitted this surgeon to continue to practice.

Five percent of physicians are responsible for 50 percent of all of our nation's malpractice cases. Fifty-four percent of American hospitals have never reported a physician disciplinary action to the National Practitioner Database.

Patients suspecting that they have been victimized by medical malpractice should obtain legal counsel.



Does "full coverage" insurance really mean...

(continued from front page)

who have not purchased enough insurance.

Finally, whenever you are involved in an accident, the first \$10,000 of your medical bills, lost wages, and replacement services will be paid by your own automobile insurance company, regardless of who caused the wreck. This is what is known as "no-fault benefits." These benefits are also known as basic reparations benefits (BRB) and are automatically included in your insurance policy. However, you can purchase additional reparations benefits (ARB), which provide you additional coverage, usually in \$10,000 increments. Once again, like underinsured coverage, it is extremely inexpensive and well worth purchasing as much as your company will sell you. For various reasons too difficult to explain here, it is usually preferable to have your medical bills paid using BRB and ARB rather than using your health insurance.

I hope this information helps and that if you have any questions you will give me a call. I will be glad to help you determine what coverages you have, and in what amounts.