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**THE TRUTH ABOUT
INJURY CLAIMS:**

*Secrets Insurance Companies
Don't Want You To Know.*

P. MARK PETRO, ESQ

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INTRODUCTION

THE CLICHÉD PHRASE “ACCIDENTS HAPPEN” implies that, when bad things surprise us in life, we need to grin and bear it. Sometimes, that advice is on the mark. But not all accidents are created equal!

Some events lead to real, tangible harm – injuries that force people to pay substantial medical costs, put their careers on hold indefinitely and experience lots of psychological, financial, and family stress.

And while it's true that accidents happen to all of us and that, sometimes, there's just nothing to be done about our lousy fortune, victims often have more recourse than they realize.

For instance, if someone's negligence or carelessness or wrongdoing caused harm to you, you may be able to leverage personal injury law

to get compensated and make sure that justice is done.

Unfortunately, many injury victims fail to stick up for themselves assertively and get positive outcomes. Why? For starters, contrary to what the media has led us to believe, the vast majority of those hurt by wrongdoing never take legal action.

Per *Slate* Magazine, “The most impressive and comprehensive study [on medical malpractice] is by the Harvard Medical Practice released in 2015. The Harvard researchers took a huge sample of 31,000 medical records and had them evaluated by practicing doctors and nurses, the professionals most likely to be sympathetic to the demands of the doctor’s office and operating room. The records went through multiple rounds of evaluation, and a finding of negligence was made only if two doctors, working independently, separately reached that conclusion. Even with this conservative methodology, the study found that **doctors were injuring one out of every 25 patients—and that only 4 percent of these injured patients sued.**”

Still, most injured people are shy, embarrassed, overwhelmed or “just not the type of people to sue.”

Tragically, most people fail to recognize the long term costs of this inaction. For instance, Leona, a 64-year-old woman in good health, had the misfortune of getting struck by an 18 wheeler and fracturing her hip. The subsequent surgeries and medical treatments set her back \$35,000. But these costs were the tip of the iceberg. For the next 11 years, Leona had to pay for weekly physical therapy, costing her \$63,000, all told.

Her earning capacity was also severely curtailed by her physical pain and side effects from the medication she took for that pain, effectively ending her career three years before she had planned.

Angela's situation was likewise unfortunate. After a careless teenager cut across her lane in heavy traffic, she dodged into a telephone pole. The crash caused a serious concussion. When she emerged from the hospital, Angela was a changed woman. The once spritely and optimistic young

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engineer felt lethargic and depressed and unable to drag herself out of bed to go to work.

The downstream affects of Angela's car accident – the brain injury, the depression and all its sequelae – cost her hundreds of thousands of dollars in lost earning capacity and played a role in ending her marriage.

Angela and Leona's stories are not uncommon. Awful events like them happen every single day in this country. These victims (and their families) don't get fairly compensated and don't even realize their lost potential leverage.

I felt compelled to write this book to help you (and your family and anyone else who will listen) understand how to protect your rights and get fairly compensated after an accident or injury.

You CAN reclaim your dignity and peace of mind and hold the right people responsible. By the end of this book, you will have a much clearer and coherent understanding of the path ahead. You will waste much less time and be much more strategic in your approach.

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I also have a very special offer for you. If you flip to the end of the book, you can learn how to get a *free* consultation directly with me to discuss your injury in confidence and learn your rights.

You need clarity to protect yourself, your family, and your future. I hope you find this book helpful, and let's get going!

**Pitman & Petro Accident and Injury
Attorneys: A Unique Approach**

Since 1989 I Have represented over 1000 individuals injured as a result of car wrecks, truck wrecks, motorcycle wrecks, workplace accidents, slip and falls, nursing home error, hospital error, doctor error, fires, dangerous prescription drugs and other dangerous products. I have built a reputation for being the go-to guy to get injury claims handled in a manner that maximizes the amount the recovery, so you get what you deserve sooner rather than later.

DAMAGE CONTROL 1:

Why would I need to take “legal action”? Won’t the insurance company take care of everything?

IF INSURANCE COMPANIES EXCEL AT anything, it’s marketing.

The insurance industry has sold consumers a bill of goods: the idea that, foremost, insurers strive to help people “become whole” after bad events, like slip and falls and car crashes.

While insurance companies are first and foremost, businesses. They’re profit driven. And

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that means that the more premiums they collect and the less they pay claimants like you, the more money they will make.

Cynical observation? Perhaps. But it's true and important to understand.

Consider what happened to Henry. A fatigued mom T-boned him at an intersection in her SUV, shattering his ribs and giving him a concussion.

In the days following, an insurance company representative ("the adjuster") called and said all the right things to Henry. He apologized on behalf of the liable driver and made gestures to the effect of "*it's all going to all right, Henry, you can trust us.*"

The settlement offer soon came in. It seemed to Henry like a sizeable amount of money. He accepted (it was a "bird in hand") and signed away his rights to take further legal action.

But what Henry *didn't* know is that the settlement offer had been calculated by Colossus, a famous industry computer program that consumer watchdogs say was specifically

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developed to minimize pay outs to claimants like Henry.

Had Henry worked with an attorney on his case, he could have negotiated a settlement amount of *three times* what the insurance company offered him.

Instead of just getting \$30,000, Henry could have obtained \$90,000. Instead of just getting \$30,000, Henry could have obtained \$90,000.

Again, the insurance company and adjuster were just more concerned with the carrier's bottom line than they were with Henry's welfare and wellness.

DAMAGE CONTROL 2:

What do I need to prove
to win a personal injury
case?

IN SOME WAYS, PI CASES are quite complicated, especially when you delve into the technical details – the laws involved, the insurance rules, etc.

In other ways, they're simple. At essence, you just need to show three things.

1. A person or company did something negligent, careless or otherwise wrong.

2. This act of wrongdoing or omission caused harm to you, either directly or indirectly, and led to damages (such as bodily injuries, medical bills, forced time off of work, depression, relationship issues, etc.)
3. The person or party who caused this harm – or someone who represents that person, such as an insurance company – has money to pay you damages.

All three components must be in place for you to pursue compensation successfully.

Let's take a look at some examples.

A truck driver barreling at 85 miles per hour veered into Rick's lane, causing him to jerk suddenly and fly off the road. Even though Rick saw his life flash before his eyes – and police reported later that the truck driver had literally fallen asleep behind the wheel after staying up 15 hours in a row in violation of the law – Rick had no case. He didn't suffer any actual harm.

Manuel, meanwhile, suffered brain damage and wheelchair confinement after tripping outside a construction site. Unfortunately for Manuel, the construction site was well kept. All obstacles had been labeled. Manuel just didn't look where he was going. Even though he suffered serious harm, that harm was not caused by anyone's negligence or carelessness.

Dena, meanwhile, was attacked viciously by a dog off leash owned by her ne'er do well neighbor. She needed several reconstructive surgeries. In Dena's case, the liable party (the dog owner) clearly did something wrong by letting his unstable dog off leash, and she did suffer harm. However, the neighbor had no assets and no homeowner's insurance. So there was no pool of money to provide her compensation.

Reginald's family, however, did bring a successful personal injury lawsuit after Reginald died in a truck crash.

Reginald's car broke down on the Interstate, and he was setting out flares to warn oncoming traffic, when a truck hit him because the driver was sleepy from having driven a longer time than

allowed by law. The family successfully sued the truck driver and the driver's trucking company.

DAMAGE CONTROL 3:

How long do I have to file a personal injury claim?

YOUR TIME LIMIT TO TAKE legal action – also known as the “statute of limitations” – depends on state law and other factors.

For instance, in Alabama, you may have two years from the moment of injury to make a claim. After that time, the clock runs out, and you can’t bring a case.

Don’t rely on casual internet research to determine your statute of limitations! First of all, this is not like a deadline for a college essay or a lunch date. There’s no slack if you’re slightly

late. More to the point, the statute of limitations might depend on surprising factors.

Karen potentially had a case against a city after she slipped at a city plaza and wrecked her back. *She thought* she had two years to make a case, but a special statute restricted her to only a short period of time to take action.

Since Karen wasn't aware of this strict time limit, she waited too long and found herself unable to obtain compensation for her four back surgeries.

DAMAGE CONTROL 4:

Are there reasons I should act quickly after my personal injury, beyond the statute of limitations?

YES! FIRST OFF, EVIDENCE FROM the scene of the crash or accident could disappear or degrade over time. For instance, witnesses who saw you slip and fall on the parking lot might forget what they saw. Or the details they later remember could be foggy and less than accurate.

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Your injury could also heal. That's a good thing, obviously. But if you don't get treated by a doctor and take pictures as the problem heals, you may have no evidence to prove your case.

In some situations, plaintiffs must file suit immediately to obtain information or to stop the potential liable party from developing a defense.

DAMAGE CONTROL 5:

What do I need to do right after my accident?

AS A GENERAL RULE OF THUMB: collect as much information as you can from the scene; document everything carefully; get medical attention; and seek help from an experienced personal injury lawyer as soon as possible.

Let's expand on these ideas and explore them in detail using examples.

Sandy got hurt in a messy, four-vehicle collision at a confusing intersection. It all happened so fast. However, Sandy took the following smart actions:

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- She obtained the names, numbers, and insurance info of everyone involved as well as contact info for two witnesses who saw what happened at the light;
- She got a copy of the police report;
- She took pictures of the accident scene and her car and the injury to her arm with her cell phone camera;
- She had her husband drive her to the emergency room;
- She attended all of her doctor and physical therapy appointments;
- She did not over treat for injuries;
- She did not have gaps in her medical treatment;
- She kept all her medical records and bills to seek reimbursement later;
- She called a local, qualified personal injury lawyer before talking to insurance company representatives. This was a good move; the lawyer instigated a forensic investigation of the scene, which gathered more useful evidence to untangle exactly what happened in Sandy's crash.

Lucy, by contrast, approached her situation without that same vigilance. Here's what happened to her.

Lucy tripped and fell on the stairs of a client's office parking lot and twisted her knee so badly that she couldn't walk afterwards. Two people saw her fall and asked if she needed help; she waved them away and didn't take their information.

Lucy went home and iced her leg, instead of going to doctor, figuring that things would heal up in due time. Unfortunately, the injury got worse, and she ended up going in for multiple surgeries. She didn't track her paperwork and receipts.

By the time she realized that she might have a liability case against the building owner, a maintenance team had replaced the steps where she fell. The hard reality finally hit: she would need to pay her \$27,000 in medical bills out of pocket without any help.

DAMAGE CONTROL 6:

How should I talk to my doctor about my injuries to ensure that I get fair compensation?

First rule of thumb: BE HONEST.

AS A CAUTIONARY TALE, LET'S see what happened to Frank, who hurt himself at work after lifting a heavy object. The accident threw out Frank's back, but he hammed it up at the doctor's office in a ploy to get more compensation from the worker's compensation insurance company than he deserved.

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His unethical behavior caught up to him. Soon after the accident, investigators from the worker's compensation insurance company videotaped Frank water skiing with his friends on vacation, given the lie to his claim. He immediately lost his worker's compensation benefits.

Don't be like Frank. Don't over embellish your injuries or lie.

Likewise, avoid getting excessive medical treatment in the hopes that, by doing so, you will somehow be perceived as "extremely injured" and compensated accordingly. Again, BE ETHICAL.

If you get excess medical care, you're just racking up extra medical bills that the insurance company may not agree to pay.

DAMAGE CONTROL 7:

Can I see my own doctor,
or do I have to use the
insurance company's
doctor?

IN GENERAL, UNLESS IT IS a worker's compensation claim, you can choose your own doctor. It's ideal to avoid relying on the insurance company's "Independent Medical Exam" (IME), which is usually anything but independent. Your own doctor should be more neutral and sympathetic.

However, in certain circumstances, you may be required to have an IME. A qualified personal

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injury attorney can help you understand your rights.

DAMAGE CONTROL 8:

Should I give a recorded statement to the adjuster and release my medical records?

JENNIE LIKED TO “PLAY BY the rules.” When she suffered a back injury after a motorcycle accident, she believed the adjuster’s promise that the carrier would take care of her and play fair.

She gave a recorded statement, thinking “What’s the harm?” She also gave the insurer access to her old medical records, thinking that doing so would simplify her life. Her bills would

go directly to the insurance company, and she wouldn't have to play middleman.

But these acts caused Jennie huge headaches regarding her case. Here's what happened.

During the recorded statement, the adjuster asked Jennie how she was feeling. At the time, it was just days after the wreck. On a scale of 1 to 10 (10 = awfully horrible; 1 = fine) Jennie felt like a 7. But she was a 9 two days prior, so she told the adjuster that she was feeling "much better."

Months later, in court, the insurance company used this recorded testimony to make a case that Jennie hadn't been hurt!

Likewise, the insurance company rooted through her medical history and found that she had gone to a chiropractor four years ago for adjustments related to a typing injury. They argued that that evidence suggested that the motorcycle accident wasn't really the cause of her debilitating back pain – the typing was.

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Here's the bottom line: avoid disclosing too much adjusters. Call a qualified personal injury lawyer before you give any statements about what happened to you.

DAMAGE CONTROL 9:

How do I prove liability in my case?

LET'S TAKE FOUR EXAMPLES HERE – two slip and fall cases, a truck wreck case, and a car wreck case.

Stacy broke her hip and shattered two vertebrae after tripping on an unmarked pothole in the parking lot of a local restaurant. She needed to prove that the storeowner had “constructive knowledge” of the pothole. The owner *should have known* about the hazard on the property.

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Melanie, on the other hand, slipped on a puddle of water that an employee had spilled on the floor. A cashier saw the spill happen and also saw Melanie fall. In this case, she can say the liable party had “actual knowledge” of the hazard.

Trisha, meanwhile, suffered abdominal injuries and hip displacement after a truck crash at an off ramp. The collision involved three vehicles (hers, the truck, and another car) and what happened was not immediately clear.

Perhaps the trucker turned too quickly, or maybe the exit ramp was badly lighted. Trisha’s attorney called in a forensic accident reconstruction specialist to examine what happened. She used physics and engineering to determine what happened and who was to blame.

Sometimes, though, proving causality is simple. For instance, Fred got whiplash after the car behind him didn’t see a stop sign and plowed into him at 25 miles per hour. Fred won’t likely need a team of experts to prove the driver was at fault.

DAMAGE CONTROL 10:

What damages might I be able to collect?

THE ANSWER DEPENDS ON THE nature of your accident, the severity of your injuries, the treatment that you receive and many other factors.

Types of compensation can include:

- Money to pay for damaged property (e.g. a wrecked car or motorcycle);
- Replacement for past, present and future lost wages;

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- Payment for physical therapy, surgeries, prescription medication, and medical expenses;
- Compensation for disfigurement and scarring;
- Physical Pain and suffering damages;
- Mental suffering.
- Punitive damages, which are handed out in some cases as a way to punish the reckless person (or company) who put you in your position.

DAMAGE CONTROL 11:

What is a demand letter,
and what are best
practices?

IT'S ALMOST ALWAYS BETTER TO settle your case out of court to save time, hassle, stress, and the uncertainty of having a jury or Judge decide your case. However, you ideally want to preserve your threat to litigate to sustain an advantage during negotiation.

Your attorney may put together a “demand letter” to show how you got hurt and to explain why you deserve certain compensation.

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This book may have given you the (somewhat mistaken) impression that the insurance company is always “against you.” That’s not necessarily the case. If you are upfront and assertive about what happened, and you explain your case fairly – backed by evidence – the company might treat you fairly.

Some adjusters do have some leeway in terms of the compensation they can offer. By demonstrating good faith and honesty, you can motivate empathetic behavior. A qualified attorney can help you figure out what to include in this demand letter and how much compensation to request.

DAMAGE CONTROL 12:

Do I really need a lawyer
for my case?

YOU MIGHT BE SURPRISED BY this answer: “it depends.”

If your case is a simple slip and fall or car accident with minor injuries, you might be able to handle the situation on your own.

However, many, many caveats apply. For instance, avoid going it alone if...

- You’re potentially partly at fault for the accident;
- Multiple parties were involved;

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- You have suffered serious injuries;
- The at fault driver has no insurance;
- You don't have the stamina or knowledge to negotiate aggressively;
- Many more reasons!

Handling a personal injury case on your own is almost always a bad idea.

Cory suffered \$220,000 worth of damage in a car wreck, including medical bills, lost work time and expensive physical therapy. But he accepted an early offer of \$50,000 from the insurance company just to have “some money” coming in to pay his bills. Cory effectively shorted himself (and his family) \$170,000.

Personal injury cases get quite technical. Damage caps, rules, constraints and deadlines can be confusing, even for experienced attorneys!

Consider Carlos's case. He was a big proponent of the “do it yourself” (DIY) mentality. He raises his family by himself, since his father had abandoned them, and his mother was disabled. Carlos took care of himself and his four younger brothers and sisters.

But when someone hit his motorcycle and broke his leg, he thought that he could use his DIY skills and be his own lawyer.

Even if Carlos hadn't needed to be on medication to treat his throbbing leg and had ample time to study the books he had taken out of the library on bike injury law, he wouldn't have known how to handle the insurance company's sudden decision to deny his claim and stonewall him with no explanation.

Here's an analogy to make this clearer. No matter how much you read up online or in the classroom about kidney operations, if your kidney is failing, you want to want to hire a qualified doctor to do the operation for you. The stakes are just too high, and you only get one shot.

Likewise, when it comes to your personal injury case, you don't get a "do-over," and the stakes for failing can be substantial. In Carlos's case, for instance, it meant the difference between getting \$150,000 he needed to treat his leg and back and not getting that money.

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Here's yet another way to look at it. Let's say there was only a one in ten chance that Carlos would need a personal injury attorney for his bike accident case. If we ran the tape of history forward ten times, nine out of ten times, Carlos would waste 15 minutes of his time calling a lawyer.

But that one time it would matter... boy would it be costly! He'd miss out on the chance to obtain \$150,000.

The consequences aren't even. Failing to get help when he needed it would cost Carlos \$150,000. Calling a lawyer when he didn't have a case would cost him just 15 minutes, by contrast. Big difference!

DAMAGE CONTROL 13:

Why should I work with
your personal injury law
firm?

THERE IS A RIGHT WAY to do things. There are no shortcuts. Things must be done right to maximize the value of your personal injury claim. If you are looking for someone who believes in doing things right, having accountability and backs it up with action that actually gets results, give me a call.

I abide by the Golden Rule of “Treat Others as I Wish to Be Treated.”

TAKE ACTION NOW!

I WANT TO THANK YOU for spending time with me and getting to know more about what it takes to get justice and fair monetary compensation after an accident.

Normally, when prospective clients come to see me, I charge \$100 hundred dollars for a 30 minute evaluation. But as a special gift – a way of saying thank you – I would like to offer you that consultation for **free**.

Just call my offices at 256.533.5000 to book a time to speak with me, and we will completely waive that \$100 fee.

My goal is to help you feel back in control, knowledgeable and ready to take action, so that you can get your life back on track.

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Let's connect now. Looking forward to
speaking with you!

Mark Petro

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