

# Client News Letter

Law Offices of

## David L. Moffitt & Associates

Legal News You Can Use

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### Sexually-Assaulted Tenant Wins Big \$\$\$ From Apartment Complex

A Ryan Court Apartments tenant had her day in court over a sexual assault caused by the landlord's failure to repair security doors and locks at the apartments, and came out a big winner.

The client had been bothered by the perpetrator for almost a week before the assault, but thought that the security locks would keep him outside. She had complained to the landlord on many occasions about the security locks malfunctioning, sometimes working and sometimes not. The landlord ignored her complaints, which she kept track of, and ignored many other complaints of tenants about crumbling ceilings, exposed wires, tripping hazards, and other problems.

We filed suit on her behalf. The landlord defended itself by claiming it would have responded immediately to fix the locks if our client had ever really complained about them. We were able to show that the landlord's ignoring the many other problems with the premises pointed out by other tenants established its "custom and practice" of *not* fixing things when complained about, making our client's assertion that it didn't fix the locks believable to the court. With many tenants contacting our office offering to testify that the landlord indeed ignored their complaints, the insurance company

for the apartments got the message and paid her a *large* settlement.

Have you or someone you know been injured at an apartment complex, public building, store, business or sidewalk? Call us at 248.644.0880, we may be able to put the blame where it belongs and recover money for you!

### Do's And Don'ts If You've Been In An Injury Accident

Here's our list of the top ten Do's and Don'ts for obtaining full compensation for injuries they may suffer in an accident:

1. **Don't** get out of the car and say that you're, "all right" to the other driver or police. The truth of the matter is, many people don't realize that they're hurt right after an accident. They're in shock, they're full of adrenaline from the trauma, or the real aches and pains don't come until the next day. Stay seated, wait for police and EMS.

2. **Don't** refuse an ambulance if you are hurt in any way or cannot get to the hospital yourself immediately. Many people are afraid of the cost of an ambulance ride. Although they are expensive, that's what you bought car insurance for. It will pay for the ambulance

ride, and you will be much better off for not

**3. Don't** talk to the insurance company representative or adjuster about how the accident happened or about your injuries before you've spoken to your attorney. The insurance company may ask you questions designed to prove you don't have an injury or a case, and you may give a damaging response to a question you did not fully understand. Call us first!

**4. Don't** just go to the hospital and assume, because they released you after a few x-rays, that you're fine. Many injuries to the back, neck, or brain are invisible to x-rays, and failure to follow up with your own doctor may result in your possibly suffering with an undiagnosed injury for a long time. Follow up and see your own doctor!

**5. Don't** wait days, weeks, or months to contact your attorney. We can help you get appropriate medical referrals, smooth your insurance process, and preserve important proofs, such as on-scene photos and eye witness statements. Call even if it's in the middle of the night when a serious accident occurs!

**6. Do** keep your car insurance in effect at all times. If you have a car accident, and you're driving your own uninsured car, you may not be allowed to recover expenses or damages for your injuries.

**7. Do** make sure when you buy car insurance that you buy "uninsured motorist coverage". If you have a car accident, you recover your "pain and suffering" damages from the other driver. If he has no insurance, you're out of luck unless you have uninsured motorist coverage. This coverage substitutes insurance coverage for that which the other driver didn't obtain. It's cheap. Make sure you get at least \$100,000 worth.

**8. Do** make and keep photos of your injuries, the place where you fell or were hurt, or your car showing its damage. Many injuries

driving yourself or not going right away.

look terrible when they happen, but improve rapidly. Juries should be able to see your injury at all stages, so take pictures every day. Likewise, if you fell on ice or a crack in the sidewalk, get pictures taken *immediately*, that day! It can be hard for the jury to visualize the conditions if no photo is ever taken. We often take them as soon as you retain us, but your own "immediate" photo often is the quickest and most accurate.

**9. Do** keep all the papers you receive regarding the accident and write down the names and phone numbers of people that were involved. Keep them together in one place for when you contact us so that you can bring them to our first meeting and we can take immediate action on them.

**10. Don't** give in to the temptation to think that the accident must be all your fault or that you don't have a right to compensation because you think you did something wrong too.

Remember that you don't have all the facts of how an accident occurred, and do not know what a thorough investigation might show.

Let us decide who is at fault and who has legal responsibility for an injury. That's what we do, and we have a variety of investigative tools, experience, and resources with which to do it.

## **Got an Injury Claim? Time's Running Out!**

Most of us have had an accident and gotten hurt or know someone who has. Most of us let some time go by to "get over it" or "get by it" before we really think about really doing something about it.

But unlike a broken heart, with an injury or accident case, time doesn't heal all wounds, and the insurance companies that might be

responsible to pay for your injuries would like nothing better than for you to "sleep on your rights."

**3 years** to file a claim with the court for automobile or motorcycle accidents; slip and falls; injuries from bar, night club or dance hall employees negligence; racial, age or sex discrimination claims against your employer; and claims against cities or local governments for police misconduct;

**2 years** to file a claim with the court for medical malpractice; intentional assaults; nursing home abuse; brutality or excessive force claims against police officers; and to file a claim with the State for injuries suffered at work where no payment was ever made for the injury;

**1 year** to file a claim with the court against your automobile insurance company when it refuses to pay your medical bills or lost wages in full after a car accident, and to file a claim with the State when your work comp insurance has cut off your wage payments or medical benefits.

If you were under 18 when the injury occurred, you will have at least the time periods above to file your claim, in most cases. If you were less than 15 years old you may have until your 19<sup>th</sup> birthday to file a claim, except for medical malpractice claims.

Don't wait! These laws that limit the amount of time you have to file a claim are tricky, and the longer you wait the harder it is to prove your case. Call us before time runs out! We'll tell you if there's still time to make a claim.

## Did you know?

Trial attorneys, surprisingly, spend most of our time investigating and working up cases and preparing them for trial, not trying them! Over 99.4% of civil cases settle without trial.

You don't have forever to make a claim. In fact, legal deadlines are short.

If you were 18 years old or over when the injury occurred, you have only: Don't be afraid to bring a case because you're worried you might face a court room trial some day. Most times you won't!

## How to contact us

Communication with our clients is important to keep you updated on what is going on with your case, and to keep us informed of what's happening with you, whether it be new treatment, new doctors, return to work, or new complications requiring immediate advice. Here's how to contact us:

- **Call**

toll free at 1-800-354-5202

office 248-644-0880

cell 248-318-2300

home 248-538-0880

Call us to tell us about new addresses and phone numbers, new medical procedures relating to your injuries, other important developments, to ask questions about something we've sent you, and if you feel you haven't heard from us recently.

- **Fax**

248-644-0019

Fax us forms or letters you have received from your auto insurance company or doctor, or important records you may have that relate to your case.

- **Email**

[dloffittassoc@ameritech.net](mailto:dloffittassoc@ameritech.net)

Email us whenever you have had trouble getting through, or wish to send us information, such as the name and address of a new witness you found, that is best sent in writing.

- **Mail**

Mail to us photographs and those documents you would have faxed to us, but didn't have a fax machine available to you. If

you need us to send you a pre-addressed, postage-paid envelope to mail us something, just let us know.

Remember we are working hard to move your case forward, and cannot easily always take your calls every time you call. Sometimes information or questions are best given to our staff, who can call back with the attorney's answers. Of course, when there is an important

We encourage you to call and leave the name and address of someone you'd like to receive our newsletter. They'll be informed of important developments in the law that may directly affect them, and they will have an attorney they know, trust, and can ask questions of.

But there's more. They can share in special offers that appear only here, offers to help you with writing a simple will, changing a name, expunging a criminal conviction, correctly transferring a car title, closing the sale of your home, and many others.

Just leave their name and address with our office, and we'll do the rest, telling them, too, who was kind enough to help them stay legally alert.

## Announcements And Notices

In Coming Issues:

- Injured At Work? Know Your Rights!
- No Fault Laws And Injury Accidents.

## Lawyer's Joke Of The Week

The prosecutor turned to the defense attorney and his confused-looking client, saying, "Based on that story, I'm going to have to charge you for this murder.

The defendant piped up and said, "Fine, what do we owe you?"

development in your case, you can be assured we will call you.

## Know Someone You'd Like To Receive This Newsletter?

### We Specialize In...

**Personal Injury of All Kinds.** All injuries and accidents, including wrongful death; automobile and motorcycle accidents; slip and falls; injuries from defective buildings; sidewalks, parking lots, and construction sites; bar fights; sexual harassment; animal bites; and medical malpractice to name just a few.

**Workers Compensation.** All injuries at work, including dangerous work conditions, bending and lifting injuries, falling objects, exposure to toxic chemicals, and much more.

**Criminal Law.** All felonies such as drug cases, larceny, car theft, homicide, check or credit card misuse, as well as probation violations, sentence reductions, drinking and driving, all misdemeanors, and even traffic or ordinance violations.

**General Law Practice.** There are many other areas we work in that are too numerous to mention. And if we can't help you, we'll try to help you find the right person to do so or send you information that may help you.

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5 Legal News You Can Use

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**Your Client Newsletter**

**Keeping You  
Informed**