

SCHURMER & DRANE news



Specializing in Serious Injury and Wrongful Death

Spring 2011

Importance of Immediate Investigation

In all types of cases the importance of immediate investigation cannot be overstated. Many times early and effective investigation can be the difference between winning and losing a case; almost always it has an effect on the final monetary recovery. The Law Offices of Schurmer & Drane has an experienced investigative team that begins to perform the necessary investigation for every case as soon as the matter is accepted.

Different types of cases require different investigative techniques. Depending on the nature of the case The Law Offices of Schurmer & Drane's investigators look for, document and obtain the type of evidence that is uniquely necessary for that type of case.

In automobile accidents there are a number of important evidentiary issues. Physical evidence at the scene is always important. Skid marks from vehicles, damage to surrounding property like trees, concrete barriers and curbs helps to establish how the accident happened. If immediate investigation is not completed skid marks disappear and surrounding property damage is repaired. Expert witnesses in accident reconstruction and biomechanics many times need this information to help prove who caused the accident.

Witness statements can be critical. If a statement is not taken from a witness shortly after the accident more often than not they will not remember critical facts. Further, unless immediate investigation is done as to whether any person actually saw the accident a witness may be overlooked or never found.

Photographs of the vehicles involved are extremely important. Many times, particularly



if the other driver's car is totaled, that vehicle will be destroyed or sold for salvage before photographs can be obtained if immediate investigation is not obtained. Photographs of damage to the vehicles are not only important to assist in determining fault but also to show the severity of the impact. Without this information the case will always be more difficult.

In injuries that occur because of dangerous or defective products, early investigation is also necessary. If immediate investigation is not taken the reason that the machine caused the injury may never be determined. Sometimes it is necessary to purchase and retain the product so that experts that are hired by The Law Offices of Schurmer & Drane can examine and test the product. At the very least photographs and examinations must take place to document the condition of the machinery as close as possible to the time that the accident took place.

In medical malpractice actions it is extremely important to obtain the appropriate medical records as soon as possible. There have been a number of instances that critical documents are "lost" or records are changed and altered. Obtaining immediate copies of records reduces the risk that will occur and in some cases allow us to prove that the records were changed at a later date.

There is no risk or downside to having a consultation as soon as possible after an injury occurs. At The Law Offices of Schurmer & Drane there is no charge for the initial consultation even if it turns out that there is not a viable case. However, if a consultation does not take place for weeks or months after an accident the case may be significantly damaged due to a lack of appropriate investigation.

Verdicts & Settlements

\$3,000,000.00 settlement for the wife and children of a man who died when the defendant ran a red light and struck the driver's side door of the decedents vehicle killing him instantly.

\$700,000.00 settlement for the brothers and sisters of a mentally handicapped man that died due to the negligence of the employees of the residential care facility he was living in.

\$1,000,000.00 jury verdict for the wrongful death of a man who was killed when struck by a train at an unmarked railroad crossing.

\$1,500,000.00 settlement for a baby who was injured due to the negligence of physicians in failing to perform a caesarean section in a timely fashion resulting in permanent injuries.

\$350,000.00 settlement for a young man who was hit by a produce truck while changing the tire. He suffered soft tissue injuries to his back resulting in residual scar tissue.

\$1,200,000.00 jury verdict in a premises liability case against a city defendant for negligent maintenance of a trash dumpster that plaintiff was working in. Defendant's negligence resulted in a hole in the dumpster that the man fell through causing injuries to his low back.

\$2,600,000.00 settlement for a gentleman who suffered a mild traumatic brain injury when the vehicle he was driving was struck by defendant on a rural road.

\$2,250,000.00 settlement for a baby who suffered brain injuries due to the medical negligence of nurses and physicians in failing to appropriately monitor the child's mechanical ventilator.

\$1,000,000.00 uninsured motorist policy limit settlement for a client with significant head injuries and vigorously disputed liability.

\$850,000.00 settlement for the wrongful death of a 14 year old girl who died when she was stuck after an electric gate automatically closed wedging her between the gate and the gates pillar. This was a products liability case against the manufacturers and the installers of the gate and a premises liability case against the owners of the property.

\$340,000.00 jury verdict for the parents of a young man killed in a motor vehicle accident. The plaintiffs' lived in Mexico and had not seen their son in many years. The insurance company refused to pay the verdict resulting in a subsequent bad faith lawsuit against the carrier finally resulting in settlement.

\$1,000,000.00 policy limit settlement in a case against a physician due to his negligence during the birthing process of a baby causing permanent injuries.

\$650,000.00 settlement for a man who was injured when an elevator he was riding in malfunctioned causing injuries to his back.

\$1,000,000.00 policy limit settlement for a man and wife that were rear-ended by a truck on the freeway. Injuries were to the low back and neck resulting in surgical intervention.



Schurmer & Drane Annual Christmas Party

On December 16, 2010 The Law Offices of Schurmer & Drane hosted our annual Christmas party at Ruby's Café in Oxnard, California. Over 200 of our friends, family, medical professionals and past and present clients enjoyed the music of Mariachi Cardenas de Tecalitlan and feasted on a traditional Christmas meal. The kids had a great time meeting with Santa Claus and a fun time was had by all.

Insurance Facts

The importance of adequate insurance coverage cannot be stressed enough. This issue usually arises in the context of automobile insurance but also includes homeowner's coverage, business liability coverage and medical or health insurance coverage.

Anyone who drives any type of motor vehicle is required to carry the appropriate insurance coverage. This is extremely important for a number of reasons. The law now states that if a person is injured in a motor vehicle accident while driving without insurance he or she is severely limited in the types of damages they will be entitled to. Specifically there can be no recovery whatsoever for any damages resulting from the pain or suffering resulting from any

injuries. Many times this makes it impossible for the person to present their case. At the very least it is important to have the minimal coverage available which, in California, is \$15,000.00 per person.

Many people decline Uninsured Motorist coverage. If at all possible make sure to include this in your automobile policy. This type of coverage is fairly inexpensive and very important to protect yourself if you are injured in an accident that is caused by someone who does not have any insurance. If you have Uninsured Motorist coverage and are injured by an uninsured driver you are able to present a claim



to your own insurance carrier for your injuries.

If you have any questions regarding the appropriate type of coverage please contact our office and we would be more than happy to speak to you.



“Premises Liability” refers to the law surrounding injuries or deaths that occur as a result of the negligent ownership, maintenance or control of property. The types of cases that fall into this category are varied and include slip and falls in stores like markets and department stores, trip or slip and falls on public property like parking lots and sidewalks, dangerous conditions of property at private residences or public buildings and even the dangerous or defective design of public streets and roadways.

The Law Offices of Schurmer & Drane has handled many different types of these cases

Premises Liability

under many different circumstances. It is very important to hire an attorney that has extensive experience in these areas in order to make sure that your case is handled appropriately so that you may obtain the damages and compensation that you are entitled to under the law. Just because an accident happens on someone's property does not mean that the case will automatically be won. The law is quite clear on what an injured party must prove in order to be successful and it is important to have competent representation to make sure that these requirements are satisfied and proven.

Below are some examples of different types of Premises Liability cases that Schurmer & Drane has successfully handled.

- A person suffered significant injuries when a kitchen cabinet in a home they were leasing separated from the wall falling on to his head and neck.
- A person seriously injured her shoulder resulting in surgery when she tripped and fell on a city sidewalk that had an extremely uneven surface.

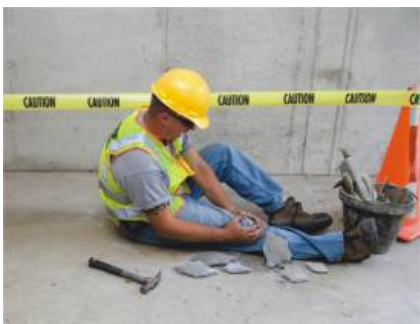
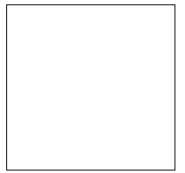
- A person was seriously injured when he was ran over by a tractor while working at a construction site.
- A person suffered a broken arm when she fell on a slippery substance at a local market.
- A person had shoulder surgery due to slipping on water in a restroom of a well known department store.
- A person injured his back resulting in a number of surgical procedures when he tripped when coming out of an elevator because the elevator had not leveled properly.
- The death of a young girl after she became stuck after an electric gate automatically closed wedging her between the gate and the gates pillar.

These are only limited examples and there are many different types of premises liability cases. It is always important to consult with an attorney as soon as possible after an injury to determine whether you have a viable case and to make sure that the necessary investigation can take place.

Schurmer & Drane Hosts Weekly Radio Show

The Law Offices of Schurmer & Drane hosts a weekly radio show at 9:00 a.m. every Friday morning on 103.7 FM, La “M”. Every week different topics are discussed, all of which are designed to help and provide advice to those who have been injured or have suffered from the loss of a loved one. Many topics have been covered including the importance of early investigation in all types of cases, what types of compensation or damages people are entitled to, the necessity of consulting with an attorney as soon as possible after an injury and different aspects of insurance coverage. Phone calls from listeners are welcome during the show and all questions are answered as best as possible.





Specializing in Serious Injury and Wrongful Death

The Law Offices of Schurmer & Drane continues to specialize in all types of serious injury and wrongful death cases. Our practice areas include auto, truck, train and boat accidents, premises liability, dangerous conditions of public property, construction site accidents, governmental liability, medical malpractice, insurance bad faith, elder abuse, products liability, insurance bad faith and legal malpractice. We handle all matters on a contingency fee basis only and advance all costs necessary to effectively represent our clients. No fee is paid unless the case is won or settled.

THE LAW OFFICES OF
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A Professional Corporation

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