



Personal Injury | Wrongful Death | Auto Accidents | Premises Liability | Product Liability

OVER \$180,000,000 RECOVERED FOR OUR CLIENTS!

R E C E N T N O T E W O R T H Y C A S E S

Driver Cuts a Corner at Night and Runs Over 13-Year-Old Client in Crosswalk

Partners **Scott Murray** and **Scott Perry** recently resolved this claim for **\$475,000**.

Our client, a 13-year-old young girl, was walking home in her neighborhood when the driver of a GMC Yukon SUV struck her while she was crossing the street in the crosswalk. The driver failed to stop at the stop sign, and proceeded to turn left while cutting the corner and driving on the wrong side of the street when he ran over our client who was thrown into the air and landed on the pavement striking her face/head. Below is an image from a surveillance camera that captured the tragic moment.



Our client was initially treated at the hospital and underwent a series of tests. In addition to various cuts, bruises, bone contusions, and abrasions, she was also diagnosed with a concussion (TBI). Throughout the course of her treatment, the most significant issues would ultimately be her TBI and post-traumatic stress. The brain injury and emotional stress

resulted in her grades slipping, her inability to continue on the varsity soccer team, and strong concerns about her future.

ATTORNEYS ON CASE



Scott C. Murray



Scott B. Perry

While our client sought treatment of both her physical injuries and her emotional injuries, we sought to uncover the various layers of insurance coverage. This case presented a potential legal issue with the insurance coverages because the at-fault driver had a gap in his coverages. The driver maintained underlying coverage of \$100,000 with a \$1,000,000 umbrella policy; however, the umbrella policy required \$250,000 of underlying coverage which left a \$150,000 gap in coverage.

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After Denial of Liability, \$250,000 Settlement in Trip and Fall

Law Partners **Jason Guari** and **Scott Perry**, had the privilege of representing a retired couple who had the misfortune of encountering a dangerous condition when walking through the crosswalk of a parking lot. Mr. D was walking in front of his wife, when Mrs. D's foot caught a depressed portion of the walkway that had broken due to a failure to maintain – causing her to fall hard upon her face and outstretched arms. Below are two photographs of the condition.



This traumatic fall resulted in numerous injuries, including inducing a fractured nose, lacerations to the face and nose, a right shoulder tear, a left knee tear, and two broken teeth.

At first the insurance company for the landowner invited a demand on behalf of our elderly client, yet after receiving the demand chose to make no offer resulting in a lawsuit being filed. Through discovery it was discovered that there was no history of proper inspections of the property and that

the video that should have captured the fall was mysteriously absent. Despite the clear-cut evidence of a

building code violation based upon the height differential across the crosswalk (which is how visitors reached the parking area through a portion of the lot designated for car traffic), the Defense attempted to blame Mrs. D for her own fall – claiming a history of prior falls. When that did not work, the Defense attempted to claim everything was pre-existing; the only problem was the Defense's hired medical examiner had already admitted that this was a traumatic fall, and that Mrs. D was continuing to have issues stemming from the fall.

When faced with its defenses and arguments going out the window, the insurance company for the landowner finally changed its position to compensate Mrs. D for her injuries, and Mr. D for having to watch Mrs. D fall and for his losses due to her injuries. The total amount of the settlement was **\$250,000**. The team at Murray Guari refuses to let the insurance industry bully our clients. ■

ATTORNEYS ON CASE



Jason J. Guari



Scott B. Perry

Driver Cuts a Corner at Night and Runs Over 13-Year-Old Client in Crosswalk

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The umbrella insurance carrier took that position that its coverage would only come into play after \$250,000 was paid. The team at Murray Guari did not want to wait on the unlikely possibility of the at-fault driver coming up with \$150,000 in cash, so instead sought coverage from our client's parent's Underinsured Motorist Coverage (UIM) under the theory that the at-fault driver was in fact "underinsured" in the amount of the \$150,000. Through negotiations and argument supported by case law, the UIM

carrier agreed with our assessment of the law and that our client's damages warranted tender of the \$150,000 to make up the insurance "gap".

After resolving the "underlying" coverages, we returned to the Umbrella carrier seeking full compensation for our young client's life-altering injuries. We provided evidence of our client's brain injury through objective medical testing and demonstrated the significant effect on her life through testimonial videos of our client and her parents.

Disclaimer: Each case is unique, and the results in one case do not necessarily indicate the quality or value of another case.

\$300,000 Settlement After Heavy, Rear-end Collision

Partner **Scott Perry**, had the privilege of representing a local couple who had the misfortune of being in the wrong place at the wrong time. Mr. N and Mrs. N were driving south on I-95 in Palm Beach County when a tractor-trailer jackknifed ahead. Mr. N and most other cars on the road were all able to come to a safe and controlled stop, unfortunately, the fully loaded pickup truck was not paying attention and slammed into the back of our clients.

The forceful crash resulted in injuries to both clients, including physical injuries and lasting emotional injuries.

Our clients had the double misfortune of being injured just months before COVID-19 hit. This was problematic because our clients were immunocompromised and also took care of their elderly parents who were extremely immunocompromised. This meant a significant delay and gap in treatment.

After obtaining the policy limits from the pickup truck driver's liability policy, we turned to our clients' own Underinsured Motorist (UIM) Coverage. At first, the adjuster for the UIM seemed to understand the value of Mr. N's injuries – including having a wrist surgery and multiple injections and a rhizotomy. However, despite having those procedures and being scheduled for more the adjuster kept offering the same number to resolve the case. At the same time, the same adjuster kept offering zero for Mrs. N, despite treatment including an injection.

With the adjuster failing to understand the extent of our clients' injuries or how to negotiate, we filed suit to protect our clients' rights. The case was then assigned to a very experienced defense attorney who understood the risks involved in a case such as this. The defense attorney understood our clients' treatment, what the future likely held, and the fact that our clients felt worse when they tried to make the other spouse feel better – if Mr. N did more household tasks to alleviate the pain of Mrs. N, then his pain levels would only increase and vice versa.

Understanding the risks associated with the case, including potential for bad faith in the negotiations and evaluations of the original adjuster, the UIM carrier resolved the claim for a total settlement of **\$300,000** after over three and a half years of fighting.

The important lessons to remember are to know the value of a claim and understand that the insurance adjusters are often trying to save substantial money by undervaluing the claim. The team at Murray Guari knows that every case is different and must be treated as such. Here our clients are their own individual case and individual story, not just a number. ■

ATTORNEY ON CASE



Scott B. Perry

Driver Cuts a Corner at Night and Runs Over 13-Year-Old Client in Crosswalk

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After nearly two years, the Umbrella carrier agreed to tender an additional \$225,000 – for a total settlement of \$475,000.

With the case resolved, the job for the Murray Guari Team was not done. We then sought Court approval because the case involved a minor. One of the important criteria in seeking court approval is to demonstrate that the settlement was in the best interests of the minor. This was done in part through ensuring that our client's money

would be funded through an annuity. When an annuity is funded correctly, the money in the annuity grows tax-free. Given our client's young age, this will result in a significant benefit to our client.

While we, our client's family, and our client wish this tragic event never took place, we are happy that she is continuing to heal and that she will have the funds to help pay for her future medical needs. ■

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Call Murray Guari Trial Attorneys PL Immediately After An Accident – Do Not Try to Settle on Your Own!

Recently a client contacted attorney **Keith R. Hedrick, Esq.**, and reported that he was in a motor vehicle accident with minor property damage. In the accident, he sustained an injury to his low back that required chiropractic treatment and physical therapy. During his treatment, our client attempted to settle with the at-fault party's insurance company on his own. Despite clear liability, causation, and damages, the insurance company only offered mid to high five-figures to settle the bodily injury claim, an amount that did not even cover his outstanding medical bills.

When Mr. Hedrick was retained, our office was already at a disadvantage as the insurance company had already taken our client's statement, had access to all his records, and had already received a demand that was under the true value of his claim. Our office immediately withdrew our client's demand and began negotiating with the insurance company on his behalf. With the experience of our team and the possibility of filing a lawsuit in Palm Beach County, the claim was settled six (6) times the initial offer. This scenario highlights the importance of hiring the skilled attorneys, paralegals, and assistants on our team and how we can maximize settlement values for our clients.

Hiring the experienced attorneys at Murray Guari Trial attorneys PL will ensure that:

- **Your claim is negotiated fairly** – insurance adjusters are notoriously difficult to work with and undervalue personal injury claims.

■ **Your settlement value increases**

– unrepresented parties are not always capable of reaching the best outcome for the case because they are not trained in the legal process or negotiations. The attorneys at Murray Guari Trial Attorneys PL have recovered over \$180 million for our clients and have the skills to get the insurance company's top offer.

- **If the insurance company acts unfairly, we will file a lawsuit** – if a settlement offer is low, or the opposing party refuses to even make an offer, Murray Guari Trial Attorneys PL will file suit in the court of law. Our team litigates all of our cases around the entire State of Florida so that you are with the same attorney over the entire resolution of your claim.

- **There is no cost to you if we do not win** – a common concern about hiring an attorney is the cost – at Murray Guari Trial Attorneys PL we operate on a contingency fee basis, which means that you pay nothing unless we are successful in resolving your claim.

ATTORNEY ON CASE



Keith R. Hedrick

If you or a loved one is injured due to the negligence of another, please immediately contact Murray Guari Trial Attorneys PL at (561) 366-9099, immediately to protect and preserve your rights. ■

Murray Guari Trial Attorneys PL

Personal Injury | Wrongful Death | Auto Accidents | Premises Liability | Product Liability

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