

## CLIENT TESTIMONIALS

“I was very happy with Schurmer & Drane. The attorneys and the staff were very attentive, very efficient and professional. They gave me trust and confidence. The attorneys always accompanied me to the appearances I had to make and I was never by myself. That made me feel real good. I will always recommend them, especially to people that have the same type of case as mine. I was very happy.”

--Maria Lucia Andrade

“Just wanted to thank you again for the fabulous job you and your great office did for my family. This was the first time I have ever used a lawyer and I could not be happier with the results you produced. You’re the best.”

--Bruce Heimlich

“I was very happy with your services. Your law firm and the medical providers you referred me to were very professional. I feel like I got the best. Your whole staff is very nice and professional. I’m truly pleased with all your services and the way I was treated at your office.”

--Martha Cabrera

## THE IMPORTANCE OF IMMEDIATE REPRESENTATION

In today’s tough economic environment, it has become increasingly important for clients who have any type of personal injury or wrongful death claim to seek legal representation as close in time to the actual accident as possible. This is the only way to ensure that your rights are protected and that you will receive just and adequate compensation.

There are a number of extremely damaging consequences when a person delays going to an attorney. There is no question that insurance companies will utilize every possible advantage to limit or deny the claim.

First, in almost every type of personal injury or wrongful death claim, early and immediate investigation is critical. Often times, early investigation will mean the difference between winning or losing a case. For example, in automobile accident cases photographic documentation regarding skid marks, damage to vehicles or even damage to the property surrounding the accident is necessary information in order to determine who caused the accident. Many times this evidence must be provided to accident reconstruction and biomechanic experts in order for them to provide opinion testimony regarding how the accident occurred, the speeds the vehicles were traveling and ultimately whose fault the accident was. If someone delays seeking an attorney and this evidence is not documented, the case might never be won.

In dangerous condition of property cases, measurements and photographs of the dangerous condition are also critical. When a defendant learns of an accident, many times they will make an effort to repair the condition right away. If the actual condition is not documented before it is repaired it may be impossible to prove the necessary elements of this type of case.

It is also important to remember that it is the injured persons burden to prove their case.

The only way to do this is to make sure that the appropriate evidence is obtained, and without early investigation this may be impossible.

Another important aspect of these cases is immediate and appropriate medical care and treatment. This is important both from a health standpoint as well as a legal standpoint. Insurance companies will always argue that if there is a delay or “gap in treatment” that the injuries must not have been significant or, in some cases, that the injuries were not caused by the accident in question.

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# RECENT RESULTS

Schurmer & Drane recovered a total of **\$725,000** for three young children who lost their father when he died as a result of a water heater explosion. The decedent was killed while he was cleaning adhesive residue from a concrete floor in the laundry room of a private home. Flammable vapors from the lacquer thinner the decedent was using to clean the floor were drawn toward and into the water heater, came into contact with the pilot light causing a fire and explosion. Defendants were the homeowner and the plumber that installed the water heater. Plaintiffs' alleged that the homeowner and the plumber were negligent for failing to comply with the appropriate plumbing codes requiring that pilot lights be installed over 18 inches away from the floor.

Schurmer & Drane recovered **\$155,000.00** for a gentleman who injured his low back in a rear end automobile accident. Plaintiff underwent chiropractic therapy and two epidural injections to his low back and had approximately \$36,000.00 in medical expenses.

Schurmer & Drane recovered **\$465,000.00** for a gentleman who suffered a low back injury as a result of a rear end automobile accident. Plaintiff later underwent a non-invasive low back surgery that fortunately helped in reducing his residual pain and symptomatology. This was a difficult case that required two mediations and extensive follow-up prior to trial.

Schurmer & Drane obtained a binding arbitration award in an Underinsured Motorist case in excess of the policy limit, giving rise to a bad faith action against the insurance company. The plaintiff settled her case against the third party defendant for policy limits of \$15,000.00. She then demanded the remainder of her available policy through her own insurance company in the amount of an additional \$15,000.00. The insurance company denied her claim, taking the position that she had been adequately compensated. Schurmer & Drane vigorously prosecuted the matter for over one and a half years. Finally, at arbitration, the award was in the amount of **\$28,000.00**.

## REPRESENTATION (CONTINUED)

Unfortunately, this can be a persuasive argument to juries. One of the first things that we do at Schurmer & Drane is to make sure that injured persons are seen by well-qualified medical providers. This provides the best chance at an early resolution of the injuries as well as maximizing the recovery in your case.

Another potentially damaging consequence of failing to seek immediate legal representation is the potential for giving early statements to the insurance companies.

Without fail, if you are representing yourself insurance companies will request—and sometimes inappropriately demand—early statements regarding the facts and circumstances of the accident, information regarding injuries and disturbingly, complete medical histories. Make no mistake this is done only to try to limit your case. The insurance companies will make every effort to obtain any and all information they can use to either win the case entirely or limit your recovery as much as possible. At Schurmer & Drane we allow pre-litigation statements in only rare circumstances. More importantly, if a statement is given the client is fully and completely prepared and we do not allow any questions or inquiries into irrelevant and inappropriate areas.

In conclusion, please make sure to seek immediate legal representation in any personal injury or wrongful death case. At Schurmer & Drane there is absolutely no cost to an initial interview. Thus, even if it turns out that you do not have a case you have lost nothing by obtaining expert advice.



## STATUTES OF LIMITATION

A statute of limitations is the time limit in which an injured person has to file a complaint in the appropriate legal venue. Unfortunately, if the appropriate documentation is not filed in a timely fashion, you may completely and irrevocably waive your right to proceed with your case. This is another reason that it is always important to seek early and immediate legal representation.

This article is not meant to be exhaustive and often times there are exceptions to the rule. Please make sure to consult with Schurmer & Drane if you think you might have a case so that we can make a determination as to what the actual statute of limitations is. The following, however, are certain examples that may be useful as a general guideline.

In most personal injury cases the statute of limitations is two years from the date the accident or injury occurred. This means that if you were in an automobile accident on January 1, 2013 you would have to file your complaint no later than January 1, 2015. This is the most common statute of limitations for personal injury accidents.

In medical malpractice cases the appropriate statutes can be tricky. Typically a person has one year from the date they discovered or should have discovered the injury and its negligent cause. This is often referred to as the “discovery rule.” In medical malpractice cases there are times when a person might not have any way to know that a physician was negligent or that the negligence caused injury until days or even months after the medical care or treatment was provided.

### MEET ATTORNEY LAUREN WOOD



Since our last newsletter attorney Lauren Wood has continued her outstanding work at the firm (*Note: you may have noticed that Mrs. Wood's name has changed, as she was recently married last fall and was previously known by Lauren Miller*). The last year has provided Mrs. Wood with valuable jury trial and arbitration experience. One notable result involved an Underinsured Motorist Arbitration in which the insurance carrier offered no money and disputed the client's claim for over two years. At arbitration Mrs. Wood successfully advanced the clients cause resulting in an arbitration award in excess of the policy limits. As a result of the excess judgment and the insurance carrier's failure to offer money, the client now has a bad faith lawsuit against them. This was an outstanding result.

Thus, this particular statute is extended until the date the injured person knew or should have known about the negligence and accompanying injury. In medical malpractice cases for minors, the statute is also different. Essentially, a case by a minor must be brought within three years from the negligent act unless the child is under six years old. In that instance, the case must be brought either within three years or prior to the child's eighth birthday—whichever is longer. To make matters even more complicated, if a child is injured before or in the course of his or her birth, the case must be filed within six years of the date he or she was born.

Cases against public entities such as counties or cities have an even shorter statute of limitations. This would also apply, for example, if a city bus driver caused a motor vehicle accident. In these actions an appropriate claim must be filed within six months of the date of the accident or injury. After a claim is filed there are a number of other steps which must be followed as well.

As seen above, the issue of statutes of limitation can be complex and confusing. If you think you might have a case please seek immediate legal representation so that you do not inadvertently waive your right to proceed with your case because you missed a statute.



RECENT NEWS

Schurmer & Drane has remained active in the community and was involved in many worthy causes. Once again we were privileged to be the main sponsor for the annual Mother's Day Mariachi festival and we continue to be proud of the great job that the Garcia family does in organizing and putting together this great event. We are currently sponsoring a local youth AYSO soccer team and we hope they have a great season. Once again we had the privilege of contributing to the Relay for Life in Fillmore, a fundraising event dedicated to finding a cure for cancer.

## SCHURMER & DRANE SUPPORTS THE JUNIOR LIVESTOCK AUCTION AT THE LOCAL VENTURA COUNTY FAIR

Schurmer & Drane is proud to report that the firm recently had an opportunity to support the local Junior Livestock Auction at the Ventura County Fair. The daughter of **Elisa Lomeli**, the firm's legal secretary, showed two pigs in the fair and auctioned one at the livestock auction. Attorneys Earl Schurmer & Lauren Miller were present to view the auction and bid on the animals. Schurmer & Drane purchased one pig, one lamb, and three rabbits from different participants--all of whom are local teenagers. S&D hopes to continue its support next year.



# RECENT NEWS

(Continued)

## FIRST ANNUAL SCHURMER & DRANE BARBECUE & FAMILY PICNIC

On September 7, 2013, Schurmer & Drane had its first annual barbecue and family picnic. Though the firm once did a family barbecue many years ago, Schurmer & Drane has chosen to reinstate the yearly barbecues after a long hiatus. Attorney Earl Schurmer and field representative John Gonzalez cooked up delicious tri-tip and chicken, while the parents of Sal Barragan (and owners of Poncho's restaurant in Piru, CA) provided rice and beans. Socorro Manzano, a former client and friend of the firm, made delicious homemade salsas. The event was a success and the firm hopes to continue the tradition each and every year. Keep an eye out for an invitation to the 2nd Annual BBQ in the summer of 2014!



## SCHURMER & DRANE WELCOMES RYAN DOLINAR AND BERENIZ RIVERA TO THE FIRM



If you've been to the Schurmer & Drane website lately, you might have noticed some changes. One of the many exciting changes is the addition of both Ryan Dolinar and Bridget Ryan to the firm. Mr. Dolinar is the firm's newest attorney, while Ms. Ryan serves as the firm's caseworker. They both have a great level of experience and with their distinct backgrounds bring great qualifications to the table.

**Ryan Dolinar** received his law degree from Ventura College of Law in Ventura and his Bachelor's degree from California State University Channel Islands. He was admitted to the State Bar of California in May of 2013. Prior to joining the team at Schurmer & Drane, Mr. Dolinar worked in another plaintiff's personal injury firm, where he also specialized in auto accidents and slip and fall/premises liability cases. Mr. Dolinar also interned with The Ventura Superior Court, clerking with the then Presiding Judge Vincent O'Neill. He is also an active member of the California State Bar and is licensed to practice law in California. He is also a member of the Ventura County Bar Association.

Schurmer & Drane re-welcomes former employee **Bereniz Rivera** back to the firm. She has returned to her previous position as a caseworker. Ms. Rivera was born in Mexico and grew up in Oxnard. Ms. Rivera graduated from Oxnard High School and received her Paralegal Certificate from Oxnard Charter College in 2013. She is a mother of two, and is fluent in both Spanish and English.



## SCHURMER & DRANE ANNUAL CHRISTMAS PARTY

In December of 2013, Schurmer & Drane hosted its annual Christmas Party. Friends of the firm, past clients, doctors and staff members enjoyed Mariachi music and dinner. The annual Christmas party is the firm's way of thanking friends and past clients for their continued support for the firm. We look forward to seeing everyone at next year's event. Below are a series of photos of the 2013 Christmas Party:







## WHAT TO DO IF YOU ARE IN AN ACCIDENT:

- Immediately call the police and request that they come to the scene and prepare a traffic collision report. Sometimes the other party does not want to do this; do not let them convince you not to. This is very important.
- Call the paramedics or other emergency personnel so that you can receive prompt medical attention.
- Write down the other driver's information including name, address, phone number, date of birth and driver's license number. Also, make sure to write down the other driver's insurance information including policy number, company name and phone number.
- Write down the other driver's vehicle information including license plate, year, make and model.
- Write down any and all information from any witnesses to the accident. Make sure to include their names, addresses, phone numbers and e-mail addresses.
- Photograph the scene of the accident, including damage to all vehicles in the accident, skid marks on the road, debris and other visible evidence. If at all possible take pictures of the vehicles at their points of rest before they are moved.
- Do not give any statements to any insurance company until you have first spoken to us. The insurance company is not your friend and will try and obtain any information they can to damage your case.

THE LAW OFFICES OF  
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*A Professional Corporation*

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