

CLIENT TESTIMONIALS

“I recommend [Schurmer & Drane] because my experience with them was a very pleasant one and a very good one because my case was settled in the best possible manner and to my best benefit. They are very polite and caring people, always made me feel secure and well taken care of. Every time I met with them I felt I was in good hands and well protected, I got the best of the best in medical care, the entire staff was very nice and polite and trustworthy. I always felt protected and not a bit afraid of Defense counsel, I felt well taken care of. I am very happy and thankful with everybody at Schurmer & Drane.”

--Guillermo Morales

“I am very thankful with Attorneys Earl Schurmer and Lauren Wood and also with [all their staff] because they did all they could to help me with my case. I am very happy and pleased with their work, very glad they could settle my case. The first day I met Mr. Schurmer he was very nice and courteous, right away he told me that he was going to do everything he could to help me and he did, he kept up to his words. Everybody in this office is very nice and polite and I would recommend them to my friends, family and acquaintances with no doubt because they are experts in their field of work. I want to take this opportunity to thank every single person at Schurmer & Drane and please keep up the good work. I also want to congratulate the attorneys for their outstanding work.”

--Marco Minero

UNINSURED/UNDERINSURED MOTORIST COVERAGE AND WHY EVERYONE SHOULD HAVE IT

Uninsured/Underinsured Motorist coverage is quite possibly one of the most essential things that motorists can have to protect themselves. Often overlooked as unimportant, Uninsured Motorist coverage (UM) or Underinsured Motorist coverage (UIM) can severely affect a case—in a bad way—if a client does not have this type of insurance coverage.

California law only requires motorists to carry a \$15,000/\$30,000 policy. This type of insurance covers a single injured party's damages up to \$15,000 and a group of people in a single accident up to \$30,000. While you are required under California law to carry at least a minimal policy, you are not required to carry UM/UIM coverage. Unfortunately many people choose to forego it; this is not a smart choice.

If you're like many people, you might be suffering through an economic hardship these days. Your proclivity might be to get the minimum insurance coverage required by law in your state in an effort to save money. The trouble with minimum coverage is that it might not fully protect you if you are injured in an accident.

Before I explain why these two forms of insurance coverage are so important, I'll give a brief explanation of what they are.

Uninsured Motorist (UM) coverage covers you when you are involved in an accident and the other party does not have insurance. UM coverage also covers you when you are involved in a hit-and-run accident or don't know the identity of the person who you were in an accident with.

In California, approximately 15 percent of drivers do not carry insurance. In Oxnard, the number of uninsured drivers is significantly higher than the rest of the state. That is why Uninsured Motorist coverage is important to carry. If you are involved in an automobile accident in California, you have a one in seven chance of the other driver not carrying any insurance coverage, which could mean that you have no options for financial recovery.

Underinsured Motorist (UIM) coverage comes into play when you are involved in an accident and the other party has very minimal coverage. More than half of all drivers in California have only a minimal policy. Coverage for UIM bodily injury and property damage is triggered when you are involved in an accident with a motorist who is not sufficiently insured. UIM coverage applies when the injured party's damages are more than the at-fault party's available limits.

So what this means is that if you are in a severe accident and have a large amount of medical bills, your amount of recovery from the other driver will be capped at \$15,000 if they have minimal coverage (and if they do not have additional assets—which is the most likely scenario if they only have minimal insurance coverage in the first place). What UIM does is provide you with additional coverage to cover your claim above and beyond the \$15,000. Here's an example:

You are in a head-on collision where it is the other driver's fault and you are taken to a nearby hospital by ambulance for severe injuries. Your medical bills totaled around \$50,000 and you will likely need future medical care for a back surgery, which will put your total medical bills

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RECENT RESULTS

Schurmer & Drane recovered a **\$275,000.00** settlement for a client who suffered a broken leg at a Rodeway Inn Motel. Our client was coming down the outside stairs. As she reached the bottom of the stairs she turned and tripped over a parking stop that had recently been painted black, the same color as the asphalt parking lot making it virtually undetectable. In fact, the parking stop had previously been painted fluorescent yellow and the owners of the premises had decided to paint it black just two months before our client's injury. Our client sustained a trimalleolar fracture that required surgical repair with screws and a metal plate.

Schurmer & Drane recovered a **\$1,700,000.00** settlement for a client who tripped on a stairway at an apartment complex at night. We alleged that the stairs were in a dangerous condition because there were no lights in the area, that the stairs were uneven and did not comply with the appropriate Building Codes and that the owners of the complex should have installed handrails. Our client sustained a tibial plateau fracture that required surgical intervention. Unfortunately, the surgery failed. As a result of her age, the fractured knee

and the failed surgery, our client was forced to use a wheelchair and will have lifelong problems.

Schurmer & Drane recovered a **\$100,000.00** policy limit settlement for a client that sustained an elbow injury during an automobile accident. Although the defendant first denied that they were entirely at fault, we proved that the defendant took her eyes off the road to look for a cigarette. While looking in her center console she ran into our client. At first it did not appear that our client was seriously injured but after a number of months she was diagnosed with cubital tunnel syndrome to her elbow and underwent surgery. Fortunately, after that she made a good recovery.

Schurmer & Drane settled an insurance bad faith case for an additional **\$50,000.00** after the client's own insurance carrier declined to pay her UIM claim in a timely fashion and failed to evaluate the value of the underlying case. A neutral arbitrator awarded the client \$30,000 in total monies after her own insurance carrier had evaluated the underlying case at only \$15,000 and severely delayed attempts at settlement. The bad faith case was filed as a result of the insurance carrier's handling of the underlying case.

UNINSURED/UNDERINSURED MOTORIST COVERAGE (CONTINUED)

above \$100,000. However, the person who hit you is low income, only has the minimum insurance coverage (15/30), and does not have any assets. You are able to make a claim to his insurance company for the policy limit of \$15,000, but this does not even come close to covering your medical bills, and certainly does not provide you with any compensation for your general damages (pain and suffering, inconvenience, etc.). If you declined to add UM/UIM coverage to your insurance policy, you are simply out of luck. If you have only \$30,000 in UIM coverage, you are then only entitled to the remaining \$15,000 under your own policy to compensate you for your claim, which still does not even cover your medical bills.

While the type of accident described above is incredibly common, what's worse is a scenario where you or a loved one is in such a severe accident that you are rendered paralyzed and need lifelong care. You may then be faced with hundreds of thousands of dollars in medical bills and future care costs with no means of paying them and no way of providing for your family because you are now unable to work. While incidents such as these can turn the life of you and your family upside down, such an event can be made much worse when no insurance coverage is available to help cover your costs.

Carrying UM/UIM coverage is incredibly important. While this type of insurance coverage can often be overlooked or relinquished in an effort to save money, the repercussions for not carrying UM/UIM coverage can be devastating. We strongly encourage you to head over to your local insurance agent and inquire about your current coverage.

The more UM/UIM coverage you can afford, the better you will be protected from a possibly life changing event in the future. We recommend UM/UIM coverage of at least \$100,000/\$300,000 to protect yourself and your loved ones. This coverage is a few extra dollars a month, but can mean the difference between receiving the proper compensation you deserve and incurring significant and life-altering debt.

By Attorney Lauren Wood

WHAT MAKES SCHURMER & DRANE DIFFERENT FROM OTHER FIRMS?

Today more than ever there are many lawyers and many different law firms that claim to handle personal injury and wrongful death cases. In this environment it is critical that individuals who have been injured or family members who have lost a loved one due to a tragic accident, use diligence in finding the right legal representation.

There are many factors that set Schurmer & Drane apart. The first difference is that we specialize only in personal injury and wrongful death cases. We only handle cases for the injured person or family members who have lost loved ones and we never handle any cases for the defendant or insurance companies. Because of the competitive environment today some lawyers and law firms have decided to handle many different types of cases including representation for defendants. They attempt to handle a variety of types of cases including family law, environmental law and criminal law. It is our firm's position that, at times, this can create conflicts of interest and more importantly can take the firm's focus away from the rights and interests of those that have been injured.

Schurmer & Drane is different because we have the necessary experience to handle all different types of personal injury and wrongful death cases. Our lawyers have been handling these cases for over 25 years and we have seen it all.

At Schurmer & Drane we handle all cases aggressively from the start and do whatever is necessary to make sure our clients obtain the best result possible. We have recently found that many insurance companies are making extremely low offers in the negotiation stages of cases because many attorneys do not want to file the case in court. It has been our experience in almost

one hundred percent of the cases where we have received low offers, we obtain significantly better results by filing complaints, proceeding through the litigation process and forcing the insurance companies to evaluate these cases fairly.

One notable example occurred recently in a case handled by attorney Lauren Wood. This result is also mentioned on page 2 of this newsletter. In short, our client obtained a policy limit settlement with the defendant driver in an automobile case of \$15,000.00. She had an Underinsured Motorist insurance policy with her own insurance carrier that provided her with an additional \$15,000.00 coverage. We felt that her case was worth more than the \$15,000.00 although that was definitely in dispute. Many attorneys would have stopped at that stage, taken the \$15,000.00 and ended the case. Instead, we filed for arbitration with our client's own insurance company and demanded that they pay an additional \$15,000.00. The insurance company denied the claim and indicated that they would never pay any additional monies. We proceeded through the entire arbitration process and Ms. Wood obtained an arbitration award of \$28,000.00 above and beyond the \$15,000.00 that had already been obtained. Even though the arbitration award exceeded the policy limit, the insurance company was only obligated to pay the additional \$15,000.00 bringing the total to \$30,000.00.

MEET SCHURMER & DRANE'S NEWEST ATTORNEY MATTHEW FELDER



Recent California Bar admittee Matthew Felder joined the firm in April of this year and is Schurmer & Drane's newest associate attorney. Mr. Felder received his Bachelor's degree from UCLA in 2009 and his law degree from the University of San Diego School of Law in 2013. While in law school, Mr. Felder interned with the Ventura County Public Defender's Office, the Jerusalem Center for Public Affairs, and Dependency Legal Group of San Diego. In his third year of law school, Mr. Felder received the school's prestigious "Outstanding Child Advocate Award." Mr. Felder is an excellent addition to the firm.

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WHAT MAKES SCHURMER & DRANE DIFFERENT *(Continued)*

This alone would have been an outstanding result; however we felt that the insurance company had not acted fairly or in good faith during the arbitration process. Because of this we filed a lawsuit called a bad faith action directly against our client's own insurance company. After aggressively pursuing this matter we were able to obtain a settlement with the insurance company for an additional \$50,000.00 for our client.

When most attorneys would have closed the case after the initial \$15,000.00, with an aggressive posture and extra effort we were able to obtain an additional \$65,000.00 for our client, totaling an \$80,000 award.

Another recent example involved an automobile vs. pedestrian accident. Our client was standing at the corner of an intersection and a left turning vehicle was hit by a driver going straight through the intersection. One of the cars then traveled out of control, striking our client and knocking her down an embankment. She suffered significant injuries. Our client first went to another local attorney. They made a claim against the driver that turned left at the intersection and because of the seriousness of the injuries obtained an early settlement for policy limits of \$50,000.00. The case was worth more but the attorney told our client that there was nothing else to do and no additional monies could be obtained.

The client came to our office and we immediately filed a complaint against the other driver that was driving straight through the intersection. Although it was difficult to prove that this other driver was negligent we did substantial investigation and took his deposition. As a result of these efforts we were able to obtain an additional \$10,000.00 for our client.

A final example involved a client who was seriously injured when she tripped over a difficult to see parking stop or curb at an apartment complex. She underwent surgery to repair a fracture to her lower leg and was left with residual pain and reduced range of motion. Ultimately a demand for settlement was made to the insurance company that represented the apartment owners. After much negotiation the insurance company offered \$50,000.00 to settle the case. We immediately filed a complaint in the Superior Court and began the litigation process. We proceeded aggressively and immediately sent numerous requests for information and took the deposition of the apartment owners. Shortly thereafter we were able to settle the case for \$275,000.00.

This is the type of effort and dedication that separates the Law Offices of Schurmer & Drane from our competition. It is important to realize that different attorneys can obtain extremely different results from the same case. It is absolutely critical that you obtain the right representation.

By Attorney Earl Schurmer

SCHURMER & DRANE HELD THEIR 2ND ANNUAL CLIENT APPRECIATION BBQ AND FAMILY PICNIC

On July 26, 2014, Schurmer & Drane had its second annual barbecue and family picnic. It was a beautiful day and there was quite a turnout. 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 salsa for the second year in a row and also brought beautiful fruit plates. 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 third Annual BBQ in the summer of 2015! The following page includes photographs from this year's BBQ.



WHAT TYPE OF CASES DO WE HANDLE?

Here at Schurmer & Drane we often times get asked what type of law we practice. The basic answer is “personal injury.” But what exactly does that mean? Put quite simply, personal injury includes any injury to an individual’s body, mind or emotions. The most common types of personal injury claims are traffic accidents (involving cars, trucks, bicycles or pedestrians), accidents at work, sexual harassment or other employment grievances, trip and falls, slip and falls, dog bites, assault claims, elder and dependent abuse, accidents in the home, product defect accidents (product liability) and wrongful death cases. The term personal injury also incorporates medical and dental accidents, also known as “medical malpractice” cases.

At Schurmer & Drane, we specialize only in personal injury cases and have been doing so for over 45 years. With decades of experience handling personal injury and wrongful death claims in the Ventura and Santa Barbara County areas—including countless successful case verdicts—we are prepared to advocate for you and your family. If you, a friend, or a loved one has experienced any type of injury that has been caused by the wrongdoing of another, please do not hesitate to contact Schurmer & Drane for a free consultation.

THE LAW OFFICES OF
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