

THE SAD STORY OF RAMON MARTINEZ

We represent Ramon Martinez Casher (not his real name). On August 28, 2000, Ramon was on his way home from his job in the stockroom at K-Mart when he was hit head on by a vehicle that turned left directly into his path. His vehicle was totaled and towed from the scene. The other driver was cited and found to be at fault. Ramon was taken by ambulance to the emergency room and treated for injuries to his back and left knee. He was later treated by an orthopedic surgeon and neuro-surgeon who diagnosed him to have a large herniated disc in his back and a fractured patella (knee-cap), which could not be surgically treated. He was out of work for seven weeks and was unable to adequately perform his duties when he returned. He exhausted his medical insurance. He lost his job. He got another job and lost that. He couldn't make the payments on his new car and it was repossessed.

We sent all of his medical records and a summary of his damages to the negligent driver's insurance company, call them ABC Insurance. Their adjuster reviewed the case with his supervisor and concluded they would make no offer. Zero. Why? Because Mr. Martinez had elected limited tort and they did not feel he had sustained a serious injury.

When we last heard from Mr. Martinez he called from Florida where he was penniless and living off the kindness of friends. You see Mr. Martinez had what is referred to as "minimum" insurance, he elected limited tort, he waived un/underinsured motorist coverage, had only \$5,000 in medical benefits, no wage loss coverage. He was legal to drive, but not adequately protected against what happened to him, through no fault of his own. And we feel helpless to collect for him what he should be legally entitled to collect, namely fair compensation. Most lawyers won't even take limited tort cases. We will take our chances and file suit for him and put his case before a jury. But we know it's an uphill battle and it shouldn't be. Juries are often really hard on injury victims and more often than not take the easy way out and find it not to have been a serious injury. You see, limited tort may make Mr. Martinez a victim twice. First from the accident, and second, when he can't collect for his injuries.