

# FROM CRASH TO CASH

Your Guide  
Through the  
Personal Injury  
Process

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## ***WHAT TO DO AFTER AN ACCIDENT, AND WHAT NOT TO DO***

**B**eing involved in a North Carolina car accident is a very stressful experience, particularly if you are injured in the accident, or if someone in your automobile or SUV was injured. Motor vehicle accident lawyer Lakota Denton has created this personal injury guide that answers many questions related to [Asheville motor vehicle accidents](#) and what your options are after an accident.

The stressful nature of automobile collisions makes it difficult for many people to think clearly about the next steps to take after a car accident. However, the unfortunate reality of these situations is that everything you do can complicate your car accident claim later. Here's what to do in the first moments, hours, and days after a car accident.

# IF INVOLVED IN AN AUTO ACCIDENT

## What You Should Do

### 1 Stay at Scene & Move to a Safe Area

Minor accidents can become major accidents when those involved don't clear the roadway. Drivers approaching on the highway may not be able to see the danger ahead and can cause additional accidents if there are cars or people in the road. If you can safely move your vehicle from the road, do so. If you cannot, use your car's hazard lights, to warn other drivers that they are approaching an incident.

### 2 Check on Other People

It is essential to check and see if anyone in any vehicle involved needs medical attention. If there is any question that someone had injuries in the wreck, call 911 promptly in order to be better safe than sorry. Symptoms of dizziness, chest pain, and visual disturbances can be indicative of larger underlying medical issues.

### 3 Call the Police

In addition to properly documenting a traffic accident, an official accident report submitted by a police officer or state trooper can be essential for dealing with an insurance company. Insurance adjusters weigh the accident more heavily when there is an accident report associated with it.

### 4 Gather Relevant Info

Make sure you acquire the name, address, driver's license number, license plate number and basic insurance information with any other party involved in the auto accident. This information will serve to help confirm that the accident happened as you remember it.

### 5 File an Insurance Claim

Filing an insurance claim with the at-fault party's insurance company is the first step in making sure you are protected and compensated for your injuries, medical bills, lost wages and property damage.

### 6 Keep a Record of Events

Keeping a log or record is a good way to document not only the accident, but your symptoms, the medical treatments you receive, and all of your expenses associated with the accident and your injuries.

### 7 Take Pictures of the Accident Scene

This is a key part of investigating your car accident. If you are able to take pictures, start doing so right away. Take photos of the damage to your car and the other drivers car. As well as of any injuries anyone might have suffered and where accident took place.

### 8 Get Medical Treatment Even If You Fell Fine

Again, it's not always easy to tell whether your seemingly minor accident injuries really are minor. Whiplash and concussions are very common car accident injuries, and accident victims don't always know they've experienced them. These two types of injuries can have long-lasting or even permanent effects on your health.

### 9 Get Your Property Damage Assessed

You are entitled to bring your automobile, truck or motorcycle to any auto mechanic that you choose. The insurance adjuster will meet you and assess the extent of damage to your vehicle.

### 10 Hire a Personal Injury Attorney

If you've been injured hiring a motor vehicle accident lawyer like **Lakota R Denton** can help you get the proper compensation to help cover the expenses of your medical bills, lost wages from missed work and for any pain and suffering.

## What You Shouldn't Do

### 1 Do Not Leave

Leaving the scene could result in criminal penalties for being a hit and run driver. In many states, a hit and run can be labeled a misdemeanor or a felony depending if someone has been injured in the accident.

### 2 Refusing medical treatment at the scene of the crash

Refusing EMS treatment makes it look like the client is uninjured. This refusal also eliminates the possibility of a medical record documenting the specific complaints following the crash that can be useful in demonstrating a more serious injury. It is ALWAYS wise to let an EMT evaluate you at the accident scene, just in case.

### 3 Failing to complain about the specific injury that becomes a major problem later on

Often, an injured person will later tell me that their shoulder hurt, but not bad enough to mention to the doctor. If you don't tell your doctor about your symptoms, they will not be recorded in your medical record, and insurers can use this lack of documentation as a means to diminish the severity of your injuries.

### 4 After being treated, failing to follow up with primary doctor, or a specialist for weeks.

A gap in treatment after the emergency room visit is very common, and very harmful because it makes it look like the person is not injured. It is crucial that you follow your doctors instructions about office visits, and contact them if your symptoms persist, change or worsen.

### 5 Intimidate Anyone For Information

If a witness doesn't wish to share their information, do not force them. Be polite as possible and try to get their phone number so your insurance company or attorney can contact them in the future.

### 6 Speaking to the Insurance Adjuster About the Crash

Insurance adjusters will attempt to contact a person as soon after the crash as possible. Their intention is not just to investigate, but to obtain statements that harm the injured person's claim. I advise my clients to not speak to an adjuster after a crash, in order to limit the possibility of saying anything they can use against you when the time comes to negotiate a settlement.

### 7 Unintentionally Settling a Claim

In a worst case scenario, I have had clients who have unintentionally settled their injury claim for \$500. The insurance adjuster insinuated that the settlement was for property damage only, but the signed release states that the \$500 was a settlement for all claims, including the injury. Once that document is signed, it becomes very difficult to walk back.



# Construction Accidents

## What to Do



### INVOLVED IN A CONSTRUCTION ACCIDENT?

HERE'S WHAT TO DO...

According to OSHA (Occupational Safety and Health Administration), **the year 2017 saw 4,674 worker fatalities in the US private industries.** Of these, 971 deaths were due to construction accidents (<https://www.osha.gov/oshstats/commonstats.html>). If you are a construction worker, the danger to your life and limb is real. Learn how to get full workers' compensation benefits.



### Step #1

#### Immediate Medical Care

On getting injured at the workplace, immediately get your injury assessed and treated. Even a minor injury needs to be seen by a doctor, because it may mask serious internal injuries.

### Step #2

#### Note the Accident Details

If you are physically capable, note the time, place, and likely cause of the accident. This will become an essential piece of evidence to be used during an inquiry.

### Step #3

#### Report the Injury

Inform your superior regarding your injury, as soon as possible. Remember who you have reported your injury to. Also, record the date and time of submission of the injury report. These details will be added to your case notes.

### Step #4

#### Identify Witnesses to the Injury

Make a list of witnesses, that is, co-workers around you when the injury occurred. If possible, record a summary of what they saw. The deposition of these people will make your case stronger before an inquiry.

### Step #5

#### Preserve Accident Evidence

Take pictures of the accident site to include tools, equipment, or machinery involved in the accident. This will help in pinpointing the reason for the accident.

### Step #6

#### Secure Documentation

Your injury must be recorded, well-documented, and accessible. It should include the date of the accident, the doctor's name, diagnoses, treatment, and list of medicines prescribed.

# Premises Liability

## What to Do



### PREMISES LIABILITY CASE?

HERE'S WHAT TO DO...

**P**remises liability includes accidents, such as slips and falls; animal attacks; burn injuries; assault; gas explosions; faulty machinery; and accidental drowning; and many others. Among these, slip and fall accidents are most common. The 2016 statistics recorded 697 worker deaths and 48,060 serious injuries due to these kinds of accidents. In case you have sustained injury due to slip and fall, here is what you can do.



### Step #1

#### Seek Medical Attention

Your first step should be to seek medical aid, even if the injury appears minor. This is because such injuries may mask serious internal injuries.

### Step #2

#### Report Accident to Superior

At the workplace, immediately report the accident to a higher authority, that is, your supervisor or manager. This way, the accident gets reported up the channel and the company's standard operating procedure for such cases kicks in.

### Step #3

#### Record the Accident Site on Camera

It is essential to take pictures of the accident site to document the accident. These pics will not only show the cause of the accident, but will come in handy while claiming compensation.

### Step #4

#### Note Witnesses to the Accident

Witnesses are essential in lending credence to your claim for premises liability and proving the guilt of the premise owner. They are also important for buttressing your claim for compensation. So, keep in touch with them.

### Step #5

#### Make Notes of the Accident

As the investigation and claims process takes time, it becomes challenging to retain all the details of the incident. So, take notes of the incident and include anything you remember of the accident. These quick notes will come in handy at a later stage.

# Auto Accidents

## What to Do



### Step #1

#### Check Yourself for Injuries

Immediately after the auto crash, check yourself and your passengers for injuries. However, do not move in case of severe injuries and immediately call emergency services or take the help of bystanders for the same.

### Step #2

#### Make the Accident Site Safe

If your vehicle is in a position to be driven, pull it to the side of the road. If not, turn off the engine and switch on your hazard lights. Immediately get out of your vehicle and move towards the side of the road to safety. Warn approaching vehicles to slow down by using road flares in your emergency car kit.

### Step #3

#### Call the Police

Involve the police, even if the accident is a minor fender-bender. In some states, it is legally required. The accident report prepared by the police becomes an important document in processing a claim with your insurance company.

### Step #4

#### Exchange Information

Exchanging insurance information with the other driver is crucial. The information so exchanged should contain the location of the accident; full name and contact information; insurance company and policy number; driver's license and license plate number; and type, color, and model of vehicle.

### Step #5

#### Document the Accident

Note the badge number of the police personnel covering the accident. Take a copy of the accident report. Take pictures of the accident site and damaged vehicles from different angles. Share them with your insurer. Note the names and contact information of the witnesses to call them on a later date.

### Step #6

#### Start the Claim Process

Call your insurance agent at the accident site, to get guidance in processing the claim and find out the quantum of compensation.

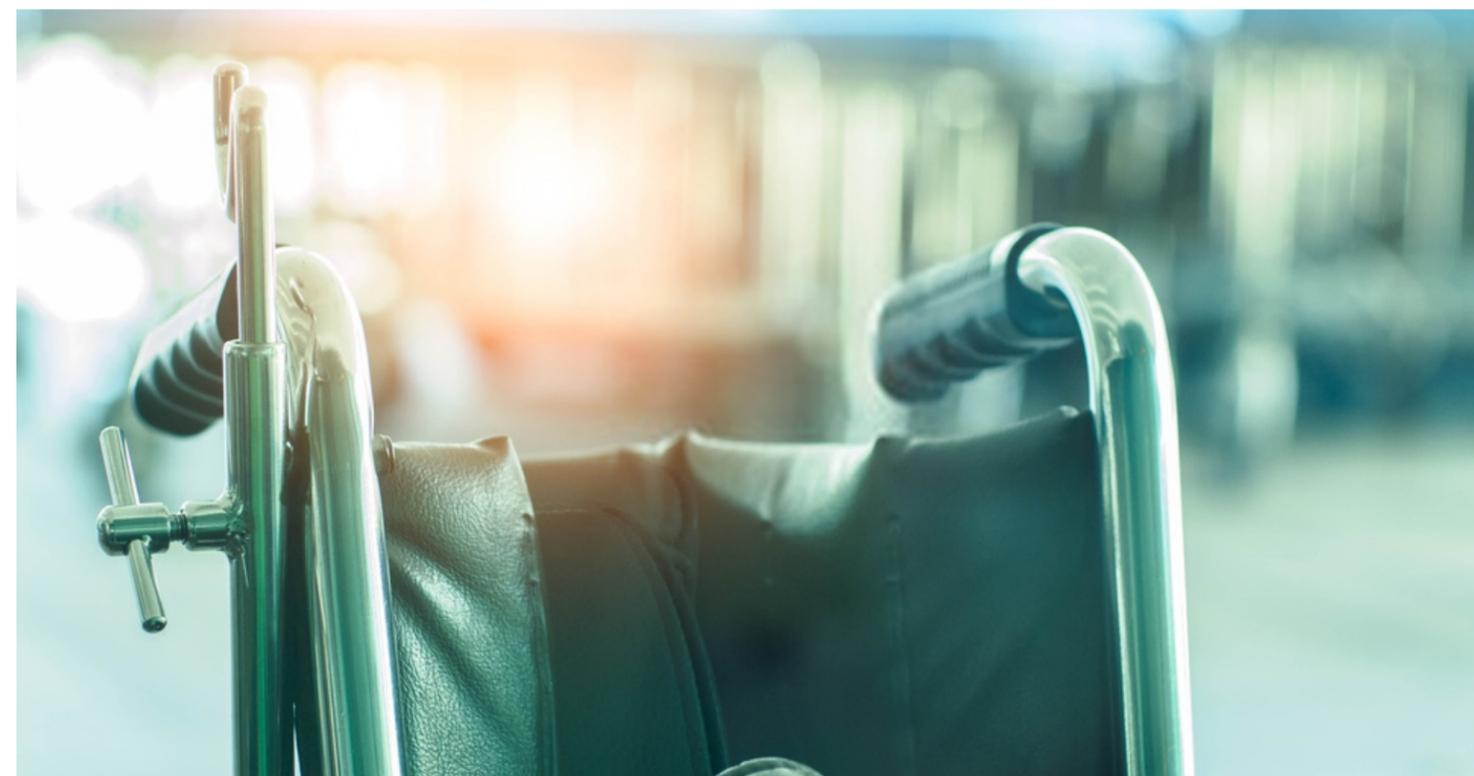


## INVOLVED IN AN AUTO ACCIDENT?

### HERE'S WHAT TO DO...

According to ASIRT (Association for Safe International Road Travel) the annual death toll in the US in road accidents is over 37,000 each year and those injured or disabled add up to 2.35 million (<https://www.asirt.org/safe-travel/road-safety-facts/>). If you are involved in an auto accident, taking the following steps becomes essential.

# 2



## ***INS & OUTS ABOUT PERSONAL INJURY LAW IN NORTH CAROLINA***

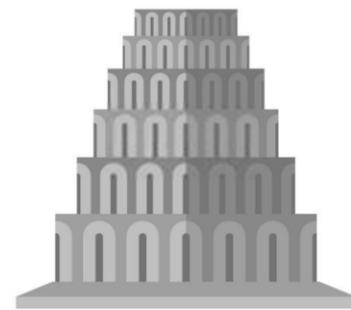
**A**fter following Lakota R. Denton's personal injury guide on what to do after a North Carolina accident in Chapter 1, the next step is to file a personal injury claim. When you are injured in an accident, you have the right as a plaintiff to bring a claim against those who have injured you. **In North Carolina, there are several civil statutes that protect your rights if you are injured. But before we take a look at the specific NC Laws regarding personal injury, let's examine how and why these laws came into being:**

# PERSONAL INJURY LAW THROUGHOUT THE AGES

1

## 1754 B.C. The Code of Hammurabi

This ancient text from Babylon is considered one of the first forms of law. The list of 282 laws are very similar to some of the laws that we currently have including innocent until proven guilty and that both parties are entitled to present evidence during a trial. The Code of Hammurabi has two early laws that cover liability and personal injury. The most famous is Law #196 that states: "If a man destroy the eye of another man, they shall destroy his eye. If one break a man's bone, they shall break his bone. If one destroy the eye of a freeman or break the bone of a freeman he shall pay one gold mina. If one destroy the eye of a man's slave or break a bone of a man's slave he shall pay one-half his price."



2

## 10,000 To 500 B.C.

During these times, the law of retribution was in place. It ensured that the offender paid the offended party the same amount and in the same way that the former has committed the crime. It was commonly associated with Mosaic law. People understood these laws, and the offender was brought to court by the witnesses and judged for the



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## 500 B.C TO 500 A.D.

In this period, the offenders were allowed to bring someone to court who would advocate for them before the judge. However, the companion was not allowed to charge any money for offering these services. By the first century, the rule that companions should not receive payment for their work was stricken, and they could now be paid for their services. By the 4th century, the Roman lawyers were required to have a bar exam before practicing law.

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## The 15th Century.

Until the late 1400s, Continental Europe was under Canon Law. This one relied on the monarchs and the Roman Catholic church to come up with the rules; hence, it protected those that were wealthy and in power. However, in England, there was the Common Law. It was based on the past and precedent rulings, and the court was given more ability to deal with it. It allowed greater equality since the system was now interpreting the law, not the legislators. With continued British exploration, the Common law prevailed and governed colonies.

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## 1600 A.D. English Common Laws

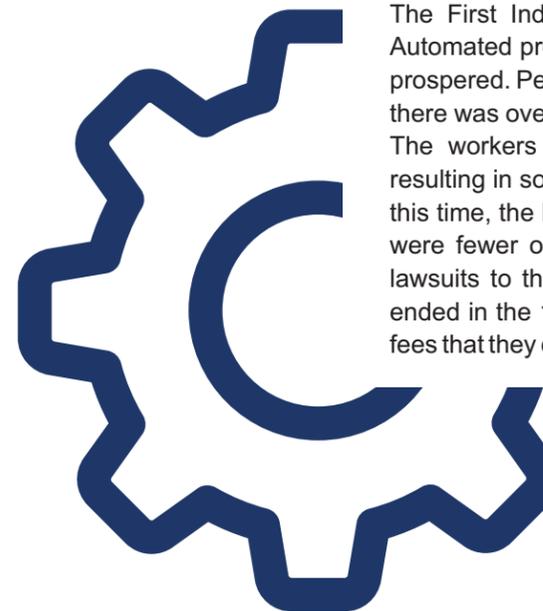
Attorneys at this time were considered as professionals and were well established. A key concept, Res Ipsa Loquitur, which means, "the thing itself speaks", was developed in Common law. It said that if an accident occurred and there was no natural phenomenon causing it, then someone must be responsible for it. This tort consists of four elements: The injury does not typically happen without negligence The injury is caused by something that is within the defendants' control The accident was not caused by the plaintiff voluntarily The defendant's explanation does not fully explain the plaintiff's injury These types of claims are used frequently in medical malpractice cases. This also has helped change the way the statute of limitations works rather than from date of occurrence to date of discovery.

By the 1600s, all plaintiffs that had incurred any financial losses such as income loss, because of other people's actions were compensated.

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## The 19th Century. Industrial Revolutions

The First Industrial Revolution occurred between 1760 and 1830. Automated production increased as factories grew, and the cities also prospered. People's lives changed due to this industrial revolution since there was overcrowding in the cities, which led to an increase in crime. The workers in the factories also had terrible working conditions resulting in some of them getting injured or even killed at work. During this time, the legal system had not yet blossomed, meaning that there were fewer options for the injured employees. They often lost their lawsuits to their wealthy employers. Regulations on the lawyer fees ended in the 1800s; hence, the attorneys were able to charge people fees that they could afford.



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## The Early 20th Century

At the beginning of the 20th century, personal injury lawsuits were still not common. Damages to the injured that were not economic, such as suffering were not compensated. Also, attorneys were not allowed to advertise their services; they were only allowed to use word of mouth or their business cards. The second industrial revolution also took place in the early 1900s, which increased mass production all around America.

**In 1932, the Donoghue vs. Stevenson case changed the course of personal injury law.** Mrs. May Donoghue drank a ginger beer bought for her by a friend in a café in Scotland. She noticed a snail decomposing in the bottle after she had already taken much of the drink. Mrs. Mary later fell ill and was diagnosed with gastroenteritis. She then sued the manufacturer for the damages and her lawyers argued that the manufacturer had a duty to ensure that the consumers are safe and that their product does not cause any harm. The initial claim failed, and they appealed. Judgment was issued that Mr. Stevenson, the manufacturer, owed the plaintiff a duty of care and that he had breached it. This case shed light on the notion of negligence and product liability law in personal injury cases.

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## The Late 20th Century

Personal injury lawsuits became common by the second half of the 20th century. However, they were not common among the middle-class since the lawyers were still not permitted to advertise their services but relied on referrals instead and word of mouth. In 1977, the Bates vs. State Bar of Arizona brought an advertising dispute in court. The attorneys won the case; hence, advertisements for legal services was allowed. With the internet, attorneys could also advertise online and use email to communicate with clients.

Personal injury law, as seen above, has a rich history. With the onset of social media, personal injury attorneys can connect with the clients on a personal level, and help the victims get compensation for the damages incurred.

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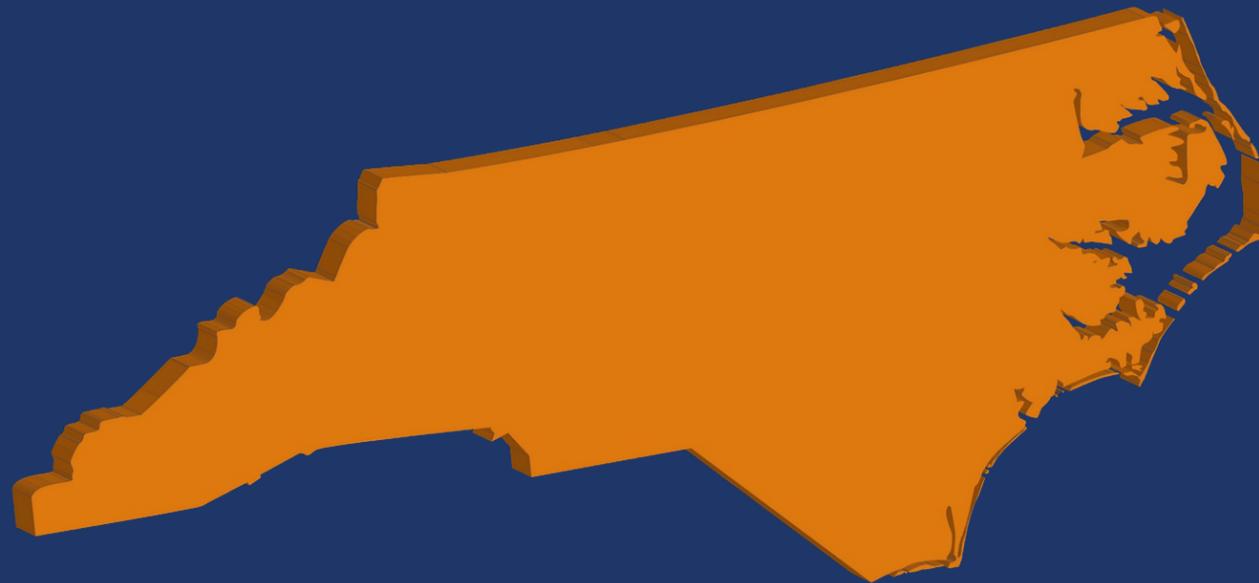
1997 A.D.

## US. Federal Rule 11

This federal rule aims to prevent frivolous lawsuits. It states that call papers be signed by an attorney, be filed for the right purpose, legal arguments must be reasonable (meaning that it has the chance to hold up in court), and the facts have to be accurate or at least be able to be proved by evidence. It also reprimands those who file frivolous lawsuits by doling out sanctions such as paying a penalty to the court or paying for the opposing parties legal fees.



# PERSONAL INJURY LAWS SPECIFIC TO NORTH CAROLINA



## 1 Time Limits (NC Gen. Stat. section 1-52)

If you have suffered some injury, all US states set a time limit within which you can file a legal dispute in court. This lawsuit comes under a kind of law called the statute of limitations. The deadlines vary depending upon the category of the case filed. **In North Carolina, you get 3 years from the date of your injury to go to a civil court and file a legal dispute.** In case of default, that is, failure to file the case within three years, the North Carolina courts are likely to refuse to entertain your legal case, forcing you to bid goodbye to your claim to reparation.

## 2 Shared Fault

Individual or business you are blaming and filing a claim against for your personal injury may raise a counter allegation stating. They can blame you either fully or partially, for sustaining that injury. In case they prove that you are partly accountable for the incident, it can affect the reparation amount you would have received from the at-fault parties. North Carolina upholds the idea of the shared fault and has put a 'modified comparative negligence rule' in place. According to this, if you are also at fault, the total compensation entitled to you will be decreased by the percentage of the fault. Not only this, if your percentage of fault exceeds 50 percent, you get nothing from the at-fault parties.

## 3 Damages

Kind of damages dictate the limits in North Carolina. For cases involving medical malpractice, the state has put a ceiling of \$50,000 for most of the instances. This is not applicable to other injury cases that do not result from medical malpractice. In any case, in all types of injury cases, penal damages cannot surpass \$250,000 or three times the amount of actual compensation awarded by the court in North Carolina. It is important to note that punitive damages are seldom granted in injury cases in the state.

## 4 Dog Bite/Attack Cases (NC Gen. Stat. Ann. § 67-4.4)

Most states in the US follow the 'one bite' rule, that is, protection from injury liability the first time their dog harms someone. North Carolina also has a 'one-free-bite' rule. However, it makes the owner 'strictly liable' for dog injuries if the dog is more than six months old and left loose intentionally at night. However, if the dog holds a previous record of biting someone, the statute – NC Gen. Stat. Ann. § 67-4.4 – makes the dog owners liable to be persecuted for a personal injury caused by their dog.

## 5 Injury Claims Against The Government (NC Gen. Stat. section 143-299)

In most US states, claiming personal injury suit requires you to file a 'notice of claim' within 60 days of your injury, since the governments enjoy 'immunity' to liability and lawsuits. For this, permission is required to sue them. Normally, the rules for filing an injury claim against the government comes under the 'Tort Claims Act,' under which this immunity is waived. It becomes crucial to follow the rules in these laws to retain your right to receive any compensation for injuries caused by the government. North Carolina follows a different set of rules. If your injury was caused by any individual or agency of the North Carolina government, you need to file the case with the state's Industrial Commission within three years of the injury.

# COMMON TYPES OF BREACHED DUTY OF CARE

## 1 Negligence

When someone who owes you a duty of care has failed to act according to a reasonable standard of care resulting in your injury or loss, this is termed as negligence. To be sued for negligence, a person must owe a duty to you, this person must breach his or her responsibility, and it must result in harm to you. Only then can you to sue that person and not otherwise.



## 2 Reckless Conduct

A person who knows his or her actions will cause harm to you is termed reckless conduct. It is dependent upon that person's state of mind at the time when his or her actions caused injury to you. To prove reckless conduct, you must prove that that person intended to commit the act that injured you; his or her actions presented a risk of injury; and he or she was aware that you were in harm's way. To make that person liable, you need to prove that his conduct itself was unreasonable and of greater risk of harm than negligent conduct.



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## Gross Negligence

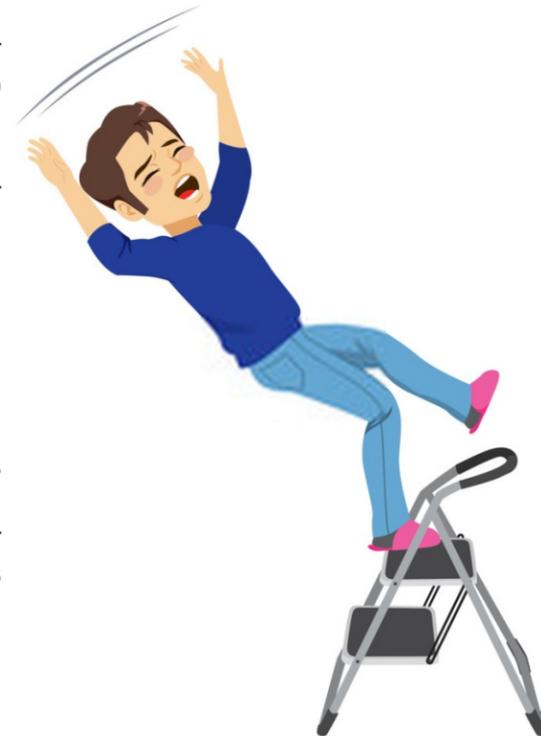
A sentient and deliberate disregard by a person to use sensible care that may result in anticipatable grave damage or injury to you or your property or both is gross negligence. Gross negligence differs from negligence in that the former constitutes extreme indifference to or reckless disregard for the safety of others. Whereas, negligence is a mere fiasco to exercise sensible care. The difference between the two is in the degree of inattention. Both gross negligence and negligence also differ from deliberate and malevolent conduct that leads to injury. Deliberate and malevolent conduct makes the person eligible for penal damages, whereas gross neglect does not.



4

## Slips and Falls

In normal circumstances, there is no one to blame but you for your slips and falls. But sometimes you may slip, trip or fall due to someone else's carelessness. If it results in your injury, you can seek compensation for the same. For example, tripping on broken flooring of a restaurant will make the restaurant owner liable for your injury or slipping on wet steps and falling will hold the premises owner liable.



5

## Theme Park Accidents

It is incumbent on a theme park owner to make reasonable efforts to maintain and repair the premises and equipment to avoid injuries to users. It may be noted that the theme park owner cannot be held liable for all the accidents that occur in his premises, but only those resulting from his or her negligence.

6

## Aviation Accidents

Although the aviation industry has the highest safety standards and is subject to complex aviation laws and numerous international conventions, the airlines are liable for injuries suffered by their passengers both onboard the aircraft and while embarking or disembarking from the aeroplane.

# HERE'S WHAT DAMAGES YOU ARE ENTITLED TO

**D**amages, in legal terms, are monetary compensations awarded to you for your personal injury, if the court's verdict goes in your favor. There are many types of damages, named after specific reasons they are being paid. The two most common types of damages are special damages and general damages.

## 1 *Special Damages*

These types of damages can be assigned a monetary value, such as compensation for the expenses incurred due for your personal injury incurred in an accident, such as medical bills, lost wages and the like.

### Entitlements for special damages

- **Medical treatment:** Damages for a personal injury due to accident almost always include medical expenses. This includes reimbursement for treatment you have already received and the estimated cost of medical care that may be required in the future.
- **Income:** Personal injury due to an accident may impact your job, affecting your salary and wages. And it is not only the income you have already lost due to your inability to continue to work, but also the money you would have made in the future, were it not for your injury. Damages based on future income are compensated to the victim under 'loss of earning capacity'.
- **Property loss:** Damage to property, such as vehicles, clothing and other items, in an accident is also entitled to be reimbursed. This compensation is usually based on the fair market value of the property that was lost.



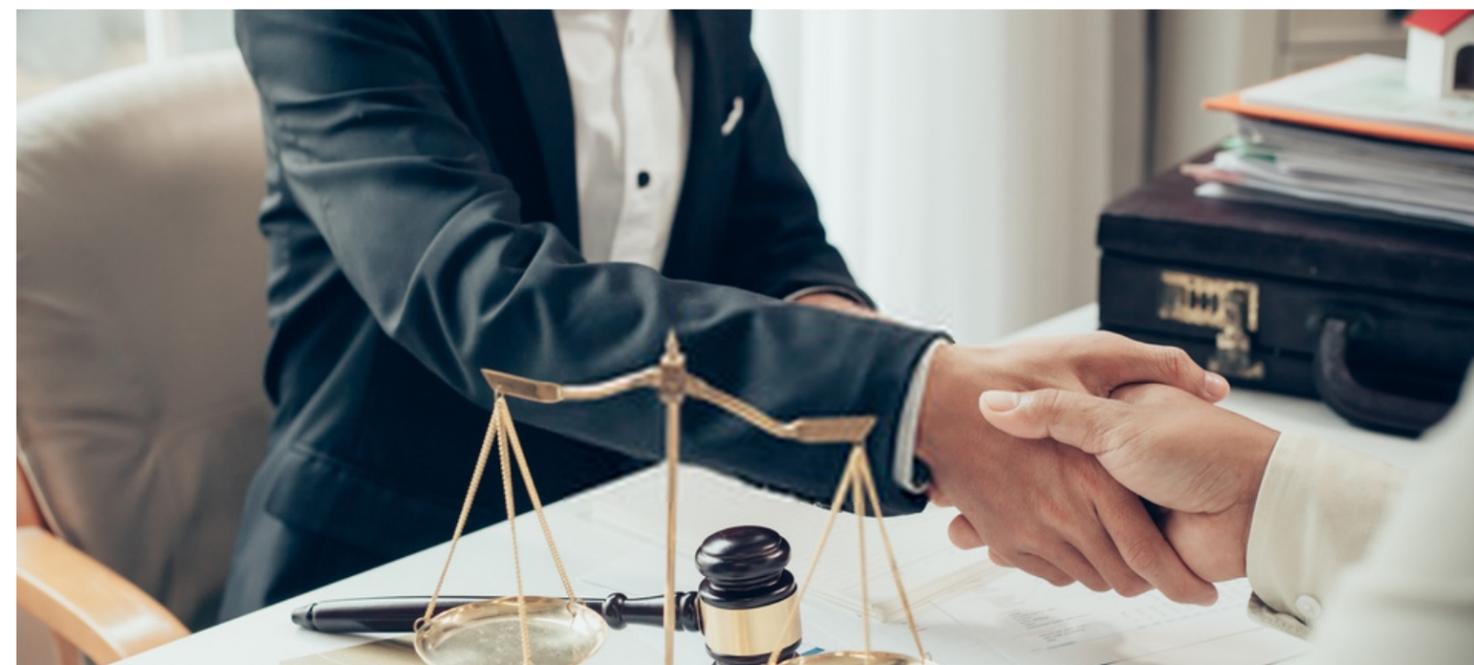
## 2 *General Damages*

These types of damages make it difficult to be assigned a monetary value. For example, there are no bills or receipts or any evidence for pain and suffering, emotional trauma, loss of consortium, and the like. However, these losses deserve compensation nonetheless.

### Entitlements for general damages

- **Pain and suffering:** If your accident has resulted in pain and serious discomfort, you are entitled to be compensated for it. This entitlement is applicable, even if pain and discomfort appeared after the accident or continued as a result of the accident.
- **Emotional distress:** More often than not, accidents not only inflict physical injuries but emotional distress too. The resulting psychological impact leads to fear, anxiety and loss of sleep. Law provides for such psychological traumas, resulting from the accident. Some states club emotional distress with pain and suffering.
- **Loss of enjoyment:** If the injury incurred in an accident keeps you from enjoying your day-to-day pursuits, such as exercise, recreational activities or hobbies, you may be entitled to 'loss of enjoyment' damages.
- **Loss of consortium:** If the injury affects your relationship with your spouse in terms of, say, companionship or maintaining a normal sexual relationship, you are entitled to 'loss of consortium' damages. Normally, these damages are awarded directly to the affected party, rather than to the injured.

# 3



## **WHAT TO DO NEXT... FIRST HIRE AN ATTORNEY**

**I**f you have been injured in any kind of accident, we hope that you followed Lakota Denton's personal injury guide that was presented in Chapter 1. After brushing up on your personal injury history in Chapter 2, we hope that you now feel good about pursuing a lawsuit against the parties responsible for your personal injury.

**So now what should you do next?..... Contact a Personal Injury Attorney ASAP.**

It may become difficult to get full compensation in your personal injury case if you fail to hire a competent personal injury attorney. This is because an attorney is best qualified to represent you in fighting your personal injury case or defending you if you are facing one.

# HOW TO FIND THE RIGHT PERSONAL INJURY ATTORNEY

## 1 DO RESEARCH

Research to find out about the experience and competence of the attorney you aim to hire. It should include the attorney's trial experience, negotiation experience, understanding of medical diagnoses in personal injury cases, and knowledge of negligence law and other torts.

You can call your state's or county's bar association using the phone to get more specific information. For example, you can find out about Lakota R Denton, since he is a member of the North Carolina Bar Association. He is also part of the North Carolina Advocates for Justice, the American Bar Association, the American Association of Justice and the National Trial Lawyers.



**Make a list of your top choices of personal injury attorneys. Factors to consider when narrowing down your listing:**

- Experience Taking Cases to Trial if Needed
- Expertise with Tort Law
- Top Reviews from Past Clients
- Examples of successful case results



## 2 PREPARE YOUR CASE

Know all of the facts of your personal injury or car accident case. Most personal injury lawyers will ask you every possible question related to your case. You should have the following ready:

- Police Reports & Related Docs
- Medical Documents
- Photos Taken at Scene of Accident
- Written Statements of Witnesses

## 3 MEET THE ATTORNEYS

Most personal injury attorneys will offer a free case consultation. It makes sense to sit down with your top choices and ask them questions, as well as making sure exactly what the fee structure will be.

**Some questions to ask at the first meeting would include:**

- What are the Attorney's Areas of Specialization ?
- What are the Statutes of Limitations For Your Case ?
- Ask whether the attorney has dealt with your kind of injury case before,
- Ask about what their past case outcomes have been



## 4 HIRE THE PERSONAL INJURY LAWYER

After going over the incident in detail and gathering all relevant information, the attorney will probably give you their general idea of what your chances of success are, possible strategies, and strength and weaknesses on both sides. The attorney will then tell you whether they can help you with your case, and whether its worth hiring a lawyer at all, or if you should try to resolve your claim on your own.

If both sides feel comfortable moving forward, you will most likely sign a contract, medical information (HIPAA) release forms, insurance information, and any other legal documents they need to operate on your behalf.

# TYPES OF INJURIES FOR A PERSONAL INJURY CLAIM

You can ask for damages and compensation for:

## 1 *Pain and Suffering*

The physical pain you suffer due to injury, and which you may have to endure in the future too, comes under pain and suffering. You are entitled to compensation for pain and serious discomfort for the accident or injury and its aftermath.

## 2 *Deformity*

If your injuries have resulted in marks or scars or fractures that have deformed you, you can file for compensation for deformity.

## 3 *Emotional Distress*

This may result from more serious accidents and the compensation is for the emotional impacts of an injury. Such emotional distress may include panic, nervousness and sleep loss. In some states, this is made a part of pain and suffering.

## 4 *Medical Expenses*

You will not only get awarded for damages for medical expenses in treatment but also get compensated for the estimated cost of future medical treatment and medical care.

## 5 *Lost of Earning*

Loss of earning capacity resulting from your injuries qualifies you from monetary compensation. This loss of earning may include lost wages or salary, bonus, commissions and perks. You can file a claim for them.

## 6 *Lost of Future Earning*

The compensation will also include the money you would have made in the future had it not been for the accident

## 7 *Lost of Enjoyment*

If your injuries prevent you from enjoying your usual pursuits, such as hobbies, workouts, and other recreational and leisure activities, you can claim 'loss of enjoyment' damages.



# CAR ACCIDENT PI CASE TIMELINE SUMMARY

**L**akota R. Denton has put together a personal injury case timeline for a typical car accident case. If you have been involved in a serious car crash, you may have questions about the personal injury lawsuit process and how long a personal injury or car accident case can take.

1

## Car Accident Occurs

Investigate at the scene of the accident and get to safety & call police.



2

## Exchange Information with other Drivers

While you await the arrival of police and if you are not grievously hurt, make it a point to exchange contact and insurance information with the other driver.

3

## Document the car Accident

Once the police arrive, you must document the accident. These will come in handy in resolving your case with the insurance company.



4

## Seek Medical Attention

Once the police arrive, you must document the accident. These will come in handy in resolving your case with the insurance company.

5

## Hire a Car Accident Attorney ASAP

Hiring a personal injury attorney right away is important. You get the much-needed free advice since most lawyers offer a free consultation, that sets you on the right course from the initial stage itself.



6

## Notify Insurance Company (After You Talk with Lawyer)

All car accidents in North Carolina involve insurance companies. However, always speak to your lawyer before you contact the insurance company of the other party.

7

## Your Lawyer Will Investigate Your Claim & Gather Key Info

It is the job of your personal injury lawyer to investigate the claim thoroughly.

8

## Demand a Personal Injury Settlement

(Your lawyer will create a demand letter on your behalf) - Most cases of auto accident injuries never reach the court, since the other party often offers a settlement.

9

## File a Personal Injury Lawsuit

Filing a personal injury lawsuit is a cumbersome process and should be the last resort. It is best avoided if you get adequate compensation in an out of court settlement.

10

## Discovery Process / Mediation or Arbitration / Goto Trial

**Lakota Denton** is well versed in dealing with [motor vehicle crash cases](#), whether they resulted from car accidents, truck accidents, workplace mishaps or even medical malpractice.



# 4



## ***PERSONAL INJURY SETTLEMENTS*** **HOW TO GET & WHAT TO DO WITH THEM**

**B**eing involved in an accident that has left you injured can be a traumatic event. This is why NC personal injury attorney Lakota R. Denton will fight on your behalf to receive a settlement from your insurance company for a large sum of money. In the event that we settle your case or receive a verdict in litigation, there are still a number of steps before you receive your money.

# 8

## STEPS TO MAXIMIZE THE VALUE OF YOUR PERSONAL INJURY SETTLEMENT



#1

### PROVIDE THE INSURANCE COMPANY WITH A FULL AND THOROUGH INVESTIGATION OF HOW YOU WERE INJURED

Whether you've been in a car crash or you've fallen on someone else's property, you will need to investigate how it happened. Take photographs. If you've been in a crash, use your cell phone to photograph both vehicles, the road section where the crash took place, any skid marks, guard rail damage or anything else that might be relevant.



#2

### PRESENT EVIDENCE AND CASE-LAW SHOWING WHY ANOTHER PERSON WAS AT FAULT.

Once you've completed your investigation, look for other similar cases where Courts have found the other person at fault for what happened to you.



#3

### DO A BACKGROUND SEARCH ON THE AT-FAULT PARTY.

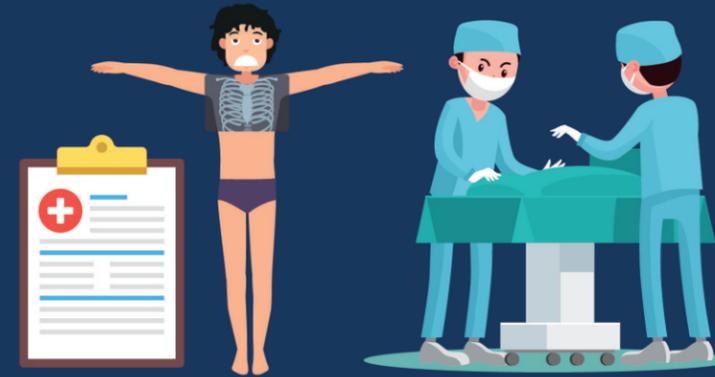
Always do some research into the at-fault person before you negotiate a settlement.



#4

### PROVIDE A FULL AND THOROUGH SUMMARY OF YOUR INJURIES AND THE TREATMENTS YOU'VE RECEIVED.

Once you have recovered from your injuries or at least you have reached a point where you will not get any better, you will need to review all of your medical records.



#5

### #5- GET COPIES OF ALL OF YOUR MEDICAL BILLS

You will need to ask all of your medical providers to give you copies of your bills, even if your health insurance or Medicaid/Medicare paid your bill



#6

### PROVIDE OPINIONS FROM YOUR DOCTOR ABOUT THE CAUSE OF YOUR INJURIES

You will have to show that your injuries were caused by the crash. Sometimes this is very easy, and you won't need a doctor to even give an opinion.



#7

### ENSURE THAT YOU HAVE IDENTIFIED EVERY POSSIBLE INSURANCE POLICY TO RECOVER FROM.

You need to know exactly which insurance policies cover the injuries that you are seeking to be compensated for.



#8

### WRITE A LETTER TO THE AT FAULT INSURANCE COMPANY DEMANDING SETTLEMENT

All of the above information should be detailed in a letter to the insurance company asking them to settle the case.



## CONCLUSION

**I**f you or your loved one have been the victim of an automobile accident and have been injured through no fault of your own, our staff at Lakota R. Denton P.A. are standing by to assist you. We will help investigate your car wreck, talk to witnesses, and speak to your medical providers about outstanding balances.

[Personal injury attorney Lakota R. Denton](#) has the knowledge and resources to handle your car accident claim properly, to help ensure that you are properly compensated for an accident that was not your fault.

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 **Lakota R. Denton, P.A.**  
Trial Lawyer