YOUR LEGAL GUIDE TO MOTORCYCLE INJURY COMPENSATION

What Bikers MUST Know About Insurance Claims, Settlements and Jury Verdicts

By Matthew L. Bretz

BRETZ
INJURY LAW

NATIONAL ACADEMY OF MOTORCYCLE INJURY LAWYERS
PROTECTING MOTORCYCLISTS RIGHTS

Your Legal Guide to Motorcycle Injury Compensation: What Bikers Must Know About Insurance Claims, Settlements and Jury Verdicts
By Matthew L. Bretz

Published by Bretz Injury Law, LLC
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ISBN 978-0-9906143-1-9

TO OUR FELLOW RIDERS:

The only thing worse than being seriously injured in a motorcycle accident is to NOT get the compensation you deserve—or to find out later that you have been taken advantage of by an insurance company.

Insurance companies have a huge advantage over accident victims. After all, they are not hurting for money. Unlike a person with a mound of medical bills, they can pay their bills easily.

Insurance claims adjusters know all the tricks in the book. The companies they work for have had years of practice in diminishing, devaluing, and denying motorcycle insurance claims and wrongful death cases.

Never forget – the insurance company has an army of lawyers helping them. **Shouldn't you have a legal team fighting for you?**

CALL US AT 620-662-3435 TO SPEAK WITH AN ATTORNEY AND GET ANSWERS TO ALL YOUR LEGAL QUESTIONS.



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11 Questions You Should Ask Before You Sign Anything

The first thing the insurance company wants you to do after a motorcycle wreck is sign a release and submit a recorded statement. **DON'T DO IT until you speak with an attorney first—and know your rights!**

If you think you can represent yourself, ask the adjuster these questions first to see for yourself if he or she is really going to treat you fairly. You should always ask the adjuster these 11 important questions before you sign anything:

1. **Will you put that in writing?**
   Ask the insurance company to put in writing the fact that the accident was not your fault and was actually the fault of their insured. If they are not willing to do this, it is because they plan to argue later that it was your fault, in whole or in part.

2. **May I have a copy of the policy?**
   Ask the insurance company for a copy of their insured's insurance policy, declaration sheet, or something in writing that tells you the policy limits of their insured. In other words, get documentation of the amount of money that they have available to pay your claim. Injury victims with serious injuries should always have this information provided to them. Period.

3. **Will you send me your insured's recorded statement?**
Ask the insurance company for a copy of their insured's recorded statement. Most of the time, they will have already taken your recorded statement. If they haven't yet, they will ask! Many insurance companies will want take your statement, but they will refuse to let you see or get a copy of the statement taken from their own insured.

4. **May I have copies of any of my medical records you collect?**
Some insurance companies will ask you to sign a medical release so they can collect all of your medical records. Before you sign the medical release, ask for a WRITTEN PROMISE that they will provide you with copies of each and every medical record they collect. Keep in mind, most medical releases are written so broadly that it allows the insurance company the right and privilege to talk to any of your doctors and to get any of your records, even if the records do not pertain to the injury you suffered. Medical releases may allow the insurance company to get your medical records all the way back to your birth if they want. Ask the insurance company to restrict the medical release to records pertaining to the accident and see what happens.

5. **Will you send me copies of witness statements?**
Ask the insurance company for copies of any statements they have taken from other witnesses who witnessed the accident and your injury. We doubt very much if the insurance company wants to share this information with you, but you are entitled to it!

6. **Is there additional insurance coverage available?**
Ask the insurance company about secondary insurance coverage and whether there is an umbrella policy. Be careful—there might be an umbrella policy out there that the insurance company doesn't know about. If they tell you there is no umbrella policy, be sure to get a signed affidavit from their insured.

7. **May I have a copy of any personal information you have collected about me?**
   Ask the insurance company for a copy of any medical information or personal information they have obtained about you through computer databases or other sources. There are many ways they can get this, and believe us, they will use it.

8. **Have you obtained information about my finances?**
   Ask the insurance company if they have obtained any kind of credit information or debt information about you. Some insurance companies know how much money you owe, to whom, and when your next payments are due. They can find out if you are late on your payments and use this information against you. For example, if they know you are behind on payments, that would be the perfect time for a quick, low settlement offer.

9. **Have you conducted personal research on me?**
   Ask the insurance company if they have canvassed your neighborhood asking questions about you. If so, ask who they have talked to and ask for copies of the statements and information collected.

10. **Have you investigated or surveilled me?**
    Ask the insurance company if they have conducted any surveillance or investigation on you and then request a copy of any films, photographs, or investigative reports they have obtained regarding your injury or you. We would be surprised if any insurance company would be willing to share this information with you!

11. **What reserve have you set for my case?**
    Ask the insurance company for the amount of the reserve they have set for your case. This is the amount that they believe your case is worth. But rather than just paying you the reserve, they would prefer to do a little negotiation to reduce the amount. We don't know any insurance company that would share this information with you as it is considered "top secret."

If the adjuster says "NO" to any of these questions, it's a RED Flag that they will not treat you fairly or compensate you fully for your injuries!

DO I HAVE TO GO TO COURT?

If you have been injured in a motorcycle crash and it wasn't your fault, do you still have to go to court if you hire a lawyer?

This is a question we get a lot, and the answer is no. You are the boss. You decide whether or not we file a lawsuit. But in most severe motorcycle injury cases, your lawyer will need to file a lawsuit to get just compensation because the insurance adjuster needs to learn more about your injuries and they're not going to just take your word for it.

They are going to interview your doctors, and they're going to want to take your deposition, and depositions of your familiy members, so that they can properly evaluate the claim.

Does that mean that you're going to trial? No. As lawyers, we give you our recommendations of what the best-case scenario is, and the worst-case scenario.

Now some people say, "I am not the suing type." Well, you may not need to take it all the way, but believe us, in many cases the insurance companies will never get serious about offering a fair settlement until you file a lawsuit, and they see you are willing to take them to trial if necessary.

Retaining a lawyer does not mean that you have to go to court, it does not mean that you have to file a lawsuit, and it does not mean that you have to go to trial – but these are some of the options that you will have once you hire a lawyer.



5 Strategies That Can Double Your Insurance Settlement

Here are 5 tips (plus a bonus!) to show you how you can double the settlement value of your motorcycle accident claim.

1. **Take photos.**
   Take photos of the scene. Take photos of your injuries if you have bruises, scars, and cuts. Take photos of the vehicles and your motorcycle. You cannot have enough photos because photos are worth a thousand words.

2. **Get a diagnosis for every injury you have.**
   We know some of you think, "I'm a tough guy. I'm just worried about my back and neck," when you might also have elbow issues or knee issues. If you fail to get each injury diagnosed and documented in the medical records from the start, the insurance company may argue that your injuries are not from the wreck. "You must have gotten hurt somewhere else because when you went to the ER, and you went to your doctor for the first time, you said nothing about your knee hurting, and now three weeks later you say you are starting to feel the pain in your knee even more." You must document every injury at the beginning of your claim.

3. **Follow the doctor's advice.**
   If the doctor sends you to therapy, go to therapy. Show up for appointments on time. Tell the doctor everything that is going on with you. Do not make light of any injury or any pain. Even if you have a level 8 pain in your neck, but only a level 4 pain in your knee, tell them all about the knee and the neck, not just the neck.

4. **You're going to need appropriate experts.**
   If you have lost wages or future lost wages, you're going to need an expert economist. If you own a business, you want an expert to show how your injuries are going to affect your business in the future. If you have a permanent disability, you will want an expert to talk about that and give you a disability rating. If you have future medical bills, you're going to need a life care planner that can calculate what it will cost for your future medical expenses. You will also want an accident reconstructionist. These are the types of expert witnesses that will help double your injury claim right from the beginning.

5. **Negotiate your bills.**
   Once you get your settlement, the way to put even more money in your pocket is to negotiate down hospital charges, medical expenses, and doctor bills that you incurred and are unpaid. As lawyers, we do that every day for our clients.

BONUS TIP: The best way that you can double your compensation is to hire a lawyer.
Insurance companies know this, because they did a study several years ago, and their study showed that people who hired lawyers received, on average, over four to seventeen times more money in their pockets than claimants who did not hire a lawyer. This statistic is true even after you consider attorney fees.



5 Mistakes That Can Ruin Your Motorcycle Injury Claim

1. **Giving A Recorded Statement**
   The insurance adjuster for the other person's vehicle will ask you for a recorded statement. Don't do it! Once the adjuster has your recorded statement they will use your own words against you. This is extremely important! You can tell them how the accident happened but never give a recorded statement.

2. **Believing What the Adjuster Says**
   If the adjuster says you don't have a case, or you are partially at fault, or they are not going to pay your claim – DO NOT believe them. Talk to an experienced lawyer before you make the decision to take a lowball settlement!

3. **Not Taking Pictures**
   Do not forget to take pictures, or wait too late to take them. You should photograph the accident scene, the other person's car, their driver's license, and their insurance papers – all are important. Try to preserve as much of the evidence as you can. Memories fade, and people tell different stories, but pictures do not lie. You should take pictures of all your injuries, and continue taking pictures during your recovery. If you're in a hospital, get some of your family members to take pictures, because that is going to be the best evidence to show the insurance company what you've been through.

4. **Skip Medical Appointments**
   This is something we see people do all the time. They miss their doctor's appointments or do not make their therapy appointments or decide they just don't feel like going. But to an insurance adjuster, if you don't make medical appointments a priority, then you must not be really hurt. And it your case goes to trial, that is exactly what the insurance company's lawyer is going to tell a jury and it's enough to ruin your case. It is equally important that you follow all doctor's instructions. If you are told to follow up after being released from the hospital, or an MRI is recommended, make it happen! The same argument will apply. If you do not follow treatment instructions, you must not be truly injured.

5. **Represent Yourself**
   The most fatal mistake is trying to represent yourself. You have too much emotion involved in it, and you need somebody to speak for you that is not going to have their words used against you. Keep in mind that anything you tell an adjuster, or tell the lawyer for the insurance company, can be used against you. But when you have an experienced lawyer advocated for you, they will speak to the insurance company on your behalf and prevent your words from hurting your claim.

WHAT IS MY MOTORCYCLE INJURY CLAIM WORTH?

Although we cannot give you an instant answer, we can promise you that our team will do the very best we can, and get you the most money that we can, to compensate you fully for your injuries and your pain and suffering.

And that's the kind of law firm you should be looking for.



5 Questions That Insurance Adjusters Never Want You to Ask

What are the top questions that insurance adjusters never want you to ask them about your motorcycle accident injury claim?

1. **How much are the insurance limits?**
   This is the number one question adjusters don't want you to ask. They will refuse to tell you in probably 90% of the states in the union.

2. **How much check writing authority do you have?**
   That will tell you a lot, because different adjusters have different ranges of authority to write checks – and that's going to tell you what they think your claim is worth right from the beginning.

3. **What is the settlement reserve?**
   That's going to tell you about how much they are going to be willing to pay you when the claim is processed. The settlement reserve is something they must set at the beginning of a case. It is required by the insurance commissioner's office so that the insurance commissioner knows they have enough money in the bank to pay this claim when it comes to an end. Adjusters do not want you asking about it.

4. **Does your insured (the person that caused the accident) have any other insurance?**
   Adjusters never want you to know the answer to this question because they don't want to be paying out all their limits. You are never going to know if their insured has any other coverage or has an umbrella policy unless you hire a lawyer and file a lawsuit to discover it.

5. **Can I get a copy of your insured person's recorded statement?**
   Adjusters will flat refuse to give you this.

Remember to ask these questions and then listen to the way the adjuster tries to avoid the answers. That should be enough to tell you that you need a lawyer to protect your rights. The insurance companies are there to protect their insureds' rights – and NOT yours.

SCHEDULE A FREE CONSULTATION

We do more than offer "free consultation." We help people decide how to move forward with their claim. Clients often ask how to get their medical bills paid. They are concerned about getting back to work. They want to know whether their case is worth pursuing. They want to discuss what the insurance adjuster is telling them and get the best advice on what to do next. Through years of practice, we have listened carefully and know how to address your concerns.

If you would like to talk to our legal team and get answers to all of your questions, please call us at (620) 662-3435. Our team is always available.



What Are The 3 Biggest Factors Affecting The Value Of My Claim?

What are the most important factors affecting the amount of my insurance settlement or outcome of my motorcycle injury case?

1. **Liability**
   There are a huge number of factors to consider, but the number one thing is liability, meaning who is at fault. Typically, an insurance adjuster will look for some contributing factors, so they can try to diminish your claim. Or they will even say that you were at fault, in whole or in part. And in some states, if you are even 1% at fault, you get nothing! But what we have found are that juries will tend to look past that. And whoever was mainly at fault will be the ones that are made to pay, if you have hired an attorney to represent you and the adjuster knows there's a chance your case will go to a jury!

2. **Insurance Policy Limits**
   The second biggest factor is the amount of available insurance – the policy limits of the insured and any umbrella coverage. The policy limit is the maximum amount of insurance coverage the other driver has. Umbrella policies are insurance policies some drivers have that kick in if they are sued and the damages are more than the auto policy. This can be a complicated analysis, but an experienced lawyer is trained to sort this out and

determine all available insurance policies. Was the person that caused the accident an uninsured driver? Or were they driving a work vehicle covered by a business policy? Many times it requires investigation to discover all of the insurance coverage available to you.

3. **Your Attorney**
   Studies conducted by insurance companies show that victims of accidents who are represented by an attorney get more than four to seventeen times more in their pocket after attorney fees than those who go it alone. Not only are insurance companies going to ask if you have a lawyer, but more importantly, they want to know what trial experience your lawyer has. Is this somebody that does motorcycle injury cases regularly? Is this somebody that is not afraid to go to court?

   Most large insurance companies keep records of which lawyers file lawsuits. They know which lawyers are good at depositions and jury selection. They also know who is able to convince a jury to overcome their bias and set aside the perception that jurors have that bikers must be crazy to get on a motorcycle and should assume the risks if they get hurt. They are also aware of which law firms have the resources to win multi-million dollar cases, and they are much more likely to offer a fair settlement if your lawyer is somebody who has the capability of hitting a home run with large jury verdicts, because that's what makes them nervous.



How Do Insurance Companies Determine The Value Of My Claim?

1. **Who You Are**
   The first thing insurance companies do is to look at you as the plaintiff. They look at what kind of person you are. They look at whether or not you will come across well to a jury in explaining your injuries and the pain you've suffered. Are you believable and sympathetic? They also look at your work history. Have you had a solid work history, or has it been spotty? Then they look at your criminal background. Do you have a clean record with only a few speeding tickets here and there? Or do you have felonies and drug charges?

2. **Who The Insured Is**
   Next, they look at their own insured – the person who hit you. They look at the same things: Will they come across well to a jury? Do they have a good work history? Do they have a criminal background? If it's a preacher or a nice old lady, the jury is going to be a lot more sympathetic. Also, were there any aggravating factors? Was their drinking involved or distracted driving? Did the police issue a DUI or take the driver to jail?

3. **Your Injuries**
   Insurance companies also take into account your injuries. Did you have a complete recovery? Or are your injuries permanent

in nature? Do you have any scarring or soft tissue damage? Do you have complete or partial disability? Will you require shoulder or back surgery 10 to 15 years from now? Are your injuries going to require ongoing medical treatment or future medical care and if so, how much? The insurance adjuster calculates the medical bills that you've had up to the time you get released from the doctor, and then they look at what it's going to cost to take care of your additional medical bills in the future. In many cases, you will need an economist or a life care planner in order to come up with those figures.

4. **Your Pain and Suffering**
   They also look at the pain you suffered. Is it a serious injury with excruciating pain? Did you have broken bones? Did you require a hip surgery or have pins put in your legs? Was their traumatic brain injury? These are the type of things they're looking at.

5. **Wage Loss**
   Finally, insurance companies look at your lost wages or loss of business. Not just what you have lost since the accident, but also if you'll have future lost wages. Are you going to have future diminished earning capacity? Maybe you're not disabled, but you can't go back to the old job that you had, or you'll have to work part-time or take a job making half as much. That's what we call diminished earning capacity. Are the injuries that you have going to force you to retire early or are you going to have to get on disability earlier than if you had not been in this accident?

These are the types of things that insurance companies look at. And this is less than a third of the things that an experienced attorney will consider when evaluating your case and demanding that the insurance company pay out the maximum dollar amount of what your claim is worth.

Most people do not understand the extent of compensation they are

entitled to, and insurance companies are not going to tell you. So, when you've been in a serious motorcycle accident, the best way to handle this is to hire a lawyer that concentrates his or her practice in doing motorcycle injuries.

HOW LONG UNTIL MY CLAIM IS SETTLED?

How long will it take to get my motorcycle injury claim settled? That's the question most bikers ask after a motorcycle crash. Well, it really depends.

Our best advice is that you never want to settle too quickly. One of the insurance company's biggest tactics is to offer you a modest amount very early on in exchange for signing a release. This occurs before you know what is wrong with you or what your physical recovery is going to involve. Understand this: you only get one opportunity to obtain a financial settlement. Once you settle your case, you can never come back later and get the compensation that you require for any additional medical care and expenses.

This is why you should never even think about settling your case until your doctors tell you they have done as much as they can for you.

After you have completed all medical treatment it may take another three to six months to gather all the medical records and bills, put together a demand letter, send it to the insurance company and negotiate a settlement.

Every case is unique, and every claim is different. As impatient as you may be to wrap up your claim, never forget that once you sign the release it is over forever. So be sure not to settle too quickly.



The Top 5 Secrets that Adjusters Don't Want You to Know

These are the five secrets that insurance companies don't want you to know about your motorcycle accident injury claim:

1. **The Reserve**
   Insurance adjusters don't want you to know that they have set a reserve at the beginning of your case, which is an estimate of how much money they're going to pay on your claim. They are required to do this through the state insurance commissioner so that they have adequate funds set aside to cover your claim should they have to pay.

2. **Recorded Statements**
   They don't want you to know that they have a recorded statement that they have taken from their insured.

3. **Policy Limits**
   Adjusters never want you to know what their policy limits are, whether there is more insurance coverage available, and whether the person that hit you has an umbrella policy or additional sources of insurance.

4. **They're Watching**
   The insurance companies do not want you to know that they

are watching you. They are watching you on Facebook, on Twitter, on Instagram, and on Pinterest. They are watching all of your outside activity and sometimes they will go as far as hiring a private investigator to stake out your house and follow you around for days at a time.

5. **Lawyers Get More**
   Finally, adjusters don't want you to know that if you hire a lawyer, you are likely to get over four to seventeen times more than what you would without a lawyer. That's why they try to do a quick settlement and get you to sign a release – because they know that if you're going to hire a lawyer they will have to pay more. Even the National Insurance Council reports that claimants with lawyers receivedmore in their pocket after attorney fees than people who did not hire a lawyer.

Never forget – the insurance company has an army of lawyers helping them!

Most of the time, the insurance company will not give you any information at all. It's a one-way street. They take and they take, and you end up without!

If you want to find out if what we are saying is true, simply ask an insurance company adjuster the questions in this guide – and see what happens. You'll be in for a big surprise!

About Bretz Injury Law

When I was a young lawyer in California, almost 30 years ago, I handled my first motorcycle wreck case. The motorcycle driver and his girlfriend were driving out by the airport in Lancaster at night. Without warning, the lane narrowed from 12 feet to 9 feet. No shoulder. No painted lines. No warning. The 3 feet on the right side of the lane just ended, followed by a drop-off.

I don't need to tell you what happened to the driver and his passenger. You already know.

Of course, the insurance companies and the county road department blamed the victim claiming that the driver must have been driving too fast and must have not been paying attention.

Eventually, after considerable litigation, the case was settled.

Through this and many other motorcycle wreck cases that we have handled over the years, we learned that most people initially assume that the biker is at fault.

We understand – roads are designed for cars and trucks, not motorcycles. Other drivers don't even see you, much less look out for you on the road. The police stop people on bikes all the time. Sometimes it seems like they're doing it just to hassle you. Some days it feels like you just can't win.

People have the wrong impression of bikers. They think we are all outlaws. Police are quick to assume we were speeding. Courts and juries assume we must have been reckless.

You have enough to deal with, just trying to keep your bike on the road. Then someone pulls out right in front of you. You've got to slide your bike. You get up with road rash. And that was nothing serious when you think of what could have happened.

This perception is unfair and untrue. Most bikers we know are among the best drivers on the road. They have to be!

We have been championing the legal rights of motorcyclists for years, and we know how to represent you in court. We know how to handle insurance policies, bills and damages.

We will help you through your claim. We will help you get whole again after somebody else has hurt you and caused all kinds of other damage. We know what to do if a loved one's been killed by a distracted driver.

We have represented people from all walks of life from doctors and lawyers to bus drivers and road workers. We have won hundreds of millions of dollars for clients injured in accidents and survivors in wrongful death cases.

We want you to call whenever you, a loved one or a friend has been injured. We have solutions. We will take the time to talk with you, so you know what to do.

How We Are Different

Our team stands ready to advocate for you in your motorcycle wreck case.

We guarantee that we will perform a thorough investigation into the cause of your wreck, and that you will be advised on all of your legal options throughout your case. We will work tirelessly to obtain the maximum recovery for your losses.

There are numerous factors that can lead to a motorcycle wreck, and sometimes it can be difficult to determine what actually caused a collision.

This is why, once we are retained, our legal team will conduct a close examination of the evidence collected at the crash site that may show that roadway defects, intoxicated motorists, aggressive drivers, or negligent motorists caused your injuries.

We are well-versed in Kansas and Federal laws and procedures that pertain to personal injury matters and will make sure you receive the strong legal representation and service you need and deserve.

Unlike other personal injury "settlement mill" firms, our team builds your case with an eye towards trial the moment we are retained. Only by being ready to win at trial can we get you the maximum settlement possible.

Our goal is to maximize each and every client's recovery. In order to achieve this, we treat each case individually.

While we seek a fair settlement in every case we handle, there are times where trial is the only way to hold the opposing parties responsible for your injuries.

We have extensive jury trial experience and stand ready to fight for you in the courtroom.

If you or someone close to you has been involved in a motorcycle wreck, call Bretz Injury Law today at (620) 662-3435 to set up a free consultation to discuss your case. We serve all of Kansas, with offices across the state.

There is never a fee unless or until we make a recovery for you, and have not sent a bill to a client since 1997!

Appendix

Damages & Compensation

If your accident was caused by the negligent, careless or reckless actions of another driver, you may be entitled to compensation to help ease the financial burdens associated with the wreck, including, past and future hospital and medical bills, physical therapy costs, lost wages, past and future economic loss, mental anguish and pain and suffering.

There are many types of damages that result in payments to our clients. The most common are:

- **Medical Treatment**: You are entitled to reimbursement for the cost of medical treatment associated with the wreck, such as an ambulance, x-rays, hospitalization, surgery, chiropractic treatment, medication, and physical therapy. These costs may include expected future medical treatment. Compensation includes reimbursement for co-pays and other payments you made as a result of the wreck, payment directly to providers for unpaid medical bills, and reimbursement to your health insurance for treatment of your injuries.

- **Lost Income**: You may be entitled to compensation if you were out of work because of the wreck. This includes time while you were recovering, time away from work to go to the doctor, and can even include the loss of earning in the future if injuries are serious or cause disability.

- **Property Damage**: Reimbursement for damage to your motorcycle, leathers, and valuables.

- **Pain and Suffering:** You may be entitled to compensation for pain, suffering and disability that you suffered as a result of the wreck.

- **Emotional Distress:** Serious accidents are traumatic events. You may be entitled to emotional distress damages due to fear, anxiety, or sleep loss. This is sometimes treated as a component of your pain and suffering damage.

- **Loss of Enjoyment:** Compensation for the impact on enjoying day-to-day activities such as hobbies, exercise, and other recreation.

- **Loss of Consortium:** If your injuries have impacted your relationship with your spouse such as a loss of companionship or an inability to maintain an intimate relationship, you might be entitled to compensation for this loss.

Punitive Damages In Personal Injury Cases

In cases where the other party's conduct was extremely reckless or malicious, your award may include punitive damages. Awards for punitive damages are above and beyond those needed to compensate you. They are aimed at punishing and making an example of the wrongdoer.

What If I Am Partly At Fault?

We get this question a lot. Wrecks can be complicated. There's really nothing set in stone about how to determine fault.

Sometimes both sides are a little bit at fault, and then fault becomes a fluid conversation. It's an ultimate question of fact, and good lawyers will spend time to do a proper investigation to put together the best theory of fault.

Not every wreck is going to be as simple as a rear-end at a stop sign. What if the other driver ran a light, but your brakes were bad?

Who is at fault? The insurance adjuster may claim that you were partially at fault for the wreck because your motorcycle wasn't properly maintained. This becomes a question of comparative negligence for a jury.

In cases of comparative negligence, your compensation may be a percentage of your damages based on the degree to which you and the other person are considered liable.

In Kansas, we're a comparative negligence state. There is no formula for assigning the weight of responsibility. It's a matter of negotiation and experience in handling this issue. We know how to convince the insurance adjuster and argue your case in court.

If you've been in a serious accident, take the time to go see a lawyer about it. There are some circumstances where you may not think it would be worth making a claim – but by finding a competent lawyer perhaps a claim can be made.

The situations in which comparative negligence may come into play are many, but some examples include: whether you should bear partial responsibility for a head injury if you were not wearing a helmet; or when someone stops their car too abruptly, leaving you with no time to stop before crashing into them.

We have handled many of these complicated cases. We know what to do to show that you are entitled to compensation.

Wrecks Caused by Truckers

If you are hit by a truck when the driver is hauling cargo for business purposes, you may be able to recover damages from the company who hired the driver.

We will address unique issues if your wreck was caused by a semi-

truck or big rig. It is common for these collisions to involve multiple parties who share responsibility for injuries. These cases can get complicated.

Trucking companies are required to carry higher insurance limits because of the severity of injury and property damage that such a large vehicle can cause.

We examine all possibilities regarding your wreck and work toward the highest possible compensation for your injuries and damages.

We will research manufacturing defects and whether the truck was properly maintained. We will review the company's and the police officer's camera footage. We will investigate whether the company hired an unqualified or improperly licensed driver.

Distracted Drivers

Distracted driving is the leading cause of motor vehicle wrecks. A driver is considered distracted when doing something that diverts attention away from the road or from controlling their car. Common types of distraction are:

- Texting
- Talking on the phone or to a passenger
- Navigating with GPS or a map
- Eating or drinking
- Putting on makeup or shaving
- Adjusting the stereo

As part of our investigation of your claim, we look for signs the other driver was distracted. We review police reports and interview passengers. We can subpoena cell phone records.

Drunk Drivers

Holding drunk and drugged drivers responsible for their actions is one of our passions. In fact Matt Bretz has recently been appointed to the National Board of Directors for MADD, where we fight against drunk and drugged drivers on a national level!

We have experience holding drunk drivers accountable for the suffering they inflict on motorcycle collision victims and their families.

While a DUI is a criminal offense punished in criminal court, this does nothing to compensate motorcycle wreck injury victims or the families of those who have lost loved ones suffering from financial, physical and emotional hardships.

The at-fault driver in a drunk driving wreck can be held financially liable for any injuries, damages and losses suffered by a victim or their family. DUI injury victims and the families of deceased victimscan seek compensation for their losses, including medical bills, lost wages, rehabilitation costs, funeral expenses, future income and pain and suffering.

Please contact us to protect your best interests and legal rights in a drunk driving collision. We will fight aggressively to pursue maximum compensation for your injuries and losses.

Head Injury & Traumatic Brain Damage

Kansas does not require bikers to wear helmets. And head injuries and brain damage can still happen even when a helmet is worn.

We regularly handle motorcycle accident cases involving severe

and debilitating head injuries and aggressively fight insurance companies, ensuring that our clients recover the full and fair compensation they are entitled to.
Because head injury cases are usually quite serious, we work with esteemed neurologists, neurosurgeons, neuropsychologists, life-care planners and even economists to determine the full scope of your injuries so that you are not only compensated for past damages, but are protected for the future as well.

We have a full-time registered nurse on staff and will review your medical records, motor vehicle collision reports and other paperwork to build a case that ensures you receive the maximum recovery for your losses.

Wrongful Death

If you have lost a loved one in a motorcycle collision, consulting with an attorney may be the furthest thing from your mind – but doing so is the first step in protecting your family's future.

Following a fatal motorcycle crash, grieving families are often forced to face severe financial burdens, such as costly hospital and medical bills, funeral expenses and loss of income and benefits. This situation can be even harder to overcome if the deceased was the breadwinner of the family.

When a motorcycle wreck results in tragedy, the immediate family members or survivors may be able to pursue a wrongful death claim to recover damages.

Spouses, children, parents, siblings, or anyone else who was financially dependent on the deceased may seek compensation.

No amount of money can reduce your suffering or replace your loved one that was taken from you. However, getting the help

you need for childcare, household expenses, grief counseling or whatever else you need to help you through this transition can help ease the financial burden weighing heavily on your shoulders. We are dedicated to helping injury victims and families through the difficult time of losing a loved one by helping them recover maximum financial compensation for the damages and suffering they have endured because of someone else's reckless behavior.

Motorcycle Insurance Coverage

We have pursued dozens of cases over the years where our client has catastrophic injuries with hundreds of thousands of dollars in medical bills and lost wages, but the driver who caused the wreck only had $25,000 in insurance coverage. This doesn't come close to compensating someone for enormous bills, lost wages and permanent disability.

We get frustrated and angry when these things happen, so we want to educate everyone out there and make sure you have the right insurance. Don't let this happen to you.

Your insurance agent might not tell you everything you need to know. We want you to understand the insurance coverage that benefits you the most – so you can get it ahead of time – before you're in any kind of wreck. We can't stress this enough.

Uninsured/Underinsured Motorist Insurance

In Kansas, when you are involved in a wreck that was caused by another drivers' negligence, you have the right to seek damages from that person.

Typically, you do this by seeking compensation from the Bodily Injury (BI coverage) portion of their auto insurance policy.

Unfortunately, there are thousands of people across the state who do not have any auto insurance, or who do not have enough auto insurance. This is why Uninsured and Underinsured Motorist Coverage (UM/UIM) is so important.

For example, let's say you are on your motorcycle, headed down the road and out of nowhere someone turns left in front of you causing a collision. You did nothing wrong, but you now have injuries from the accident. You learn the driver who was at-fault had $25,000 coverage because that's the minimum required in Kansas. In this scenario, if you didn't buy higher UM/UIM coverage you will likely recover only $25,000 to compensate you for your damages.

You may be on the hook for enormous medical bills and expenses because the other driver was operating with minimum coverage and because you did not have sufficient UM/UIM limits to pay all of your own damages.

Get The Insurance You And Your Family Need

The alarming statistic is that the vast majority of Kansas drivers do not have any means to pay for injuries they have caused.

That's why it is in your best interest to purchase a motorcycle insurance policy that includes high UM/UIM limits. Although it is an extra premium the overall cost usually isn't significant and the peace of mind you will have, knowing that you are covered, is worth the added expense.

Insurance options can be confusing. Call our team for a free insurance review. We'll tell you what you need for your situation. And we'll walk you through everything you should ask your agent to get the right coverage for your family and your motorcycle.

A PERSONAL NOTE FROM THE AUTHOR

The best way to get to know me and find out why I love being a trial lawyer is to understand where I come from. I grew up with a single mother and three sisters and spent a lot of time with my grandparents. An inquisitive kid, my mom and grandparents pushed and challenged me, helping me develop a passion for learning. With their support I got my first job at the age of 11, earned the rank of Eagle Scout by 13, and then graduated college and started teaching classical and quantum physics at Kansas State University by the age of 20.

One of the side jobs I did as a kid was yard work for a local retired lawyer. I didn't know what lawyers did, but I admired this man and wanted to be like him. Physics and teaching intrigued me, but I could not get the idea of being a lawyer out of my mind.

I think there are three primary things that have made me who I am as a trial lawyer. The first was an opportunity to get out of Kansas and attend Pepperdine University School of Law in California on a scholarship. I didn't realize the importance of it at the time, but I received an education from one of the top law schools in the country. For me – a small-town Kansas boy – this was an eye-opening and horizon-expanding experience.

The second career-defining opportunity was lucking into a job during law school with the Los Angeles firm of *Erin Brockovich*, *Delta Force II* and *The Twilight Zone* fame, Engstrom Lipscomb & Lack. At Pepperdine I learned "the law," but at EL&L I learned how to be a trial lawyer, litigating aviation and catastrophic injury cases from around the globe.

The third, and by far the most formative event in my life, occurred on Valentine's Day in 1992. On that day my 16-year-old sister, Marlee, and two of her friends were delivering baskets of flowers when their car was struck by a train, instantly killing

all three of the girls in the car. Going through that devastation with my family at the time and in the years since has given me a personal understanding of the crushing pain suffered by those who have lost a loved one. Since then, I have devoted both my professional and personal life to helping those who have been seriously injured or who have lost a loved one, and to making the community a safer and better place to live.

My professional and personal lives bleed together. I am on the National Board of Directors for MADD with the singular goal of bringing an end to the mayhem caused by drunk and drugged drivers. I also volunteer time with the United Way, Red Cross, Interfaith Housing, ABATE, and the Training and Evaluation Center of Hutchinson.

Even after 30 years, I still enjoy teaching. As a trial lawyer I get to teach juries, insurance companies and sometimes defense experts. I've also been able to teach through the local community college, the Boy Scouts, and Sunday School. In recent years I have also started teaching trial lawyers from Seattle to Atlanta and every place in between at the Keenan Trial Institute.

I handle motor vehicle, medical malpractice, defective product and premises liability cases. I've been fortunate to receive accolades from CNN, Martindale-Hubbell, and AVVO, but the recognition most dear to me was a handwritten note from a client saying: "*You treat me like your only client, and I so appreciate that.*"

My wife of 28 years, Amy, and I have two compassionate and driven daughters, Lauren and Hannah. Lauren received her Master's Degree in speech language pathology in 2020 and works as an SLP with the Blue Valley School District in Kansas City. Hannah graduated from Kansas State University in 2021 with a degree in philosophy, with plans to attend Brooklyn Law School in New York this fall.

A Final Word

Anytime you have a legal question, we want you to call Bretz Injury Law. We will take the time to talk with you, so you know what to do.

Don't let prejudice in the legal system and insurance companies penalize you just because you ride a bike. We will fight for your rights and for what you are entitled to.

If you have been injured, we will help you get all possible insurance and assets – anything and everything you deserve. We have successfully settled complex claims and won hundreds of millions of dollars for injured clients and their families.

Getting the right insurance before you're in any kind of accident is important. We will give you a free insurance review and our Rider VIP Card.

We will listen, give you the right advice, clear up any questions you have, and help you prepare to meet with your agent to get the right coverage for yourself, your family, and your motorcycle.

Even if you think you're dealing with something that we don't handle, we will still give you or get you to the right advice. We've worked closely with many law firms over the years. If we cannot take your case, we will get you to the right firm to help you and your family.

Shouldn't you have a Motorcycle Injury Law Firm on your side?
Call (620) 662-3435 to get answers today.