

# The Road To Justice Starts Here

## MY EXPERIENCE HANDLING MY OWN

# property damage claim

By Jennifer Martinez Gibson

It was a cold morning in December. I was going about my normal, school drop-off routine, which consists of dropping off Brady at High School, and then returning home and heading back off to drop off Emé. Her school is just down the street. Two turns and we are there. There is only one light between the house and the school. But, that light is a very busy intersection. As we approached the light that morning, and as is usually the case on school mornings, there was a backup of traffic at the light. As I was approaching the turning lane, a car pulled out from the 7 Elbow and I swerved my lane. I had maybe a second or two to react and I immediately slammed on my brakes. However, there simply wasn't enough time, and this person's vehicle struck my driver side bumper.

Following the accident, the other vehicle and I immediately pulled into an adjacent business parking lot. Having been in two accidents before, one of which left my neck with permanent injuries, I was anxious and concerned. But fortunately, both Emé and I were physically fine. Emé did not even fully realize that we had been in an accident. I have to say, my SUV's safety systems did their job, and I was impressed. Again, I have been in two prior accidents, both of which I suffered injuries. This was the first time I was in an accident and was not injured. As I came to realize that we seemed to be physically ok, my attention turned to my vehicle. Unfortunately, the vehicle did not make out as well as we did.

I immediately called the Winter Park police department and reported the accident and asked that an officer come to the scene to document the accident. I then called my husband, as I needed him to come get Emé and finish getting her to school. Mike was there about a minute later. As we looked over our vehicle and the other guy's vehicle, we knew we were in for some significant repairs at a minimum. Mike went over to the other driver, and asked to get his insurance information. He gave them our info as well. When Mike returned to my vehicle a couple of minutes later, he had already figured out that this individual likely had the bare minimum insurance coverages. This individual had a fairly new Honda Accord. It was only a year or two old.

The police arrived about 15 minutes later. They talked to me and then to the other driver. Once that was complete, they went to their car for about 15 minutes and authored an accident report. The officer cited the other driver for invading my right of way. She was very nice and did not issue the gentlemen a citation, something Mike and I were fine with. The other gentlemen required a tow truck driver to tow his vehicle. My SUV was drivable, although the driver side door was not closing without this awful, metal grinding sound. All of my safety systems and warnings were also activated by the accident. So, there were more lights on in the car when I was driving than we had on the house at Christmas time.

Given the status of my SUV, when I got home, I turned my attention to getting my property damage claim rolling and in motion. The same would take about four days of phone calls back and forth between the other guy's insurance company and my own insurance company. Having just gone through this process myself, I thought it would be helpful to all of our clients to walk you through the steps I took, and why I took them. Like so many of you, my priority was getting the vehicle repaired and restored to its pre-accident condition; securing a rental vehicle for temporary transportation during the repair, and making sure to minimize my out of pocket expense for the same. After all, the accident was 100% not my fault. With one kid in elementary school and competitive dance, and the other in High School and Travel Hockey, our lives are constantly on the go, and we need two working vehicles just to get through an ordinary day.

So, let's start with some basics on property damage claims, and how this process works. By law in the State of Florida, every vehicle owner and driver is required to carry a minimum of \$10,000 in property damage liability coverage. This means that the person responsible for the accident should have at least \$10,000 to cover the property damage they cause. As you will soon see, that amount is very low and does not go very far with modern car repairs. What is also startling is that if there are multiple vehicles involved, there still is only \$10,000 in coverage available to all the claimants. Given that Florida only requires such a small amount of property damage liability coverage, it is highly recommended that you purchase property damage coverage under your own insurance policy. This type of coverage is referred to as "comprehensive," or "collision" coverage. Again, these are first party coverages, meaning they cover your damage, and not damage you cause to someone else. They also apply regardless of your own fault in an accident. Remember, property damage liability only applies to cover damage you cause to someone else. Comp or collision will cover your own damages. Comprehensive coverage will cover any damage to the vehicle from any source. Collision specifically covers damage to the vehicle from a collision with another vehicle. Again, both of these coverages are additional coverages that can be added to your own, personal motor vehicle insurance package. They will increase your premium cost. But, we highly recommend that you add this coverage. What follows is a good example of why you should.

After getting home from my accident, my first call was to the insurance carrier for the person that hit me. I called the general claims line and followed the prompts to report and open a claim. After a couple of automated prompts, I was connected to an adjuster. I supplied them with all the information regarding the Police Report, and my contact information. That adjuster opened a claim, established and gave me a claim number to reference for further calls and/or correspondence. The call ended with the adjuster agreeing to obtain the police report and to conduct their investigation to determine liability. You see, if you are going to have the at-fault person's insurance handle and pay for

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## otro viaje misionero humanitario

A CUBA

Por Juan Jose Rodriguez, Abogado de Enlace

Nuestro bufete de abogados patrocinó otro viaje de misiones a la nación de Cuba para ayudar a nuestros hermanos en esta hermosa isla.

El viaje fue en el primer mes de año 2024, porque estuvimos en par de ocasiones en el 2023, y cada vez vemos como la necesidad aumenta. Como lo mencionamos en artículos anteriores, como resultado de nuestros viajes constantes, hemos desarrollado relaciones estratégicas que esperamos faciliten y agilicen cualquier asistencia adicional a esta Isla, a solo 90 millas de nuestra costa. Ya estas negociaciones están más cerca para hacerse una realidad. El retraso en lograrlo es razonable, ya que estamos lidiando con una nación a la cual se le ha impuesto un embargo comercial por USA, y antes de realizar cualquier tipo de transporte de mercancía con fines de ayuda humanitaria, tenemos que estar seguros de que todo se está haciendo de acuerdo con lo estipulado por ambas naciones. Descamos también enfatizar que contrario a lo que algunos medios noticiosos nos informan sobre Cuba, fuimos recibidos con gran hospitalidad, tanto en el aeropuerto como con las autoridades del gobierno. Inclusive, en esta ocasión recibimos - en el lugar donde estábamos dando un evento para los niños - la visita de un agente de inmigración para verificar las razones de nuestra visita, y fuimos interrogados de una forma respetuosa y profesional, y en ningún momento el grupo que fuimos sentimos intimidados o con temor durante el proceso.

En esta ocasión, le dimos énfasis a los niños de la Habana. Pudimos entretener a la niñez del sector donde visitamos. El bufete de abogados les proporcionó pasteles (bizcochos), dulces y un programa especial. Aquellos que nunca han tenido la oportunidad de ir a un viaje misionero, le podemos asegurar que, si usted va, solamente con ver la cara de felicidad de uno de estos niños, es suficiente para sentirse que está haciendo una gran diferencia, un niño a la vez.

De hecho, desearé retar a nuestros lectores. Aunque sea solo una vez en su vida, le recomiendo que hagan un viaje de misiones, ya sea llevando el mensaje del evangelio o humanitario o educativo. Primeramente, les puedo asegurar, entre otras cosas, que esta experiencia le va a cambiar la perspectiva de como mira su propia vida. Hacemos años yo lleve a mis hijos más pequeños a unos 3 viajes misioneros- uno a Ecuador, otro a la República Dominicana y el último a Honduras. Sin tener que señalar, ni traer el tema, ellos se dieron cuenta por su propia experiencia lo privilegiados y bendecidos que estamos aquí en los Estados Unidos. Como, por ejemplo, antes de ir a los viajes misioneros mis niños al ir a comer a un bufete de comida, llenaban sus platos y realmente si tienen que dejar sobras, no le prestaban importancia. Después de ir a los viajes misioneros, solo se sirven exactamente lo que van a comer. No se sirven de más, solo lo que van a consumir. Mis hijos recuerdan como niños en estos lugares pasan hambre, y específicamente cuando en uno de los viajes Misioneros fuimos a comprar Pizza a los niños del Orfanato, que hacían unos 3 años que no comían pizza, cuando aquí en los Estados Unidos hay veces que los muchachos comen pizza hasta para desayuno. En resumen, les reto a que vayan a un viaje misionero o humanitario, y les puedo decir que lo más probable es que usted se de cuenta lo bendecido y privilegiado que estamos aquí en los Estados Unidos.

Deseo terminar con la misma observación que he escrito en otras ocasiones que el tema ha sido CUBA. Los ciudadanos en Cuba son valientes con mucha intrepidez. No importa cuál sea la crisis, están listos. De la misma manera que enfrentamos una escasez de alimentos y dificultades de inflación en Estados Unidos, Cuba está teniendo lo mismo que el resto del mundo. Sin embargo, están manejando esta crisis con una intrepidez inigualable y listos para el desafío que se avecina. Por supuesto, su fe en Dios y saber que Dios está en control, tienen mucho peso con este comportamiento. QUE DIOS BENDIGA A CUBA Y A SUS CIUDADANOS. ■

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your PD claim, you should realize that the carrier has no duty to do the same, until they investigate the accident and accept liability or fault for the same. Just because the police put that person at fault, that does not bind their insurance company to do the same. Now, how long does this insurance company get to make this determination? The answer, according to my husband is whatever is a "reasonable" time period, given the circumstances of the accident. (I know, this is a total lawyer answer). While a reasonable time period will vary from case to case, generally, an insurance carrier has 30 days by law to produce to an accident claimant a full copy of their insurance policy and any all defenses to coverage they believe apply. Here is where it can get even worse. Last year, the Florida Legislature passed a comprehensive Tort Reform Bill. As part of that reform, they passed a law that gives an insurance company 90 days to cure any alleged bad faith the carrier may have committed. So, let's say the carrier drags their feet getting a police report and accepting liability within thirty days, where it should have, they now arguably could have an additional 90 days to fix their prior screw up, and there is not very much you or your lawyer could do about it.

The good news is that when liability is fairly straight forward, and it is clear that one party is at fault, most carriers will quickly accept liability and start processing a Property Damage claim. In my case, the at-fault insurance company accepted fault within 24 hours of the accident. In the meantime, I had called my insurance company and opened a claim. I also contacted our insurance agent, who we purchase our policy through, to make sure there was nothing I missed. I also contacted our Mercedes Benz dealer. My vehicle is a lease that I will have to trade in in a few years. So, I wanted to make sure that I chose a repair shop that could repair my vehicle to Mercedes standards, and not affect my future trade in.

And here is where the fun began. Just like Mike suspected, the other driver had minimal property damage liability coverage, only \$10,000 in total coverage. From talking to a few repair shops, I already knew at that point that the repairs to my SUV would consist of likely having to replace the entire front bumper and the driver side door. This also meant that all 21 of the car's sensors and safety systems would have to be repaired and recalibrated. The whole frontend would also require repainting. While I did not know the exact estimate of cost on all of this, I was told by every provider that it would exceed the \$10,000 in available coverage. It would also require a rental car, for likely at least a month.

Knowing that the coverage to fix my car and obtain a rental was limited from the other side, and on the advice of my husband and our insurance agent, I quickly changed gears and decided to use my collision coverage on our own insurance policy, along with the rental coverage on our policy, to handle my property damage claim. Again, I had a few phone calls back and forth with both the at-fault carrier and our carrier before making this decision. Simply put, the coverage under my

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## ANOTHER TRAVEL HOCKEY SEASON AND THE memories we made

By: Attorney Michael T. Gibson

Our Travel Hockey team's season ended last month. For the first time since Brady and I joined in 2021, we failed to make the State playoffs. We suffered a number of injuries to key players in a tournament in January, and those injuries really affected us down the home stretch of the season. It's heartbreaking, considering we have been practicing and working towards the playoffs since April of last year. But despite the disappointment of missing the playoffs, Brady had an amazing season. He led our team in goals, and points, scoring 36 goals and 18 assists, in 35 games played. That means he averaged over a goal a game. We also managed to pick up our first tournament win in two years, winning a tournament in Clearwater in October. We traveled and played up and down the State, from Jacksonville to Palm Beach. We even ventured as far as Las Vegas. Through it all, #86 was clutch for the Bears.

As a coach, I love Brady as a player. He would jump through fire if that is what you told him it would take to win. But as his father, I am even more proud of the work ethic and passion I see developing in my son. I have seen him take ownership in the gym and in practices, and relentlessly push himself to get better. I also watched him try to put the entire team on his back and carry them to the playoffs, once the injuries to other key players occurred. For the last six games of the year, every team we played had one gameplan, stop #86 at all costs. The entire game, he would have three, sometimes even four opposing players on him, and they were all trying to hit as hard and as often as they could. Brady often took a beating, just to set up a play for a teammate. It was hard to watch as a parent sometimes. I didn't even let Jen come to the games. But seeing his willingness to sacrifice himself for his team, I could not be more proud of the son I have raised. He laid it all on the line, and played as hard as he could, right to the final whistle.

And so, we close the books on 14U hockey. Father and son will both be moving up together to the 16U team. Travel hockey season is sometimes a grind. I juggle a lot to make this commitment and to make everything work. But in the end, at most, I have three more seasons of doing this with him. It is a relatively short period of time. I try to cherish every moment of it. Congrats on a great season Brady. Keep working hard.

Here are some pics of some of the memories we made this season. ■

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policy to repair my vehicle was unlimited compared to there being only \$10,000 available from the other party. Given that it was the holidays, and we were all very busy, I also did not want to worry about obtaining and/or returning a rental vehicle.

So, within 48 hours of the accident occurring, I was able to speak to both insurance companies, open claims with both companies, get the at-fault carrier to accept fault and liability, evaluate all available coverages, get a preliminary assessment and idea on the repairs to my vehicle, and arrange to drop of my vehicle at a repair shop, and pick up my rental car.

Now, I have 20 years of experience working in accident and injury law, and I am married to the Auto Justice Attorney. So, yes, I have a wealth of experience and resources at my disposal in this situation. But in going through this process myself, and it has been about seventeen years since this last happened, it's funny how even I find myself confused at times by this process. I mean there is a lot of back and forth between different insurance companies. For me, it was probably about four hours of phone calls in the two days following the accident. And that is without there being any real liability issues. The sole issue was that this individual had very limited coverage and I had to decide between that limited coverage, or just using my own coverage.

Ultimately, I chose to just proceed under my own insurance coverage. And, given that the final bill to repair my vehicle was over \$21,000 that was the right call. Furthermore, I was in the rental vehicle for over 45 days. Our insurance policy, which carries very high limits and every coverage you can buy, only covered 30 days for payment of a rental vehicle. Honestly, neither Mike nor I knew of this limitation, but Mike found it in the fine print of our policy. We further had a \$2,000 deductible on our policy that we had to pay as well. So all in, we ended up about \$5,000 out of pocket, for an accident that was in no way our fault. A deductible is an amount of self-insurance that you choose under your policy, and is an amount the insurance company is not obligated to pay. Once a repair exceeds the deductible amount, the insurance kicks in and is fully responsible for the rest. You usually can choose your deductible amount. The higher the amount of the deductible, the more it will help lower your premium cost. However, we recommend choosing a deductible amount you know you could pay if you had to.

I also lost about 6-8 hours of time, between various calls, and emails between the insurance companies and the repair shop. I was in the rental vehicle for about 45 days, all through the holidays and most of January. At first I was in a Jeep. That wasn't really the vehicle for me. Fortunately, the rental place got a Volvo SUV within a week, and called me to see if I wanted to trade the Jeep for the Volvo. The Volvo was really nice, and I appreciated them getting me in a vehicle comparable to my own. The last step in this process is called subrogation, and what this means is that my insurance company is now going to present a claim to the at-fault party's insurance to be repaid for what they have paid out. Again, since they have limited coverage, I fully anticipate that the at-fault carrier will pay out the full \$10,000 in property damage liability. Since I have out of pocket expense associated with the accident, I submitted receipts for my out of pocket expenses to the carrier. What will likely happen is there will what is called a pro rata split of the \$10,000 between my insurance carrier and myself. I will probably get back about 20% of what I paid out, maybe \$1,000.00. This is because the total damages paid by my carrier is about \$21,000 and my out of pocket expense is around \$5,000. So, my claim about is about 20% of the total amount of damages. So my insurance company gets 80% of the available coverage, and I get 20%. Again, is this fair when you had no fault whatsoever in the accident? Probably not, but it is the best you can do under our current system.

And that is the full story of how I handled my Property Damage claim from the moment of the accident through conclusion. Now, what do you do if you don't have 20 years of experience in claims like this? And I am going to let you in on a secret in our industry. Almost all accident and injury attorneys do not want to deal with property damage. There are some simple, and actual good reasons why. First, there is almost always no mechanism for the attorney to get paid from a property damage claim.

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## MY EXPERIENCE HANDLING MY OWN property damage claim



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settlement. I would not have wanted to lose a third of my property damage repair, and most likely, no one else does either. But more importantly, attorney involvement in a straight-forward PD claim slows the process down. When it comes to getting your car fixed, you usually want to do this in the quickest and fastest manner possible. Some insurance companies will slow the PD process down when they have to deal with an attorney on the same. Again, this isn't all or even most, but some definitely do. What we have developed and used over the years at our firm is a guidance process that makes sure that your property damage claim is handled fairly and promptly resolved. When you open a case with our firm, our investigators will obtain all necessary information relative to the accident. The first thing they and our intake team do after they sign up, is they call the insurance companies and open all of the appropriate claims, just like I did following my accident. Once your claim is opened and in the carriers' system, we can get a property damage adjuster assigned. We will make sure, with both that adjuster and the adjuster from your insurance carrier, that the property damage claims are open and moving toward resolution. If you have first party coverage under your policy, we usually recommend proceeding with the same, as it is much faster than waiting for the other party's insurance. From there, we are likely to put you in contact with the adjuster handling the claim and make sure in follow up they get your claim streamlined. This is the quickest and easiest way we have found to get your property damage claim moving and resolved. We do not handle all of the process, but we greatly streamline it. Most of the 6-8 hours I spent on my claim, would be covered by what we have found for you. Compared to what we see other firms offer, which is not very much, we think this method expedites the resolution of these issues for our clients.

Property Damage claims can be another pain you suffer from being in a car accident. Don't let a property damage claim overwhelm or confuse you. At our office, we will make sure your property damage claim gets handled properly, and that the carrier does what it should. You don't have to have 20 years' experience or be married to the Auto Justice Attorney to get your claim handled and paid. All of our experience as well as the same systems I used on my own claim are available to you, through the systems our office uses to help clients daily. So, try to stay calm, and there is no need to overwhelm yourself. If at any point, you are confused or feel that an insurance company is not being fair, just give us a call and we will walk you through it.

Lastly, a big shout out to the repair shop. My SUV is back and as good as new. And to my husband for all of his help. I have to admit, I felt bad for the other guy the day of the accident. Mike rolled up to the accident like Darth Vader, and I am positive this guy recognized my husband, and was probably freaked out over his presence. Mike did a great job. Never once dropped a lawyer line, and even gave this guy advice on what to do with his own claims. After sixteen years of marriage together, I find that Mike is at his most dangerous as a lawyer when he is silent. This is usually where he is listening to every single word, and waiting for you to say the one thing that either proves his case or sinks yours. There is a certain look to him when in this mode, and I saw it that day. But he was great, and I appreciated him being there.

I really hope this is my last accident, and the last time I personally have to go through this process. But I know that most of you reading this have had to go through it, or know someone who will. I hope that sharing my experience will help others. I also really hope that the Legislature in Tallahassee reconsiders our current Auto Insurance laws, and changes the same to require more coverage. We need mandatory bodily injury coverage, and only \$10,000 of property damage liability coverage is simply not enough for most modern vehicle damage claims.

Finally, what is my recommendation when it comes to purchasing insurance? My advice is to make sure you purchase and add Comprehensive and Collision coverage to your own policy. Make sure you select a deductible amount that you could afford and pay if you had to on short notice. And please, make sure you purchase uninsured motorist coverage or "UM" for short. About 40% of drivers in this state do not have any bodily injury coverage. UM can save you from this situation. Purchase as much as you financially can afford. ■



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