

59 LEGAL DEFENSES AND ARGUMENTS *USED BY INSURANCE COMPANIES TO DEFEAT OR DIMINISH YOUR CLAIM*

1. Seat belts or other safety devices were available in vehicle but not used by you.
2. Equipment defects in your vehicle: Tires bald, brakes not working, tail lights not working, turn signals not working.
3. Your driving ability and perception was impaired by use of alcohol, medication or drugs.
4. You had a hearing or vision defect and weren't wearing glasses or a hearing aid.
5. You had other physical defects, i.e., epilepsy, headaches, sickness, etc., which impaired your driving ability and perception.
6. You were under doctor's orders not to drive.
7. You were not licensed to drive or were driving with a suspended license.
8. You did not notice the wrongdoer until impact or immediately before impact and therefore were inattentive.
9. Your recollection of times, speeds, distances, is so inaccurate as to indicate inattentiveness.
10. You exaggerated the wrongdoer's speed and other facts surrounding the accident so as to diminish your credibility which makes you an unreliable or unbelievable witness.
11. You had a warning of danger within a sufficient time to avoid the accident if you had been paying attention.
12. You could have avoided the accident if you had not been exceeding safe speed for conditions.
13. You made an unnecessary and unexpected stop.
14. You made an unsafe lane change without warning.
15. You gave no stop or turn signal.
16. You were backing up under circumstances and/or at a location where a reasonable person would have anticipated same or where it was difficult for wrongdoer to see same.
17. You were not in the intersection first.
18. If you and the wrongdoer were in the intersection at the same time, you were to the wrongdoer's left or exceeding speed limit or safe speed or inattentive.
19. Wrongdoer was acting as a "reasonable person" in the operation of their vehicle including safe speed for conditions and therefore is not negligent, i.e., wrongdoer's conduct was not the cause of the accident.
20. Act of God or unknown person was responsible for accident.
21. No independent witness found substantiating your version of accident or witness can be found (You, not wrongdoer, have the legal duty to prove by "preponderance of the evidence" each element of your case.
22. Witnesses dispute your version of the facts or substantiate wrongdoer's version.
23. Investigating police officer made errors in the police report or erroneous conclusions disputing your version of the accident.
24. Police were not summoned to scene inferring minimal or no injury.
25. No complaint of pain at scene of accident by you to anyone.
26. No indication on police report that you were complaining of pain at scene.
27. No objective signs of injury at scene of accident like cuts, bruises, etc.
28. No request by you at the scene of accident for an ambulance.
29. You did not get examined at emergency room day of accident or soon thereafter.
30. Minimal property damage to either vehicles involved.
31. No other persons involved in accident had injuries.

32. You received no treatment for a substantial period of time following the accident.
33. You made errors in recalling your medical and/or employment history to insurance company which can be "discovered" by defense during litigation.
34. No medical opinion substantiating medical causation between accident and your medical complaints.
35. You had made prior complaints and received prior treatment to the same areas of your body allegedly injured in the accident and your complaints after the accident have not changed.
36. You had a subsequent injury which was the cause of your continual problems instead of the accident and there was no treatment between first and second accidents.
37. You exaggerated your complaints related to the accident according to your medical records.
38. Your complaints to the doctor were minimal.
39. Your complaints to the doctor were bizarre, exaggerated, and lengthy per medical records.
40. Your complaints to one doctor differ from your complaints to other doctor(s).
41. You had full range of motion at physical examination.
42. You had no complaint of pain at physical examination.
43. You were observed moving normally when not being examined by a doctor.
44. Your family doctor's opinion was minimal injuries, no physical therapy or any other treatment was prescribed; nor did the doctor schedule an appointment for you to return or tell you to "return in a month if you experience pain." You did not see the doctor again.
45. Your injuries were totally subjective, i.e., no indication of injuries from x-rays, orthopedic tests or observation.
46. You received minimal treatment for minimal time period after accident.
47. Your doctor is no longer in the area or otherwise unavailable.
48. You had chronic-type complaints per past medical records or have unrelated medical problems such as arthritis or congenital problems such as spondylosis.
49. Cost of treatment was excessive and period during which you were treated was excessive in the light of standard charge for such services in the community and normal period of disability for such injuries.
50. You went to work contrary to your doctor's advice and thereby aggravated your injury and/or cause prolonged period of disability and/or treatment.
51. No doctor has stated that you would lose work time in the future.
52. You had a poor attendance record at work prior to accident.
53. You would have been terminated, on strike, or laid off even without accident.
54. You had no job at the time of accident and can't substantiate that you were applying for work.
55. You were paid by cash for prior employment and can't document past earnings and/or have no tax returns.
56. You let various "Statutes of Limitations" run, thereby foreclosing possibility of recovering anything for your claim.
57. You have a history of filing lawsuits for the purpose of collecting compensation.
58. You made a statement to the insurance company that you were not injured in the accident.
59. You were contributorily negligent and are barred from recovery.

AND...THERE ARE HUNDREDS MORE!

It is the Insurance Adjustor's job and duty to seek out and find as many defenses and arguments as possible in your case. The Adjustor will question you carefully. It all starts when the adjustor wants to *"take your statement."*

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