

HOLDING WRONGDOERS ACCOUNTABLE

A Legal Rights Guide for the Injured



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A SEVERE INJURY can be devastating, and nothing is more devastating than the loss of a loved one. When the injury or loss is due to the fault of another, justice demands that the wrongdoer be held accountable.

Enshrined in the Bill of Rights of the U.S. and California constitutions is the means of holding wrongdoers accountable: every citizen's right to jury trial in civil cases. This is the right that safeguards all other rights. As explained by James Madison, the right to "trial by jury in civil cases is essential to secure the liberty of a people." No matter how wealthy or powerful the wrongdoer, we each possess the right to file a lawsuit, to present our case to a jury, and to ask that the jury render justice.

This is where Dolan Law Firm can help. With compassion, respect, and integrity, our attorneys help injured persons have their cases heard before juries and obtain justice. Should you or a loved one suffer a serious injury due to the fault of another, I hope this guide assists you in understanding your rights under the law.



Christopher B. Dolan,
*Founder & Chief
Legal Counsel,
Dolan Law Firm, PC*



Personal Injury Law in a Nutshell



*You have probably
heard the term
"personal injury."
What does it mean?*

The phrase "personal injury" refers to physical and psychological injuries and financial losses. To get compensation for a personal injury, you must be able to prove three things:

- The defendant was at fault
- You were injured
- The defendant's liability was a substantial factor in causing you harm

Liability means fault in a civil action. Liability arises when someone is negligent.

Negligence means failing to use reasonable care under the circumstances resulting in foreseeable damage or injury to another. For example, a motorist who ran a red light and struck a pedestrian in a crosswalk would be negligent and liable for the injuries the pedestrian suffered even though the motorist did not intend to strike the pedestrian.

The monetary damages in a personal injury lawsuit that can be recovered include compensation for:

- Past and future physical pain and suffering, mental anguish, and physical impairment
- Past and future hospital, medical, and incidental expenses
- Past and future lost wages and lost earning capacity
- Punitive damages in cases of egregious wrongdoing

If a person has died as the result of another's negligence (called a "wrongful death"), family members can seek compensation for the loss of the decedent's love, companionship, and affection, the financial support (salary and wages) the decedent would have provided, and hospital, funeral, and burial expenses.



UBER/LYFT CAR ACCIDENT 101

You Have Questions, We Have Answers

THE DOLAN LAW FIRM is one of the most experienced and successful law firms in the nation for representing persons injured in traffic accidents involving Transportation Network Carriers—or TNCs—the legal term for Uber and Lyft and similar application-based carriers.

Our pioneering work in the Sophia Liu lawsuit, the first case against Uber for the wrongful death of a pedestrian, played a central role in establishing, in California and nationwide, that TNCs were responsible for injuries and deaths caused by their drivers.

Chris Dolan and the Consumer Attorneys of California worked with the Legislature in Sacramento to pass the first bill in the U.S. requiring TNCs to carry liability insurance. The law, codified in California Vehicle Code Section 5430, mandates that TNC companies must carry \$1 million in liability coverage for their drivers. Here are some questions and answers about how the law works:

1 I was a passenger in an Uber car and was injured in an accident caused by the Uber driver. Can I sue the driver? Can I sue Uber?

Yes, you may bring a case against both the driver and Uber. Keep in mind, though, even if the Uber driver was at fault and has an auto insurance policy, he or she may have no assets to pay for your damages. Under the Vehicle Code, personal auto policies do not provide coverage for drivers engaged in commercial operations such as carrying passengers in exchange for compensation.

This is why the \$1 million in insurance coverage Uber must carry for death, personal injury, and property damage caused by their drivers is so important. The \$1 million covers claims arising from the moment the driver accepts a ride request on the Uber app to when the driver completes the transaction on the app or until the ride is complete, whichever is later.

2 I was a Lyft passenger and injured in an accident. The collision was the fault of the other driver, not the Lyft driver. The other driver has no insurance. What can I do?

Lyft and Uber passengers can make a claim against the TNC company's insurance, even when the collision was caused by another driver who lacked insurance or had a bare bones policy. This type of insurance is called uninsured and underinsured motorist coverage. Vehicle Code section 5430 requires that Uber, Lyft, and other TNC companies carry \$1 million in uninsured and

underinsured motorist coverage for passengers. The coverage applies from the moment a passenger enters the vehicle until the passenger exits the vehicle or the transaction is complete, whichever comes later.

3 I was injured in an accident caused by an Uber driver, but I was not a passenger in the car. Can I sue Uber and the driver to obtain compensation for my injuries?

Yes, you may file a lawsuit against Uber and the driver to get access to their insurance. The Dolan Law Firm has represented bicyclists, pedestrians, and occupants of vehicles struck by negligently operated Uber and Lyft vehicles.

If the accident occurs between the time the Uber driver logs on but before a ride is accepted, the insurance coverage is limited to \$250,000 per person and \$300,000 per occurrence (meaning for all injuries caused to all parties injured by the driver's negligence). If the Uber driver has accepted a ride request and is either in route to collect the passenger or is transporting a passenger, then there is \$1 million in coverage.

Please note, the preceding answers are intended to provide general information on the law pertaining to insurance coverage Uber and Lyft must carry. Every accident can raise its own facts and legal questions. If you were injured in an Uber or Lyft accident, contact the Dolan Law Firm at 415-421-2800 for a free, no obligation case review.





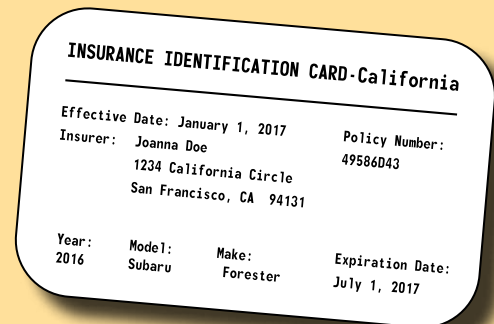
Practical Tip:

ALWAYS PURCHASE UNDERINSURED AND UNINSURED MOTORIST COVERAGE

When you think of insurance, you may think of liability insurance. It protects your assets if you are at fault for an accident and you hurt someone or damage someone's property. However, liability insurance does not protect you from damages you suffer in an accident that is someone else's fault. That's where uninsured/underinsured motorist coverage applies. It protects you, your family, and your passengers from mistakes made by other drivers.

Here is how it works: If you get hit by someone who has no insurance or inadequate insurance, uninsured/underinsured insurance picks up the difference, to the level of coverage under your auto policy.

Studies show that 25% or more of Californians drive without insurance and have no other assets. Through no fault of your own, you could be financially devastated following a serious car crash if your



insurance policy lacks coverage for uninsured/underinsured motorists.

Uninsured/underinsured coverage will compensate you for past and future medical expenses, lost wages, and physical and emotional pain and suffering. Uninsured/underinsured coverage even provides protection if a careless car driver injures you or a close family member while walking, riding a bicycle, or simply standing on the sidewalk.

Uninsured/underinsured insurance is one of the most important, and least expensive, forms of auto insurance. Make sure you have it as part of your motorist coverage.

Safety Alert:

PUT DOWN THE MOBILE PHONE WHEN DRIVING

Distracted driving is a serious, nationwide public safety issue. In 2013, 3,154 people, or nearly 10% of all people who died in vehicle crashes in the U.S., were killed in crashes involving a distracted driver, according to the National Center for Statistics and Analysis. The same year, 424,000 people were injured in motor vehicle crashes involving a distracted driver, an almost 10% increase since 2011.

Texting while driving increases your chance of being in a crash by 24 times. It takes 4.6 seconds to read or type the average text message. In just 3 seconds at 65 mph, a car travels 100 yards, or the length of a football field. Most crashes happen with less than 2 seconds of reaction time.





RENTERS HAVE RIGHTS: PREMISES LIABILITY EXPLAINED

Can I Sue My Landlord for an Injury I Suffered on the Property?

by Christopher B. Dolan

Q: Sophie from South San Francisco writes: “I moved into an apartment and was taking the trash out at night. Because the overhead light was out, I didn’t see that there was a curb outside the rear door leading to the dumpster that had been built by the owner to keep the dumpster from rolling. I tripped, fell, and broke my ankle. Is my landlord at fault?”

A: Sophie, I am sorry to learn of your injury. You raise a very good question. And, like many questions in the legal world, the answer is “it depends.” There are many factors to consider in deciding whether you have a viable claim.

In general, every property owner—whether the owner of an apartment building, supermarket, movie theater, or shopping mall—has a duty to use reasonable care to maintain that property in safe condition, or, alternatively, to warn of any dangers to persons using or visiting the property. Property owners must use reasonable care to discover any unsafe conditions and to

repair, replace, or give adequate warning of that unsafe condition. If they fail to do that, and it causes injury, a person may bring what is called a “premises liability” lawsuit.

In your case, there are two potential issues. First, the light being out in the garbage area created a potentially dangerous condition. Also, the curb, depending on how it is configured, could be a dangerous condition.

As it relates to the curb, generally, its height and depth would have to comply with the applicable building codes including ADA access requirements. Also, its

visibility could be an issue (i.e., color, reflective coating, etc.). Likewise, if it was uneven, had been broken or otherwise damaged, the curb itself may be considered a dangerous condition.

The lighting question is a little more interesting from a legal perspective. If the lack of illumination made it particularly difficult to see the curb or to otherwise negotiate that step, then that could be a dangerous condition. If the lights went out just that night, it is unlikely that the landlord would be held liable because there was insufficient time to learn/know about it and replace the light. If the landlord was aware that the light was out, and had time to replace it, but failed to do so, and the lack of light caused your fall, the landlord may indeed be held responsible for the damages you suffered.

Even if the landlord did not have “actual knowledge” that the light was out, he or she may still be held liable. The property owner has an



affirmative duty to inspect, or take other means to learn of, the condition of the property. Because of that, it would be important to find out how long the light had been out.

If the landlord failed to inspect, or otherwise check the property, including, as in your case, the lighting, and if he or she would have, through reasonable diligence, discovered the dangerous condition, the owner may be held at fault.

Ask your landlord about coverage under his or her insurance policy for medical payments. Many insurance policies covering property have a no-fault provision

providing an injured individual money to help pay for medical expenses.

You should take photographs of the condition, try and establish how long the light had been out and whether anyone had reported it to the owner or manager. Given the complexity of the situation, please call the Dolan Law Firm at 415-421-2800 for a free, no obligation review of your case.

Christopher B. Dolan writes a weekly column on the law for the San Francisco Examiner and SF Weekly. Email Chris at help@dolanlawfirm.com and ask him your legal question.



FOCUS ON SENIORS: Know the Warning Signs of Elder Abuse and Neglect



WHAT SHOULD YOU DO IF YOU SUSPECT ELDER ABUSE?

FIRST, if a senior's health is in danger, call 9-1-1 to obtain medical care and alert the police. Elder abuse is a crime.

SECOND, document and photograph the senior's physical and living conditions, and then report the abuse. Visit our website at DolanLawFirm.com/reportelderabuse to find the appropriate local regulatory agency to contact.

THIRD, make formal complaints to facility supervisors. Document the dates you called and who you spoke with. Keep copies of all correspondence.

FOURTH, contact the Dolan Law Firm at 415-421-2800 or dolanlawfirm.com. An attorney experienced in handling elder abuse cases will review your case for free.

The amount of abuse and neglect in our nation is shocking. Nearly 10% of Americans age 60 and older have experienced some form of elder abuse, according to the National Center on Elder Abuse.

A key challenge to stopping elder abuse is that often those in a position to assist do not know the warning signs of elder abuse. One study found that only 1 in 14 cases of elder abuse are ever reported. Knowing what to look for can help ensure that your loved ones are not abused by those entrusted with their care:

- Bedsores, also called pressure sores or pressure ulcers. These are injuries to skin and underlying tissues resulting from prolonged pressure on the skin. Bedsores most often develop on skin that covers bony areas of the body, such as the heels, ankles, hips, and tailbone.
- Bruises, scratches, blisters, or pinch marks.
- Burns caused by ropes, restraints or scalding water.
- Failure to change sheets, undergarments, or bandages.
- Financial exploitation and fraud.
- Improper or excessive restraints resulting in injuries.
- Lack of supervision that leads to falls or injuries from falling.
- Malnourishment or dehydration.
- Overmedication: excessive use of anti-psychotics, sedatives, or other prescription drugs to "chemically restrain" or punish.
- Poor hygiene, including unwashed, uncombed or matted hair, unkempt appearance, poor skin condition, and untrimmed nails.
- Refusal to answer calls for reasonable requests for assistance, such as helping the senior use the bathroom.
- Repeated injuries inconsistent with explanations.
- Sexual assault.
- Stealing property, money, or checks.
- Untreated medical conditions.



what to do after a serious collision



Here are the steps we recommend you take to protect your health and safety, make sure the police fairly investigate the accident, and safeguard your legal rights if you are in a serious traffic collision.

➤ GET OUT OF THE ROAD

If you are in the roadway, and can move without risking further injury to yourself, move or ask for assistance in moving to the side of the road.

➤ PRIORITIZE YOUR HEALTH

If you suffered an injury requiring medical care, call 9-1-1. If you cannot, ask someone to make the call for you. If another person was injured or killed, you must call 9-1-1 and provide reasonable assistance.

➤ GET THE LICENSE PLATE NUMBER

California law requires all drivers, even those not at fault, to exchange information after a traffic collision. If a driver refuses to remain at the scene of the accident until the police arrive, write down the vehicle license plate number and a description of the vehicle. If possible, use your cell phone to take photos of the vehicle.

➤ GET THE DRIVER'S INFO

Ask the driver for his/her phone number and to inspect his/her driver's license. Write down the driver's name, current address, and date of birth. Get insurance information (name of insurance company and policy number) plus vehicle registration information, including the vehicle license plate number. You may also photograph this information.

➤ GATHER EVIDENCE

Do not rely on the police officer to obtain information. If you are injured, ask a bystander to assist you:

- Get the names and contact information of witnesses.
- Take photos of the crash scene and your injuries.

➤ GET THE POLICE OFFICER'S INFO

Write down the police officer's name, badge number, and contact information. Ask the officer to take an incident or traffic collision report if he or she has not already done so.

➤ TELL YOUR SIDE

Provide the police officer with your version of what occurred at the scene. If you suspect a driver was intoxicated, texting or distracted in another manner or speeding, be sure to tell that to the officer.

➤ GET THE POLICE REPORT

Ask for a copy of the police officer's report. If that is not available, ask for a receipt with instructions on how to obtain a copy of the report.

➤ PRESERVE EVIDENCE

If you were on a bike, preserve your bike in its damaged state and any evidence of your ride, such data from a GPS tracking application. Do not attempt to ride your bike after the accident unless you are absolutely sure your bike is structurally sound and you are in good enough physical condition to continue riding.

➤ DOCUMENT WHAT HAPPENED

As soon as you are able, write down in as much detail as possible what happened. Save your notes along with photos of the crash and your injuries, information on the driver and

witnesses, the police report, and any hospital and medical reports.

➤ NEED MEDICAL CARE?

If you did not need to go to a hospital right after the crash but you suffered an injury—even a minor one—it's important to seek medical treatment. Some injuries may not manifest until days after the collision. Report all pain, discomfort, stress, or anxiety you are suffering to your doctor. If you end up seeking compensation, you will need medical documentation of your injuries.

➤ BE CAUTIOUS IN SPEAKING TO THE DRIVER'S INSURANCE AGENT

You are not obligated to speak to the driver's insurance agent. The agent will likely try to convince you to settle your claim right away. Keep in mind it is the mission of insurance companies to avoid or minimize claim payouts. The conversation will likely be recorded. The agent may try to get you to make statements that put you at fault for the accident or minimize the damages you suffered. The agent may also seek authorization to obtain your medical records.

If your injuries are serious, we highly recommend that you do not speak with the insurance agent for the driver nor sign any documents. Talk to an experienced injury attorney first.

➤ CONSULT AN ATTORNEY

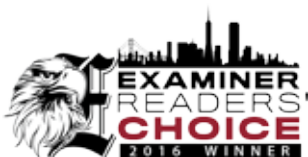
If you suffered a concussion, fractures, or any other serious injuries, contact the Dolan Law Firm at 415-421-2800 or toll free at 1-888-545-9519. Only by talking to an attorney who represents your interests can you know the true value of your case and ensure that you receive the full compensation allowed under the law for the damages you suffered.



Awards & Recognition



2016 Best Injury Lawyer:
Chris Dolan



BEST LAW FIRM 2016



About Our Firm

One of California's premier plaintiffs' law firms, the Dolan Law Firm PC represents clients throughout the San Francisco Bay Area and across California from its offices in San Francisco, Oakland, and Marin. Possessing a "history of winning multi-million dollar verdicts," as noted in the *San Francisco Business Times*, the Dolan Law Firm has recovered hundreds of millions of dollars for its clients in settlements and jury verdicts.

"At the Dolan Law Firm, we say 'we are the best lawyers we hope you'll never need.' We take great pride in obtaining justice for our clients and holding the powerful accountable," says Christopher B. Dolan, who founded the firm in 1995 and has been recognized by *U.S. News*, *Best Lawyers*, *Super Lawyers*, and the *Daily Journal* as one of the very best injury and plaintiffs' attorneys in all of California.

The attorneys at the Dolan Law Firm work as a team under Christopher Dolan's supervision, drawing upon their considerable collective knowledge of the law and trial skills, as well as the firm's substantial financial resources and access to experts, to provide each client with superior legal representation.

We handle all types of serious injury and wrongful death cases. Many of our cases are brought on behalf of car drivers and passengers, Uber/Lyft riders, motorcyclists, pedestrians, and bicyclists injured by other drivers. We represent passengers injured while riding on MUNI, BART, AC Transit, Golden Gate Transit, SamTrans, and other public transit. In addition, we represent employees challenging discrimination, harassment, retaliation, and wrongful termination.

We welcome your inquiries. We will evaluate your case for free, confidentially, with no obligation on your part. Visit us online at dolanlawfirm.com or call us at 415-421-2800 or toll free at 1-888-545-9519.

We have recovered
**hundreds of
millions** for our
clients including:

\$16 million
pedestrian collision

\$6 million
head on collision

\$6 million
dependant/adult abuse

\$5 million
bicycle/motorcycle accident

\$2.5 million
motorcycle collision case



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