29 LEGAL DEFENSES AND ARGUMENTS

Used By Insurance Companies to

DEFEAT OR DIMINISH YOUR CLAIM

Injured on the go?
JustCallMoe.com

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By Moses Dewitt

JustCallMoe Injury & Accident Attorneys

**If you've been injured,
get immediate help right now!**

1-800-CALL-MOE

ABOUT THE AUTHOR

Moses Dewitt

Moses DeWitt is an attorney with JustCallMoe Injury & Accident Attorneys who has recovered millions for his clients.

As an advocate for the injured, he has fought insurance companies and large corporations to get his clients the compensation they deserve. He is a regular commentator for many media outlets in Florida, including The News Junkie on Real Radio 104.1 FM and The Bone 102.5 FM.

His sound legal advice has also been utilized by national media outlets, including Newsweek. After graduating from Winter Park High School, he went on to Emory University in Atlanta, Georgia, to receive his undergraduate degree in Political Science and to Florida State University College of Law to receive his Juris Doctor.

In addition to serving his accident clients, Moe founded the non-profit, Helmet Heads of Florida, to provide helmets to children throughout Central Florida. Helmet Heads of Florida works to help prevent minor children from suffering traumatic brain injuries, which are almost fully preventable by utilizing the proper safety gear.

Moe believes that the job of injury attorneys is to make the world a safer place. To date, Helmet Heads of Florida provided over 2,000 helmets to the children of Central Florida.

LET'S FACE IT...YOU'RE NO MATCH FOR THE PROFESSIONAL INSURANCE ADJUSTER

Do Not, I Repeat, Do Not, give statements to the party's Insurance Company until you have talked to one of our attorneys. Do not sign any written papers until you have talked to us. You may be signing a medical release. You should realize that you are up against a highly trained professional. The Insurance Adjuster represents the Insurance Company. The Insurance Adjuster is paid by the Insurance Company and the Insurance Company owes a duty to the Insurance Company to find ways to save the company money. You should always know your legal rights before giving a statement to an Adjuster. It is also always dangerous to have someone record you.

With all that said, please call my office at 1-800-CALL-MOE BEFORE you sign or give any statements to the adjuster! (The call is 100% FREE).

On the following pages, you'll find 29 defenses and legal arguments I've seen the Insurance Companies use against accident victims. Whether you know it or not, when it comes to YOU getting what you're rightfully owed, the Insurance Company will fight tooth and nail to defeat or diminish your claim!

01

Seat belts or other safety devices were available in vehicle but not used by you.

02

Equipment defects in your vehicle: Tires bald, brakes not working, tail lights not working, turn signals not working.

03

You had a hearing or vision defect and weren't wearing glasses or a hearing aid.

04

You had other physical defects, i.e., epilepsy, headaches, sickness, etc., which impaired your driving ability and perception.

05

You were not licensed to drive or were driving with a suspended license.

06

You did not notice the wrongdoer until impact or immediately before impact and therefore were inattentive.

07

Your recollection of times, speeds, distances, is so inaccurate as to indicate you were inattentive.

08

You exaggerated the wrongdoer's speed and other facts surrounding the accident, which diminishes your credibility and makes you an unreliable or unbelievable witness.

09

You had warning of danger within a sufficient time to avoid the accident if you had been paying attention.

10

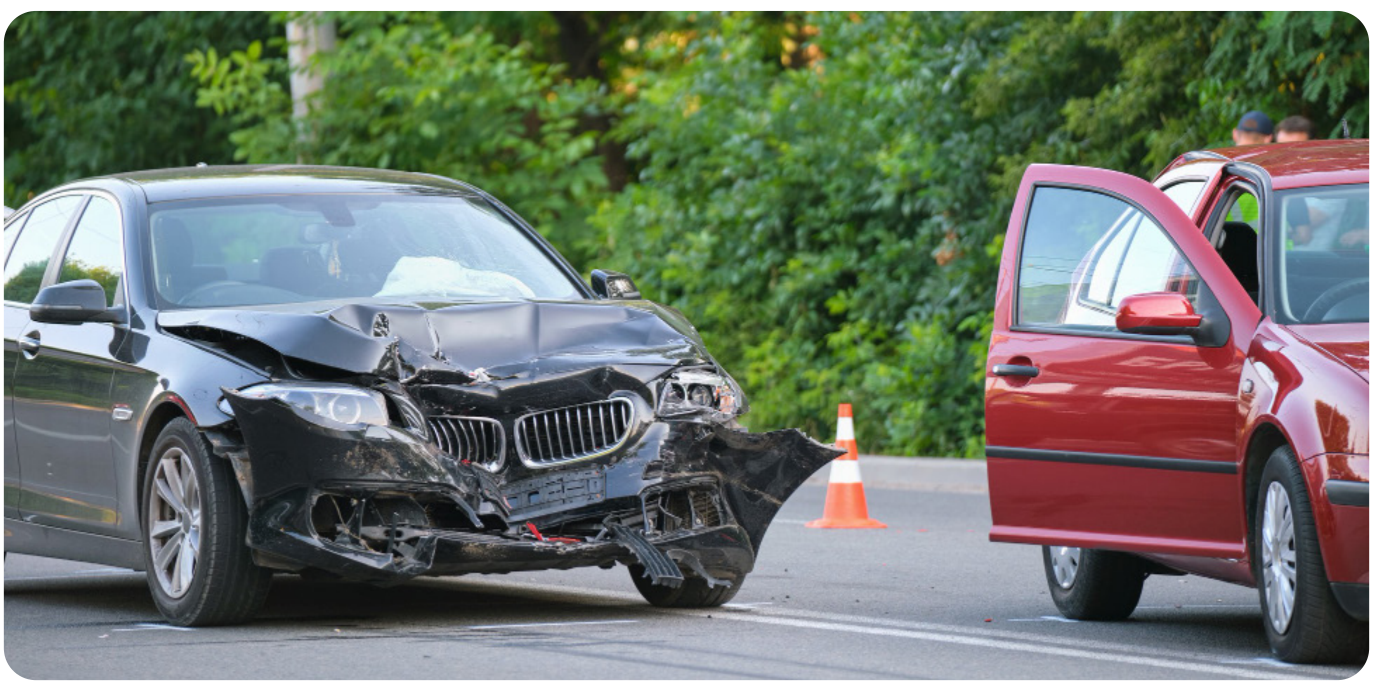
You could have avoided the accident if you had not been exceeding safe speed for conditions.

11

You were not in the intersection first.

12

Wrongdoer was acting as a "reasonable person" in the operation of their vehicle including safe speed for conditions and therefore is not negligent. For example, the wrongdoer's conduct was not the cause of the accident.



13

No independent witness was found substantiating your version of the accident. (You, not the wrongdoer, have the legal duty to prove by "preponderance of the evidence" each element of your case.)

14

Witnesses dispute your version of the facts or substantiate wrongdoer's version.

15

Investigating police officer made errors in the police report or erroneous conclusions disputing your version of the accident.

16

Police were not summoned to the scene inferring minimal or no injury.

17 No complaint of pain at the scene of the accident by you to anyone.

18 No indication on police report that you were complaining of pain at the scene.

19 No objective signs of injury at the scene of an accident like cuts, bruises, etc.

20 No request by you at the scene of an accident for an ambulance.

21

You did not get examined at the emergency room on the day of the accident or soon thereafter.

22

No other persons involved in the accident had injuries.

23

You had 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.

24

Your complaints to the doctor were minimal.

25 Your complaints to the doctor were bizarre, exaggerated, and lengthy per the medical records.

26 Your complaints to one doctor differ from your complaints to other doctor(s).

27 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.

28

Your injuries were totally subjective, i.e., no indication of injuries from x-rays, orthopedic tests or observation.

29

You received minimal treatment for a minimal period of time after the accident.

AND...THERE ARE MANY, MANY MORE!

It is the Insurance Adjuster's job and duty to find as many defenses and arguments as possible against your case. The Adjuster will question you carefully. It all starts when the adjuster wants to "take your statement."

Once again, I repeat, DO NOT sign anything and DO NOT give any statements until you speak with someone at my office FIRST.

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This call is 100% FREE!

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