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Factors Affecting Motorcycle Accident Case Settlements

Accurately predicting the value of a motorcycle accident claim is difficult, but there are some core considerations that can shape a settlement offer.

Motorcyclists are sometimes behind the eight ball from the outset. Studies have shown that many people have an unfavorable view of motorcyclists, including jurors. Jury awards are generally lower for motorcyclists than passenger-car claimants, a fact that hasn't escaped the attention of insurance adjusters, who may reduce settlement offers.

Obviously the extent of damages and injuries influences the amount of a case settlement. Another key component is determining how likely it is that the defendant will be found liable. If liability is questionable, the defendant may roll the dice in court. If they win, the plaintiff gets nothing. Therefore, a settlement offer will be lower. If the plaintiff's case is solid, a defendant might not risk going to trial, where, if the defendant loses, the plaintiff's award will be greater. This leverage will likely result in a higher settlement offer.

A plaintiff who was physically active prior to an accident—and whose “quality of life” has been curtailed by his/her permanent injuries—will generally have a higher case valuation than someone who was not as active. In addition, if a person's permanent disability does not affect their livelihood, their lost earnings award will be diminished.

If a defendant has few assets, the plaintiff will likely only receive the limits of the defendant's auto insurance policy—in a settlement or verdict. In some cases that will fall short of the total damages.

If you have been injured in a motorcycle accident, contact a motorcycle accident attorney to protect your rights. •

June 2017 News



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Water Park Injuries and Liability

If you're looking for a refreshing, exhilarating, and fun family outing, a water park fits the bill. Keep in mind, however, that there are no federal regulations in place to monitor the safety of water parks. State or local agencies will be in charge; some states have no government ride inspection program at all.

Unfortunately, amidst the splashing and frolicking, injuries sometimes occur.

Not surprisingly, slip-and-fall injuries are common—wet concrete elevates the risk of a tumble. Waterborne pathogens can sometimes infect park guests, in particular young kids and seniors. Drownings are rare but they happen.

A water park can be held responsible for injuries if their actions or inaction led to unsafe conditions. Improper equipment maintenance; operator error, including inattentiveness or being under the influence of alcohol or drugs; and inadequate testing of rides/attractions fall under the umbrella of ownership responsibility. It is also the duty of ownership to post warning signs and ride instructions throughout the park.

Manufacturers of ride equipment may sometimes be liable for defects or poor recommendations on ride usage. Other parties involved in the design, assembly, construction, or installation of rides may be held responsible as well.

Patrons have a duty to understand the inherent risks involved in water-park activities, exercise good judgment, and act responsibly. Even though patrons may be asked to sign a waiver of liability prior to entering the park, these waivers are frequently not an ironclad defense against a park's liability.

If you are injured at a water park due to negligence, contact a personal injury attorney to protect your rights. •

Scientists Excited About CRISPR

A gene-editing technology called CRISPR enables scientists to home in on a specific part of a genome to cut, copy, or replace pieces of DNA, whether bacterial or human. The CRISPR technology may give geneticists the ability to accurately replace or alter a few faulty genes to cure a host of ailments, from lactose intolerance to cystic fibrosis.

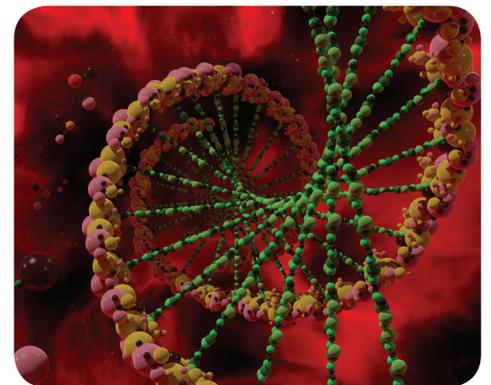
The CRISPR system has also been modified—dubbed SHERLOCK—to detect the products created by genes. By recognizing the substances that viruses and bacteria produce, SHERLOCK can detect even a hint of active infection. It can also distinguish between viruses, determine how much of a virus is there (its intensity), and detect mutations pointing to cancer through blood, urine, and saliva samples. For some cancers, these are being referred to as “liquid biopsies.”

SHERLOCK can provide results far more quickly than current tests. Current tests take several days to culture bacteria and viruses to confirm their presence. SHERLOCK tests require only 30–60 minutes, giving doctors a head start in treating a condition.

It is anticipated that SHERLOCK will be a major player in the battle with antibiotic resistance by giving advance notice when a patient's infection is becoming or is already resistant to antibiotics. A doctor can immediately change the medication game plan.

The CRISPR/SHERLOCK system should be easily accessible and relatively inexpensive, making it ideal for low-resource countries. Ebola and Zika, among other diseases, could be more easily contained; those afflicted would be treated more quickly.

There are still significant hurdles that must be cleared before CRISPR/SHERLOCK is ready for general usage, but testing on humans has already begun. •



Truck Rollover Accidents



Dangerous tractor-trailer rollover accidents—which occur when a truck flips over while moving—are frighteningly common on our nation’s roadways. Because the wheels have left the ground, the vehicle is totally out of control. Other motorists on the roadway are in jeopardy, as well as objects that happen to be in the runaway truck’s path. In addition, cargo may go flying, possibly striking other vehicles or posing obstacles on the road that may prompt evasive maneuvers...and more accidents. Not to mention, hazardous/toxic payloads can trigger widespread injury and property damage miles from the original accident site, and perhaps long after the incident has occurred.

June 2017 Important Dates

June 2
National
Doughnut Day

June 5
World
Environment
Day

June 14
Flag Day

June 18
Father’s Day

June 21
First Day of
Summer

The most common causes of tractor-trailer rollover accidents include:

- **Improperly loaded trailer.** If a load’s weight is not evenly distributed or properly secured, it may shift while traveling and result in a rollover.
- **Speeding.** The higher the speed, the more potential for rollovers. Rounding a curve or turn too quickly, a shifting load, or hitting an object on the road is all it takes.
- **Wind.** Tractor-trailers are long and broad, making them more susceptible to the effects of wind gusts. High-wind warnings should be heeded.
- **Careless and reckless driving.** This includes a driver’s lack of understanding how to drive his/her rig, impatience, or driving under the influence or while sleep-deprived.
- **Improper maintenance.** Underinflated tires or a damaged suspension can cause a truck to tip over on sharp curves, steep downhill grades, or uneven road surfaces.

If you have suffered injury due to the negligence of a truck driver or trucking company, contact an accident attorney to protect your rights. •



Did You Hear?

Believed to have been the last-surviving person born in the 1800s, 117-year-old Italian woman, Emma Morano, passed away in April.

Morano, whose life spanned three centuries (think about that for a moment!), credited her longevity to her diet and getting lots of sleep. Among the items she ate every day were two eggs – one raw and one cooked – as well as biscuits, milk, pasta and minced meat.

She typically went to bed before 7 p.m. and would get up before 6 a.m. •

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Avoiding Home Foreclosure

Teetering on the edge of foreclosure can be an unsettling experience, to say the least, but you have options to avoid it:

Loan modification. Most lending institutions are open to changing the terms of your loan to make it more manageable. Foreclosure doesn't benefit either party.

Repayment plan. If you are behind on mortgage payments, many lenders are willing to offer a repayment plan that enables you to make up missed payments gradually, not in one fell swoop.

Forbearance arrangement. If your financial difficulties are temporary in nature, a lender may agree to this process. The mortgage payer is granted a 3–6-month reprieve from payments. After this period, the payer resumes payments, plus some extra to make up for the skipped payments.

Refinancing. If the current mortgage rate is below what you're paying, your rate can be readjusted through refinancing to lower your payments.

Short sale. If you owe more money than what your home is currently worth, short selling may be an option. With the lender's permission, you sell your home at market value and the lender writes off the remaining debt. You avoid foreclosure, take less of a credit-score hit, and gracefully transition to more affordable housing.

Reamortization. A new loan is issued with a new time frame, with missing payments being added back to the loan.

Declaring bankruptcy. Depending on timing and circumstances, Chapter 7 may delay foreclosure proceedings and wipe out credit-card and other unsecured debt, freeing up mortgage funds. Chapter 13 can buy you time to make payments and might lower other secured debt payments.

Some foreclosure options are fraught with complexity. Consult a real estate or debt attorney to protect your rights. ●

