



# LAW OFFICE OF WILLIAM J. LUSE

AFFORDABLE AND AGGRESSIVE REPRESENTATION

AUTO ACCIDENTS • EMPLOYMENT LAW • CRIMINAL DEFENSE

## The Road to Justice Starts Here

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# Insurance Company Bad-Faith Tactics



When you are injured in an accident or experience property damage, it can be stressful and sometimes downright traumatic. You don't need insurance companies piling on by employing bad-faith tactics.

Bad faith is broadly defined as dishonest or unfair practices. Insurance companies are required to thoroughly investigate, negotiate, and settle claims in good faith. When that doesn't happen, they can be held liable.

To pay as little as possible, some insurance companies utilize the following bad-faith tactics:

**Unreasonable delays.** Sometimes insurance companies will drag out the process, hoping that a claimant eventually gives up. Most states have established deadlines of 15–60 days for denying or accepting a claim.

**Deceptive practices.** You might be unaware of a facet of your coverage. The insurance company is completely aware, yet they don't alert you. They might also choose not to notify you of important deadlines or provide the necessary paperwork to complete your claim on time.

**Incomplete investigation.** If the insurance company doesn't look at all the evidence or fails to conduct a personal inspection, they haven't been thorough.

**Lowballing.** Offering less money than a claim is worth is an example of bad faith.

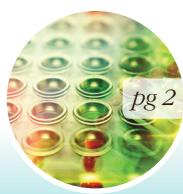
**Refusal to pay a valid claim.** When insurers deny claims that are clearly covered by their policies, it's evident that policyholders' interests come in a distant second to profits.

**Twisting language.** An insurance company may purposely misrepresent the language of the insurance policy and use it against you.

**Threats.** Some insurance companies threaten harsh legal action against a potential claimant, or imply it.

If you have been the victim of bad-faith insurance practices, contact an experienced insurance-law attorney to protect your rights. •

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# Post-Accident Auto Repair Compensation

After you've contacted your insurance company following an accident, various factors come into play regarding compensation for repairs.

In a "no-fault" state, no-fault insurance covers your economic damages up to the policy limits, regardless of fault. No-fault insurance does not cover vehicular damage. It is wise to purchase collision coverage to tie up that important loose end. You can also file a lawsuit against the at-fault driver—fault comes into play in vehicular-damage situations in both "no-fault" and "fault" states.

An at-fault driver will be responsible for paying (typically via their insurance) for the repairs of the innocent party, up to the policy limits. If the policy limits come up short of what you need, you will have to file a claim against your own insurance company to cover the difference.

If repair estimates exceed the value of your vehicle, your vehicle will probably be declared a total loss. You will receive the Blue Book value for your car.

If you have collision coverage, it will pay for your repairs if you were at fault for the accident. In some circumstances, it may be better to pay your repair bill out of pocket (if it's not too steep) to prevent a potential premium hike that might cost you more in the long run.

You are free to take your car to your own mechanic for repairs. Your mechanic will often go to bat for you if they deem your estimated damages are too low. If the issue can't be resolved to your satisfaction, you can file a legal claim. An experienced auto accident attorney can protect your interests. •



## New Weapon in War Against Cancer



Immunotherapy is a promising treatment option for various types of cancer. It is currently in the trial stage, but an advisory panel for the Food and Drug Administration recently voted to move the therapy beyond the testing phase, to a standard therapy for children with certain types of leukemia who are out of treatment options.

Immunotherapy works like this: Doctors remove a patient's immune cells from their blood and genetically alter them, essentially programming them to recognize and attack cancer cells. They are then intravenously reintroduced back into the body. The genetically engineered cells are known as chimeric antigen receptor (CAR) T cells.

The body's immune system does a good job of attacking bacteria and viruses since they are clearly foreign bodies. However, cancer cells begin as healthy cells that mutate and grow out of control. The body is resistant to attacking cells it sees as a natural part of the body, hence the genetic altering.

Another benefit of immunotherapy is that it is geared to be a one-time treatment. The idea is that the genetically altered cells will continue to survive and divide within the patient's body and remain unrelenting in their seek-and-destroy mission against cancer cells.

However, potentially severe side effects need to be dealt with. The immune system is rendered permanently weakened. Immunotherapy has also destroyed cancer cells so quickly and in such great amounts that some patients' bodies have been overwhelmed, creating concerning side effects such as extremely high fever and respiratory distress, among others.

Cancer is a complex issue, but researchers are encouraged by recent developments. Immunotherapy will hopefully be a powerful weapon in the treatment arsenal. •

# Special Passenger on Board

(Photo: U.S. Air Force)



Technically, "Air Force One" is any Air Force aircraft on which the President of the United States is a passenger. However, these days it generally refers to two identical, highly customized Boeing 747-200 B series aircraft with all the trappings of security, communication, comfort, and prestige.

The President and his travel companions have over 4,000 square feet of floor space on three levels. The President has a large suite and high-tech conference room to conduct presidential business, and living quarters that include a bedroom, bathroom, and personal gym. There is a medical suite that also functions as an operating room, with medical personnel always on board. Two food-preparation galleys can feed up to 100 people at a time.

The aircraft can travel at a top speed of 700 mph at altitudes up to 45,000 feet (commercial jetliners top off at 30,000 feet). Its range is pretty much unlimited, as it can be refueled in midair (Harrison Ford fans already knew that). Onboard electronics are designed to withstand an electromagnetic pulse—think nuclear explosion—and enable the President to securely communicate with anyone, anywhere in the world. Flares can be shot from the aircraft to steer enemy missiles off the trail.

Air Force One is maintained and operated by the Presidential Airlift Group, founded in 1944 at the direction of Franklin D. Roosevelt. Propeller-driven aircraft whisked the President away for the next 15 years, until Dwight D. Eisenhower flew to Europe aboard a Boeing 707 Stratoliner in 1959. John F. Kennedy was the first President to fly in a jet specifically tailored for presidential use—and the rest, as they say, is history. •



## Happy Halloween!

Help keep your children safe if they're trick-or-treating this year with these great tips from the American Academy of Pediatrics:

- 🎃 A parent or responsible adult should always accompany young children on their neighborhood rounds.
- 🎃 Obtain flashlights with fresh batteries for all children and their escorts.
- 🎃 If your older children are going alone, plan and review the route that is acceptable to you. Agree on a specific time when they should return home.
- 🎃 Only go to homes with a porch light on and never enter a home or car for a treat.
- 🎃 Because pedestrian injuries are the most common injuries to children on Halloween, remind trick-or-treaters:
  - Stay in a group and communicate where they will be going.
  - Remember reflective tape for costumes and trick-or-treat bags.
  - Carry a cellphone for quick communication.
  - Remain on well-lit streets and always use the sidewalk.
  - If no sidewalk is available, walk at the far edge of the roadway facing traffic.
  - Never cut across yards or use alleys.
  - Only cross the street as a group in established crosswalks (as recognized by local custom). Never cross between parked cars or driveways.
  - Don't assume the right of way. Motorists may have trouble seeing trick-or-treaters. Just because one car stops, doesn't mean others will!
  - Law enforcement authorities should be notified immediately of any suspicious or unlawful activity. •

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This publication is intended to educate the general public about personal injury, medical malpractice, and other issues. It is for information purposes only and is not intended to be legal advice. Prior to acting on any information contained here, you should seek and retain competent counsel. The information in this newsletter may be freely copied and distributed as long as the newsletter is copied in its entirety.

## Assigning Fault in a Pedestrian-Auto Collision

There are generally three parties who may be responsible for a pedestrian-auto collision: the driver of the automobile, the pedestrian, or the municipality.

In most states, it is incumbent upon drivers to be alert to their surroundings and pay attention to roadway hazards. Pedestrians qualify as hazards. If a pedestrian is struck in a crosswalk, it's a slam dunk: The driver is responsible. Drivers may also be held responsible if they were speeding, ran a red light, and so forth.

If a pedestrian attempts to cross a street outside of a crosswalk and gets hit, the situation can be murky. On one hand, jay-walking is still illegal in most states; a pedestrian does not have the legal right to enter the street and expect cars to stop for them. On the other hand, if a pedestrian is not in a crosswalk but is paying attention to the road and does not dart into traffic, they might still be in the clear.

Some pedestrian-auto collisions might be the fault of a municipality. Malfunctioning traffic lights, a stop sign concealed by tree branches, or a poorly conceived crosswalk (e.g., a crosswalk placed just beyond a curve), among other possibilities, can create safety hazards.

The first place pedestrians should turn to for payment of their medical bills is their own health insurance. The medical insurance company in turn will seek reimbursement from responsible parties. Pedestrians without health insurance may receive compensation from the at-fault driver's auto insurance or their own auto insurance policy.

If you've been the victim of a negligent driver or municipality, contact a personal injury attorney to protect your rights. •

