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Double trouble when it comes to liability claims

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Take a look at the following two liability claim scenarios and see if you can tell why the value of claimant B is greater than the value of claimant A.

Claimant A: On Monday morning, a 25-year-old male, visiting a friend at an apartment complex trips and falls due to a crack on the pavement that was not properly fixed. The fall breaks his ankle. He is taken by ambulance to the hospital for examination. The doctors x-ray the ankle and decide that surgery is required. He is released from surgery and prescribed a course of physical therapy. The claim is immediately investigated, liability evaluated and the claim is eventually settled for \$40,000.

Claimant B: On the following Monday morning, another 25-year-old male, visiting a friend at the same apartment complex, trips and falls on that same crack, which has not yet been fixed. The fall breaks his ankle. He is taken by ambulance to the hospital for examination. The doctors x-ray the ankle and decide that surgery is required. He is released from surgery and prescribed a course of physical therapy. The claim is investigated, liability evaluated and the claim is eventually settled for \$100,000.

Everything appears to be the same, right? Wrong. The date of the accident for claimant B is exactly one week later than claimant A, and therefore, the liability picture has changed drastically. By the time claimant B fell on the crack, the property manager/owner not only had sufficient notice of a problem, but they had prior knowledge of an actual accident, and what's more, did nothing to correct the hazard!

Establishing the value of a personal injury claim is not an exact science, but when an accident with the same scenario occurs twice, only a few short days after one another, you can be sure that the claim value will substantially increase if the defect that caused the problem isn't mitigated. Don't let this happen to you.

When an accident occurs, be certain to follow up and take corrective action. If the hazard cannot be corrected right away, place signs warning of the potential risk. Proper follow up and documentation is an essential part of controlling the cost of future claims. Evidence of your actions will help to aid in the defense of potential liability claims.

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