

SCHEYNOST Law Offices, P.S.C.



Which Insurance Will Cover Medical Bills from a Car Accident?

If you've been injured in a car accident, you already know that medical bills add up quickly. What you might not know is who is going to pay for the expenses. Is it the auto insurance of the person at fault or your auto or health insurance? The answer is that all those methods may be used to pay medical expenses, but when you can use which insurance can get a little confusing.

If you carry personal injury protection insurance (PIP) on your auto insurance policy, and it is mandatory in some states, it will cover expenses in an auto accident no matter who is at fault; coverage includes injuries, rehabilitation, and lost wages. If you have PIP, you will generally have to use those funds before you can use health insurance.

If you do not have PIP, use your health insurance. Do not wait for the at-fault driver's insurance to pay for your medical expenses. An investigation takes time, and an insurance company will only offer a settlement after a thorough investigation, which could take months or years—longer than the window in which you must submit medical bills to your healthcare insurance company. A fair settlement will include your out-of-pocket expenses, such as deductibles and copays. Do keep in mind that once you receive a settlement, your health insurance company will likely require reimbursement for the coverage that they provided.

Have you been injured in an auto accident and have questions? Call an attorney for a confidential consultation.

How To File a Lawsuit on Behalf of a Child

Kids get hurt; it's a given. But what if they are seriously injured and it was due to the negligence of another person or business? For example, if a child suffers serious head trauma and permanent scarring due to a collision at a skatepark, it's easy to write it off as "kids being kids." But, if the park was understaffed and allowed too many skaters/skateboarders in the area where your child was hurt, you likely could file a claim for their injuries. The park may be considered negligent because it broke its commitment to provide a safe environment for children to skate or skateboard.

Children have the same rights as adults to be compensated for damages if they've been injured, but they cannot file a claim. A parent or legal guardian must file a lawsuit on their behalf. Depending on the severity of injuries, the damages could include pain and suffering, scarring or disfigurement, disability, and loss of current (in the case of a teen who works part-time) and/or future income.

What about compensation for medical expenses? Because medical bills and related expenses are paid by a parent, insurance company, or, in most cases, a combination of the two, parents must file a separate claim for medical expenses.

If you have any questions about the process of filing a lawsuit on behalf of your child, call an attorney for a confidential consultation.



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INJURED ON THE GREEN?

Golfing is a sport enjoyed by people of all ages and is not usually associated with serious injury during play, but golfers do get injured, sometimes through no fault of their own. A golf course covers many acres and must be maintained well so that people can safely play and walk or drive to each hole. In addition to premises conditions, golfers are at risk of being hit by wayward balls or clubs.

The owner of the golf course owes the highest duty of care to those invited onto the property and must provide a safe course to play on and warn players of any known hazards. Golfers also take an inherent risk when playing the game. The possibility of being hit by a ball while on the course is assumed by players.

Even so, the owners of a course must minimize the chance of injury through course design and property maintenance. This means that a tee box should be thoughtfully placed, driving

ranges should be netted, greens and paths should be free of obstacles (excluding the water and sand features that are part of the game!), and carts should be regularly maintained.

If the owner of a course fails to maintain the premises and carts, they can be held liable for a resulting injury. A Florida golfer was awarded \$475,000 when he suffered a serious injury after his golf cart flipped on a hole that was covered with grass and weeds. It turns out that the course owner knew about the hole but decided to cover it up instead of fix it.

Spectators are also at risk during tournaments. A woman was blinded in one eye at last September's Ryder Cup when a wayward tee shot by Brooks Koepka struck her. She contends that fans were allowed to stand too close to the holes and not enough was done to keep spectators safe or to warn them of the risk of being struck.

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for the referrals!*

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Employment Law

My practice can help clients litigate employment-law matters.

The Fair Labor Standards Act (FLSA) protects employees' wages and overtime rights. However, since FLSA regulations may not apply to every business, management sometimes treats employees unfairly. When employees feel their rights have been violated, trial lawyers can protect them.

A lost-income judgment

A company gave two air-conditioning technicians two-year employment contracts, with verbal assurance about bonuses and no required overtime or weekend service calls.

During financial hardship, managers required but did not compensate the employees for overtime. When they complained, they were fired. Their attorney sued the employer for breach of contract, retaliatory discharge, and state wage and hour violations. A court found that the defendants acted willfully in refusing to pay the plaintiffs and not complying with court orders requiring additional information. The court entered a default judgment against the business and awarded the fired employees compensatory judgments and attorney's fees.

