

If you need our services,
please contact us at...

407-648-4535 or

1-800-989-4535

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WINTER
2015/16

Riding with rigs

If you find yourself riding alongside tractor-trailers, be aware that large commercial vehicles—despite having professional drivers—are hard to stop and more difficult to operate in poor weather. Due to the size and weight of commercial trucks, accidents can be severe. According to the U.S. Department of Transportation, in 2012, 3,921 people were killed and 104,000 people were injured in crashes involving large trucks. Of the fatalities, 73 percent were occupants of other vehicles.

If you are involved in an accident with a commercial truck and file a personal injury claim, you can expect the process to involve a lot of paperwork. There are several reasons that the claims process is so much more complicated when a car and commercial truck are involved in an accident.

When commercial vehicles are in accidents, there are many parties involved, which may or may not be partially responsible for an accident, beyond the driver. These include the trucking company, its insurance company, the vehicle insurance company, the vehicle manufacturer, and the truck driver's personal insurance company. If road conditions were a factor in an accident, local government could also be named in a claim. When commercial trucks cross state lines, federal laws come into play, which further complicate claims.

Finding an attorney is vital to manage your claim and secure fair compensation.

The role of a personal representative in a wrongful death lawsuit

When families lose a loved one in an accident and bring a wrongful death lawsuit, a personal representative is appointed to act in the best interest of anyone who might have an interest or benefit in such action. When someone dies, anything that they owned of value becomes part of their estate. The estate will pay the decedent's debts, though it's possible that the estate is valued at less than the sum of its debts, and collect any money owed to the deceased, which includes money from a wrongful death lawsuit.

If your family is considering a wrongful death lawsuit, you will have to appoint a personal representative who will choose an attorney, communicate with the attorney and opposing counsel, handle the paperwork for the case, and make all major decisions regarding settlement or proceeding to trial. An executor, spouse, or next of kin (or someone appointed by a spouse or next of kin) is typically chosen to fulfill the role of personal representative. It is not uncommon for overwhelmed relatives to hire an administrative professional to help with the case.

If you are considering filing a wrongful death lawsuit, contact our office to discuss your family's legal options.



THE VAUGHAN LAW REPORT



Vaughan Law Group Attorneys At Law

Thomas Vaughan has been recognized as...

- one of the nation's top 100 injured workers' attorneys by WILG (Workers' Injury Law and Advocacy Group).
- one of the top lawyers in Florida by The Legal Network.
- one of Orlando's top lawyers by *Orlando Home & Leisure*.

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If you need help filing a claim, or if your workers' compensation claim has been denied, call a qualified lawyer to discuss your case.

We take your family's safety and security personally.

If a contractor is injured on the job at your home, are you liable?

Winter is a good time to complete indoor home-improvement projects and the time to plan for spring projects. When hiring a contractor you will likely ask if they have insurance to cover any accidents or damage caused by their crew. It's an excellent question, but you also may want to take the time to examine your own insurance.

As the owner of a property, you are responsible for the safety of those you invite into your home, even contractors who are in your home doing things like walking on the roof or working with the electric. In fact, since a contractor is there for business purposes, homeowners owe them the highest degree of care.

Provide a safe working environment

This can be a confusing concept, given that contractors are usually called to a home to fix safety issues. Rest assured, if roofers are called in to fix a hole in the roof and a crew member falls through that hole and gets hurt, they won't be able to hold you liable; after all, they were made well aware of the hole. If the roofers needed access to the attic to work

on the roof, and the homeowner failed to tell the workers that the attic ladder was broken, and a crew member was injured, the homeowner could be held liable for not providing a safe working area and not warning the crew of the hazard.

Don't micromanage

You may also want to be careful about how closely you interact with contractors. If you start giving opinions or making demands about how a job should be completed and what tools should be used, you could unwittingly be taking on the liability for any damages resulting from the changes you request.

If you should be sued by a contractor injured at your home, your homeowner's insurance should cover the claim; however, before a big project, verify that you have adequate coverage. When hiring a company, be sure it has general liability insurance coverage and workers' compensation insurance for their employees. If the company utilizes subcontractors, make sure that they also have insurance coverage.

SUDOKU CHALLENGE

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3		5		9	6	1	
1				8		3	
			6	3		8	
8	1			4			
6							
	2					3	
			1		7	2	5
		6					

(Sudoku solution at bottom of page.)

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Landlord liability

Nobody feels comfortable playing the blame game when hurt, but it is sometimes necessary. If a landlord does little to maintain and upkeep the property they are renting and a tenant or a visitor is injured as a result, the injured party has every right to recover for losses. This is established by the concept of premise liability, which states that the owner of a property can be held liable for any injuries that occur on the property.

For example, a landlord has a duty to provide safe and secure access to the entry. If he or she fails to replace a broken or burnt-out exterior light and it causes an injury or a security issue (the tenant gets robbed), then the landlord can be held liable for negligence. In order to be found negligent, a landlord must owe a duty to the tenant or visitor, must have breached that duty, and that breach must have resulted in injury.

Injuries might also happen to a visitor to the property, but a tenant can also be held responsible. If, for example, a visitor injures him/herself on a loose piece of carpeting on the stairs and the landlord was made aware of it but did not fix it, the landlord could be held liable. On the other hand, if the tenant ripped the carpet loose, failed to tell the landlord or fix the carpet, then the tenant could be held responsible for their guest's injury.

Sudoku solution

8	1	9	3	5	2	6	4	7
5	2	7	4	6	1	8	3	9
3	6	4	7	9	8	1	5	2
9	8	3	2	1	7	5	4	6
6	5	7	8	1	2	3	4	9
8	1	3	7	9	4	2	5	6
2	9	4	6	3	5	8	1	7
1	7	2	5	6	8	9	3	4
3	8	5	4	2	9	6	7	1
4	6	9	3	7	1	5	8	2

