

Jeffrey Meldon

MELDON

LAW TALK

NEWSLETTER BY THE LAW OFFICE OF JEFFREY MELDON & ASSOCIATES

January 2009 Volume I, Issue III

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Highlights of This Issue:

- Insurance coverage-Are you protected? **Part 3**
- **Yamaha's Rhino;** Very Surprising Indeed!
- Comparative Negligence Why its a good thing.
- **Yes, Experience does matter!**
- Help, I slipped and fell on a wet floor.

Welcome to Our January Newsletter! A personal note from Jeffrey

First of all I want to wish all of my readers, clients, friends, staff, family and associates my **very best wishes for a new year filled with happiness and safety!** This is a good time for all of you to pull out your dusty insurance policies and make sure you are protected in the event of an accident. I would also like to take this time to invite you to visit our website, meldonlaw.com. My goal for this

site is to not only help people in need, but also to be a site for public information. Please check it out and give me your input. Tell me what you would like to see addressed there or in this newsletter. I really value your comments, questions & ideas. Please feel free to email me at jmeldon@meldonlaw.com or give me a call, **1 800 373 8000**.



A SINCERE THANK YOU to all of you and my amazing staff for your friendship and faith and **may your new year be a blessed one.** *"Thank You and Happy New Year to each and every one of you!" Jeffrey Meldon*

Highlights of Next Issue:

- **Part 4,** Insurance Protection tips
- DUI question answered
- **Strict Liability** explained
- The next Interesting Case of the Month
- **FI Car Rental Companies let off the hook!**
- Abbie Knight, Our longest employee Honored.
- Meldon Law Office Accident Kits revealed. Make sure to get yours!

Office News: A Great Time For All; Our Annual Office Holiday Party.



Jeffrey Meldon makes it a point each year to celebrate the holidays with his Associates, Staff and their families by having a Holiday Office Party. It has been a tradition that has been

going on for so long, he can't remember when it began. But he can remember all the great times and restaurants that have put up with us over the years.



This year the celebration began at Jeffrey and Nancy's condo in Union Street Station with drinks and appetizers followed by a great dinner and music downstairs at 101 Downtown.

Pictured below are just a few of us: Tom, Sue, Jeffrey, Kristin, Lisa, Barbara (behind Sue), Abbie and Nicole.



Happy Holidays To All And To All A Good Night.



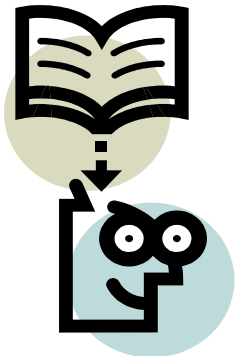
"Wishing All Of You Our Best Wishes For A Happy New Year!"



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BEWARE! Chances are, neither the State of FL nor the other driver will protect you in the event of an accident. Only you can plan ahead and protect yourself and family.

“Over 50% of people on the road only have the minimal required insurance and many have none at all and are driving illegally!”

Commonly Seen Situation: Inadequate Insurance Coverage (part 3)

Beware, even if you are completely innocent in an accident, you can get stuck with thousands or even hundreds of thousands worth of medical bills, loss of income, and a permanent injury that can devastate your life! Here are the rest of Jeffrey’s recommendations for minimal insurance coverage that you need to protect yourself. (#1Uninsured Motorist Coverage (UM) & #2 Stacked UM were covered last month.)

#3 Collision Insurance. To pay for damages to your vehicle if: a) the at-fault driver was driving illegally without insurance, b) the damage to your vehicle was more than the required \$10,000, or c) you caused the accident!

#4 Extended Personal Injury Protection (\$50,000 to \$100,000 min). To cover yourself if your medical bills and lost wages are more than \$10,000 of PIP which can be gone by the time you get out of the ER. Also, if you are seriously injured it may take a while for your case to be settled and this will get you through the rough times.

#5 Bodily Injury Liability (BI) (\$100,000 per person/\$300,000 per accident min or more if you have substantial assets). This will cover you if you are at fault for the accident and caused serious injury - it will protect your assets. Also, to be able to purchase UM coverage you must first have purchased BI insurance.

Meldon’s Suggestions: Purchase Adequate Insurance Coverage! today!

Remember, this a topic that I feel extremely passionate about based on my 37 years of doing all I can to fight for justice for the injured. **To review**, the minimum legally required insurance in FL is only \$10,000 PIP (which can be used up before you get out of the emergency room) and \$10,000 of Property Damage to cover the other person’s car. This combined with a good percentage of drivers on the road who are driving illegally and have no insurance coverage at all, it is easy to see why this is such an important topic for me and I talk about it any chance I get!

Here are two additional Recommendations:

#6 GAP Insurance. This will cover you if your car is totaled and is worth less than the amount of your bank loan, which is called being “upside down” on a loan. This often happens the moment you drive off the car lot if you got a loan for close to the full purchase price. If you don’t have GAP insurance you will have to pay the difference out of your pocket!

#7 Medical Payment Coverage (\$5,000 min). This will cover the 20% that PIP does not pay. Remember, PIP only pays 80% of your medical bills, you are responsible for the remaining 20%.

Free New Informative Book. Start Your New Year off Smart!

As a community service and to help their clients and friends, this summer attorneys Jeffrey Meldon and Tom Copeland wrote a book based on their combined 60 years of legal experience in Alachua County courts fighting for the rights of the accused. This book is titled, **How to Avoid or Survive A DUI Arrest.** It will educate you about what it takes to be over the limit, describes the seriousness of a DUI conviction in Florida, and gives you the startling realities of what you could be facing if you decide to drink and drive. This book also explains why it is so important to hire the best and not the cheapest DUI defense legal team to represent you if you are charged with DUI. **Call us or visit our website @ meldonlaw.com to get your free copy today!**



Jeffrey Meldon, Co-Author



Tom Copeland, Co-Author



Do Not Drink & Drive! If it is too late: Do Not Make Another Poor Decision.

The Office Blogs: “Yamaha’s Rhino; Very Surprising Indeed!”

The Yamaha Rhino; part ATV, part 4x4, part..., whatever you want to call it, the truth is that it is an extremely dangerous motorized vehicle that has caused many deaths, injuries and permanent disabilities. Yamaha’s Rhino website states, “**This vehicle will really surprise you at what it can do!**” This seems to be a statement of fact, because what it can do is **very surprising** – it rolls over and in a surprising easily and deadly manner. Since the introduction of these deadly machines in 2003, thousands have died or have been severely injured when it rolls over.

The problem with these “surprising” vehicles is in the design. **In short they are extremely top heavy.** Essentially it appears they were built to roll over. In addition, the Rhino has no padding on the high roll bar, there are no doors to keep legs and arms in as it rolls over, seat belts are poorly designed, and there are no handrails to grab on to as it does. **This really is a surprisingly dangerous vehicle!** Yamaha denies that its vehicles are dangerous, yet recently the company has offered free doors and handrails to be installed in the Rhino. Yamaha officials blame the drivers, however, independent studies have shown them to roll over at speeds under 20 mph, on level ground, and under normal maneuvers with adult drivers.

This cute little whatever you want to call it, is not a toy nor is it a vehicle I would recommend anyone own or get into. Many lawsuits as well have been filed in many States against Yamaha.

Yamaha Rhino? These are not the type of surprises we need in life!



Law Talk 101: “Comparative Negligence” importance explained

Deciding who is at fault is one of the most critical factors in any type of accident case. In 1973 Florida adopted the doctrine of **comparative negligence**. We are one of 13 other States to have this law.

► **Why is this important?** Before this ruling if a person involved in an accident was found to be even the slightest bit at fault, they would not be entitled to recover anything for their injuries or losses. It was a very harsh system of justice.

► **What does this mean?** With comparative negligence, more than one person can be found to cause an accident. It is actually very common for two (or more) people to be careless at the same time and contribute to an accident. For example, one person may be found to be 90% at fault and the other only 10%. Now, the injured person that was 10% at fault would receive 10% less in monetary recovery. So, if this person had a \$100,000 case, they would only receive \$90,000.

► **Who decides apportionment or the split-up of fault?** Under Florida law a jury can apportion fault.

► **How is this % proven?** Often in accident cases it is typical for one party to blame the other and it often comes down to a he said/she said scenario. Accident reconstruction specialists can investigate the scene, vehicles, review witness statements and shed light on the facts. This is one of the things an experienced personal injury or accident lawyer can help you with.

“Accidents are often not black and white with one person being 100% at fault and the other person 100% faultless.”

Interesting Case of the Month: Yes, experience does matter!

Recently, we represented a young man seriously injured while at a stop sign in his work truck. The police crash report cited the turning truck to be at fault for failing to yield the right of way to an oncoming car which then hit the turning truck that slammed into our client at the stop sign. **Why experience counts?** Just because a crash report finds one person at fault it is important to have expert investigation, to know case law and to look at all possible insurance coverage's. **What we did:** **1.** Using our expert investigators, we proved that the car was speeding. **2.** Using case law, comparative negligence, we were able to show both the speeding car and turning truck caused the crash. **3.** Using our mediation skills, the turning truck's Ins. Co. paid a large settlement. **4.** Using our knowledge of insurance we found Uninsured Motorist Coverage on our client's work truck which contributed to the settlement. **5.** We hired voc. rehab and economist expert witnesses to project future needs of our client. **6.** We have a case pending for a Worker's Comp claim. **Result:** Our client received a fair settlement in his case. **Moral of the Story:** It is important to hire the most experienced law firm that will be able to take the **time** and have the **knowledge** and **resources** to get to the best result.

Disclaimer: Just because we obtained these results in this case, does not necessarily mean we can get them on every case. Every case is unique!

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Look Inside This Issue

- ▲ Jeffrey talks about Insurance;
Are you protected?
- ▲ Ask Jeffrey: Help with Slip & Fall
- ▲ Yamaha Rhino: Very Surprising!
- ▲ Yes, experience does matter!

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Ask Jeffrey: HELP! I slipped and fell on a wet bathroom floor..

Jeffrey: Recently, I slipped and fell on a wet bathroom floor in our corner convenience store and broke my arm. The medical bills were over \$3,000 and when I asked the manager to pay for them, he said it was my fault for not being careful in an area that often has wet floors. **Was he right?**

Answer: This depends on the facts of the case. Storeowners must use reasonable and ordinary care to keep their property reasonably safe for customers and to make reasonable inspections to discover dangerous conditions. They also has a duty to warn customers of a dangerous condition if it is known to the owner and not likely to be discovered by the customer.

In order to prove liability, it must be proven that:

- ▶The danger (water on the floor), was not obvious and visible to you.
- ▶There was no way you could have reasonable seen it.
- ▶The owner knew or should have known about the danger and failed to clean it up, fix it or warn you.

▶There was no warning of the danger that resulted in your injury.

More Info: ▶ Injury from "slip & fall" or "premises liability" cases like this, are often difficult to prove. For example, if the water on the floor was from the person that used the restroom a minute before you, was it reasonable that the owner could have known about the danger? ▶ Read about "comparative negligence" on pg 3 for more help. ▶ You can always call me.

"People have a duty to look where they are walking, and if something is "open and obvious", an obvious danger, the business may not be liable for injuries caused by it."

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