

The Process Behind Insurance Claim Lawsuits

The Process Behind an Insurance Claim Lawsuit (What To Do If You Are Injured In an Auto Accident And The Insurance Company Won't Pay)

If you are involved in an auto accident in which another driver is at fault and are injured in the process, it is important to immediately file an insurance claim with that driver's insurance company. Depending upon the severity of your injury, you may be entitled to compensation for items including property damage, pain and suffering, personal injury, lost wages and a number of other things.

In some cases you will receive the compensation you deserve from the insurance company but in others, the offer they present will not be satisfactory and it will be necessary to sue them for damages...

1. If the insurance company will not offer terms which you are willing to accept, contact and consult with an experienced personal injury attorney with regard to your claim.
2. If you are undergoing medical treatment for your injuries, continue to receive this treatment until your physician declares that you have reached "maximum medical improvement". This will indicate that in your doctor's professional opinion, you have recovered as well as you can be expected to from your injuries.
3. Save and compile all information related to your accident, communication with the insurance company, and records of your medical treatment as well as statements from any physicians you consult indicating their diagnosis of your injuries. Provide your attorney with all of this information.
4. Your attorney will make contact with the insurance company by issuing a settlement demand which will identify you as the attorney's client as well as indicating the amount desired in order to settle the matter and release the insurer and their client from liability.
5. In some cases the above actions will be enough to cause the insurance company to settle. In others, however, a series of offers and counteroffers will be issued between your attorney and the insurer with the objective of agreeing upon a settlement amount.

6. If a settlement cannot be reached, your attorney may advise initiating a formal lawsuit against the insurance company. In order to do this, your attorney will need to file a “petition for damages” with the local court that has jurisdiction over the case and will name the at-fault driver and their insurance company as defendants. It is important to point out that the State of Louisiana has set prescription (better-known as the statute of limitations) on auto accident personal injury lawsuits at one year from the day of the injury or two years from the day of the accident in cases involving uninsured motorists.
7. After the initial petition for damages is filed, a period of “discovery” will proceed in which your attorney and the insurance company submit documents, written testimonies and other items related to the building of their respective cases and continue to negotiate.
8. If your case still cannot be settled then you will proceed to trial.
9. When your case goes to trial, arguments for both sides will be heard before a jury who will decide whether or not to award damages and will also determine the amount of those damages.
10. If, for some reason you are not satisfied with the jury’s verdict, you do have the right to file an appeal with a higher court.

If you have been injured in an auto or car accident and are having difficulty receiving compensation from an insurance company, [Bloom Legal](#) can help. Contact us today at 504-599-9997 to discuss the details of your case and schedule a free consultation.

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