

November 20, 2002

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Casualty Claim Analyst
American Family Insurance Group
St. Louis, Missouri 63146-0908

Re: Claim Number:
Your Insured:
Date of Loss:
My Client:

Dear:

The purpose of this letter is to provide documentation regarding the details of **INSERT CLIENT**'s claim arising out of the vehicular collision on **INSERT DATE** and to advise American Family Insurance Group of the amount which we would recommend that **CLIENT** accept in full settlement of this claim. This letter is sent pursuant to §408.040(2), Revised Statutes of Missouri.

The information supplied in connection with this letter is a summary of the facts of the case, as we understand them, and which will be presented in litigation, if necessary. Suit has not yet been filed, pending the outcome of settlement discussions.

This information and these materials are provided solely for purposes of settlement discussions and not by way of any admissions against interest. We, therefore, submit this letter with the understanding that defendant in the litigation or trial of this case will use none of the information contained herein, if settlement cannot be reached. We understand that you could independently accumulate some or all of this information and use it in the event of litigation, but if that does not occur, these materials may not be used for such purposes as they are submitted only for settlement discussions and not otherwise.

FACTS OF THE COLLISION

On **DATE** at approximately **TIME** p.m., **CLIENT** was the passenger of a car driven by **PARTY**, your insured, which was traveling eastbound on Dr. Martin Luther King Drive and obeying all traffic laws. An

uninsured vehicle, driven by **OTHER PARTY**, was also traveling eastbound on Dr. Martin Luther King Drive and improperly passed in front of your insured, striking her vehicle. While the police report documents the fault of **PARTY**, **CLIENT** would testify to the fact that your insured was traveling at an excessive rate of speed. **CLIENT** would also testify that she asked your insured to slow down, since she feared what became the true outcome of their journey.

INJURIES AND TREATMENT

CLIENT began treatment after the accident with Dr. Miriani on **DATR**. She presented with pain in her neck, upper back and left foot. Dr. Miriani ordered a diagnostic x-ray of her left foot, which was performed at DePaul Health Center. **CLIENT** was initially diagnosed with cervical and thoracic strain, soft tissue strain pattern and left foot sprain. Dr. Miriani placed **CLIENT** on a conservative treatment plan of pain medications. **CLIENT** later presented to Dr. Miriani on August 29, 2002 with continued pain in her back and neck. Dr. Miriani referred her for physical therapy. **CLIENT** was released from Dr. Miriani's care on October 1, 2002.

CLIENT began physical therapy on September 6, 2002 at SSM Rehab. She presented with pain in her neck, upper back, thoracic paraspinals and lumbar, with a greater amount of pain on her right side. Her pain was significant enough to be waking her up at night and the only time the patient felt relief was with the assistance of pain medication. Upon her release, **CLIENT** has only had a 75% diminishment of pain. The pain is still great enough to require pain medication at bedtime. **CLIENT** has continued pain that will not resolve and will require medical monitoring.

Copies of all medical records are enclosed.

SPECIAL DAMAGES

As a result of the accident, **CLIENT** incurred medical bills as summarized below:

<u>Doctor</u> <u>Amount</u>	<u>Dates</u>	
Dr. Matthew Miriani	8/20/02-10/1/02	210.00
DePaul Health Center	8/20/02	236.00
Ernst Radiology	8/20/02	37.00
SSM Rehab	9/6/02-9/20/02	<u>581.00</u>
TOTAL MEDICAL BILLS		<u>\$1,064.00</u>

EVALUATION

From my investigation and understanding of the facts of the accident, I strongly believe that the court will direct a verdict in this case in favor of **CLIENT** and against your insured on the issue of liability, leaving only the issue of damages for trial by the jury.

As to the question of damages, I have taken into account the nature of the injuries, the medical expenses, the treatment, and the pain and suffering caused by the accident. At present, **CLIENT** continues to experience pain and tenderness in her back that has restricted her normal way of life.

It is my opinion that the damages here, even under a conservative jury approach, will generate a verdict in the Circuit Court of St. Louis County, Missouri for an amount in excess of \$12,000. I would recommend that **CLIENT** accept \$9,000 to resolve this claim at this time.

In my opinion, the injuries and damages sustained by my client would be found to be in excess of the amount for which we would recommend settlement at this time. In the event you do not notify me to the contrary, I will proceed under the assumption that the proposal made herein is within the coverage of the applicable policy or any other insurance contract pertaining to this claim. If coverage is less than the amount stated herein, it is requested that the policy limits be verified by affidavit and that a copy of the applicable policy be supplied.

Mr. Tim Cunningham
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This proposal and these materials are submitted in an effort to reach an amicable disposition of this matter without the necessity of litigation. I trust your response will be based upon the same good faith with which these proposals are submitted to you.

It should be noted that it is the policy of this office to only handle matters of this type through negotiation. This office has arrangements with several trial attorneys with excellent trial reputations, one of whom will take over this matter if necessary.

Finally, I wish to express and emphasize that **CLIENT** is anxious to bring this claim to a prompt conclusion. Your cooperation in that regard would be sincerely appreciated.

Sincerely,

Enclosures

ENCLOSURE LISTING

Enclosures to letter dated **TODAY'S DATE** from ME to ADJUSTOR regarding the claim of CLIENT.

1. Police report, Wellston Police Department.
2. Dr. Matthew Miriani bills and records, including the radiology records.
3. DePaul Health Center bill.
4. Ernst Radiology bill.
5. SSM Rehab bills and records.