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personal injury lawyers

Current News For Bikers At

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**WATCH FOR MOTORCYCLES®**  
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# Biker Newsbrief

Spring 2014

## May Starts the Riding Season and the Traditional Month of Awareness Proclamations

For many states with limited seasons because of climate, May is the recognized beginning of the riding season and the month for awareness proclamations. Some states call May "Safety and Awareness Month," but safety should be considered every month. Being aware that motorcycles are coming back out on the roads in May is the message these proclamations make to other motorists.

Most states have some form of the May awareness proclamation signed by their governor or local units of government. May is also the month for various safety and awareness initiatives in many states. Whether it's a safety forum, conference or local motorcycle rights activists standing at intersections with signs reminding motorists to be aware of motorcycles, the goal is to reduce the number of crashes between bikes and other vehicles. In dual-vehicle crashes, most often the other vehicle is at fault. Intersections are the most dangerous places for motorcycles.

Support our efforts to help spread the message to "Watch For Motorcycles." Request your free "Watch For Motorcycles" and "DNT TXT N DRV" bumper stickers online at [www.hupy.com/reports](http://www.hupy.com/reports) or email [pan@hupy.com](mailto:pan@hupy.com).



## Millions Will View "Watch For Motorcycles" Message This Summer

Hupy and Abraham, S.C. is contributing to motorcycle awareness by spreading the "Watch For Motorcycles" message throughout Wisconsin, Illinois and Iowa. As a partner with ABATE of Wisconsin and the Motorcycle Safety Awareness Week activities in Milwaukee from May 3 to 10, Hupy and Abraham, S.C. has placed the "Watch For Motorcycles" message on most Clear Channel Outdoor digital billboards from May through July.

We hope this awareness message will help reduce crashes caused by inattentive motorists. The selected billboards will receive close to 5 million views. This campaign is in conjunction with other initiatives Hupy and Abraham, S.C. is involved in to reduce injuries to motorcyclists, bicyclists, pedestrians and all highway users.

Help save a life. Request and display the "Watch For Motorcycles" stickers on your vehicles. Together we can make a difference.

## Mandatory Helmet Laws Proposed Worldwide

The United Nations General Assembly passed a resolution April 10 entitled "Improving Global Road Safety." Ambassador Samantha Power, U.S. Permanent Representative to the United Nations, agreed to co-sponsor the resolution that "calls for laws to fight texting and driving."

However, the resolution also contains language calling for mandatory helmet laws and harmonization of vehicle regulations in the name of "safety." This resolution is nonbinding, but the American Motorcyclist Association wants you to be aware of the international momentum for laws and regulations that might affect you.

The resolution encourages member states "that have not yet done so to consider enacting comprehensive legislation on key risk factors for road traffic injuries, including the disregard for road signs and signals and the nonuse of helmets ..."

It also commends the efforts of the U.N. Economic Commission for Europe for its "continuous work of the World Forum for the Harmonization of Vehicle Regulations to modify vehicle regulations to increase safety performance."

Much of the work performed by this body is worthwhile. However, some agenda items may interfere with your right to customize your motorcycle.

The distracted driving language calls for member states to "enact comprehensive legislation concerning inappropriate use of cell phones, including texting while driving ..."

The AMA supports efforts to curtail distracted

driving, which presents a serious threat to motorcyclists. Working together, we can better help the nation's drivers acknowledge the presence of motorcyclists on our roads and highways and thereby increase the safety of all travelers.

However, these items should be addressed at the federal or state level, not at the United Nations. The AMA will continue to watch out for you — the rider — even at the international level!

Now more than ever, it is crucial that you and your riding friends become members of the AMA to help protect riding freedoms. More members means more clout against the opponents of motorcycling and ATV riding. That support will help fight for your rights — on the road, trail, racetrack, and in the halls of government. If you are a motorcycle rider, join the AMA at [AmericanMotorcyclist.com/membership/join](http://AmericanMotorcyclist.com/membership/join).

**Never hire a lawyer who uses  
a gimmick marketing name  
instead of his own.**



# Hupy and Abraham, S.C. Gets Client \$50,000 More in Appellate Court

## Court Agrees Insurance Policy was an Illusion

By Tony "Pan" Sanfelipo

I sometimes hear bikers say they don't need an attorney and can handle their cases on their own. That always makes me wonder whether they would attempt to work on their electronically controlled motorcycles without thorough knowledge of the system and the right tools.

The more severe the injury, the more complicated some of these cases can be. You need a trial lawyer who is experienced, has a winning record and is determined to fight for you. Here's a good example of what I'm talking about.

In 2011, a Milwaukee biker was seriously injured when he was struck by a car. After hard work by Attorney Jason Abraham, Liberty Mutual (which insured the vehicle) paid out the \$300,000 policy limit. Attorney Abraham then asked for the excess policy limit of \$50,000. Liberty Mutual denied that claim. Here's where an experienced lawyer becomes so important.

The defendant was a member of a car-sharing club and was driving one of the company's cars. Liberty Mutual issued a commercial insurance policy to the company providing liability coverage in the amount of \$300,000. The driver was covered under the policy as a permissive user. Liberty Mutual also issued an excess liability policy in the amount of \$50,000 to the company. The insurance company denied the excess liability claim made by Attorney Abraham, saying the driver was not covered because of the "other insurance" clause in the policy's Wisconsin endorsement. Attorney Abraham argued that the policy's Wisconsin endorsement was illusory (deceptive) and won a judgment for \$50,000 in circuit court. Liberty Mutual appealed, asserting that the "other insurance" clause in the policy excluded the permissive user from coverage.

Are you confused yet? Would you have known how to make a claim for the \$50,000?

It gets even more confusing. The excess policy was originally written to cover the car-share company only as a corporate entity. When Liberty Mutual added the Wisconsin endorsement (the omnibus auto insurance law for Wisconsin), it added language defining insured as "anyone else while using an auto covered by an underlying policy,

provided such use is with the permission" of the car-share company.

However, the "other insurance" clause in the Wisconsin endorsement then goes on to exclude "persons who qualify as insureds." In other words, any persons who qualify as insureds under definition of "insured" are excluded when there is other

valid and collectible insurance. Since the client received the \$300,000 liability insurance payment, according to Liberty, he was not eligible to collect the excess policy of \$50,000.

It seemed reasonably clear that the clause excluded the client from collecting under the excessive policy language. Here's where the expertise and staunch resolve of Attorney Abraham came into play. The appeals court agreed with Abraham that the coverage in the insurance policy was illusory.

The appeals court ruled that Liberty cannot: "(1) require the car-share company to maintain the Liability Policy to receive coverage under the Excess Policy; (2) grant all permissive users coverage in the Wisconsin Endorsement; and then (3) exclude all those same permissive users from coverage based upon coverage under the Liability Policy pursuant to the other-insurance clause. To do so violates Wisconsin statute and renders the Wisconsin Endorsement illusory."

Did you understand all of that? If not, that is more reason to hire an experienced, winning lawyer like Jason Abraham.



Attorney Jason Abraham at Daytona 2014

# Beware of Schemes by Lawyers Targeting Injured Bikers

Hupy and Abraham, S.C. has been representing injured bikers for decades. More than 3,000 injured bikers have trusted us to get them all the money they deserve, and some have received multi-million dollar settlements.



However, because it is often difficult to choose a lawyer to represent you, there are some things you should know and, in my opinion, avoid. These are gimmick marketing names, franchises, referral services and so-called legal services programs.

A California referral service used to refer cases in Wisconsin, Illinois and possibly Iowa to a Milwaukee attorney. His conduct was so unprofessional that his license was suspended four times and is still under suspension. Now, this referral service claims to have a Wisconsin lawyer at 250 East Wisconsin Avenue, Suite 1800, in Milwaukee. A visit to Suite 1800 revealed no signage indicating a law office. A call to the referral service in California was interesting. The "Wisconsin" lawyer's office is in California, but he has a license in Wisconsin and claims to be available to come out when needed.

Other referral services use the names and images of animals – dumb animals. The founder of one revealed in an interview how he targets injured bikers and admitted that lawyers who join his franchise do not have to know a Honda from a Harley. Another gimmick that popped up in Wisconsin last year is from a lawyer who primarily represents drunk drivers. Who knows how many, if any, motorcycle accidents he has handled?

Then there are so-called legal services programs named after rights organizations with out-of-state lawyers demanding exclusive advertising rights in their publications. To whom is this out-of-state lawyer going to send you if you have an accident in your state?

My advice is never hire a lawyer who uses a gimmick marketing name instead of his own and never hire a lawyer to whom you are sent through a referral service. If you want to comparison shop, remember Hupy and Abraham, S.C. has represented more than 3,000 injured bikers. How do other lawyers you might consider compare?

# Trauma Training for Motorcycle Clubs

With the start of another riding season, Hupy and Abraham, S.C. investigator Tony "Pan" Sanfelipo offered special Accident Scene Management (ASM) classes to area motorcycle clubs. This training was created for club road captains, concentrating on scene safety, essential lifesaving skills and legal issues at a crash scene.

The ASM basic classes are seven hours long. The club classes were modified to deal with the most serious injuries and legal duties to fit into a 2.5-hour curriculum.

Hupy and Abraham, S.C. has supported ASM since its inception in 1996 and encourages everyone to be trained in crash scene assistance.



Dr. Tom Korkos, ABATE's Tim Tomann and "Willie G" Davidson and his wife Nancy pictured with Hupy and Abraham, S.C.'s Tony "Pan" Sanfelipo and Attorney Jason Abraham at the Annual MDA Black-N-Blue Ball.



# The Journey for Riders Continues, Starting Right Now

By Drew "Doc" Webb

This is a new year and bikers are ready to roll more than ever. The winter has been more cold and snowy than in previous years. My thoughts are of sunny warm breezes hitting my face while I ride my motorcycle as the spring day reveals the new green grass and leaves coming into view. I round each curve and corner with anticipation and confidence with the riding skills I have obtained throughout my years motorcycling. Granted, this is the way most of us are feeling at this point, but we must face the reality that other drivers are out there with us.

The month of May means motorcycle awareness begins, with efforts organized to remind the public to share the road and act responsibly. As the biker community saddles up, riding to events and vacation destinations, Hupy and Abraham, S.C. urges the public to "Watch For Motorcycles" through ads on television and radio, billboards, Newsbriefs and bumper stickers. Share the Road classes through ABATE are also ongoing through driver's education courses in your community.

I, as well as others, use motorcycles as a main source of transportation during the spring, summer and fall months. We always must remain alert and defensive on roadways whether we're driving on country roads or during rush hour traffic. The only one looking out for you is you.

Many drivers are preoccupied with other distractions that take their attention away from what they are supposed to be doing, such as texting or talking on their cell phones. Hupy and Abraham, S.C. also continues to promote the "DNT TXT N DRV" campaign, reminding the public to drive responsibly. This is the reality you face. Make eye contact with other drivers when possible to acknowledge your presence at stop signs and traffic-controlled areas.

Be smart and please be safe this year.

**Current News for Bikers  
at HUPY.COM**

## Amazing Motorcycle/ATV Floats and Fits in a Suitcase

Many motorcyclists also have all-terrain vehicles (ATV) for off-road adventure, hunting, chores or recreation.

Did you know there is a two-wheeled version of an ATV? Meet the Tarus 2x2 All-Terrain Motorcycle. Made in Russia and not yet available in the United States, it has a two-wheel drive system and oversized balloon tires. The Tarus can go almost anywhere or do almost anything, including climbing stairs and crossing rivers. Did I mention it floats? If you come upon a large crack or space in your path, no problem. Just pick it up and carry it or drag it across the fissure. It only weighs 100 to 150 pounds, depending on the lightweight version versus the heavier Tarus 2m.

These vehicles have a three-speed transmission, a brake disc on the intermediate shaft instead of traditional disc brakes on each wheel, and a top speed of about 37 mph. The Tarus 2m heavyweight is fitted with 220 mm wide, 650 mm diameter tires and can handle mud, snow and rocky terrain with its four-stroke engine.



Tarus 2x2 All-Terrain Motorcycle

When these bikes become available, they will come as "do-it-yourself" kits. Don't worry, they are designed to be broken down and placed into two specially made bags for transport. They'll fit handily in your trunk or the back of an SUV.

You might be asking, how much is this going to cost me? It costs a mere 35,000 Russian rubels (about \$980). Want to see this beast in action?

Check out this YouTube video:

[www.youtube.com/watch?v=USHGxDp10D0](http://www.youtube.com/watch?v=USHGxDp10D0)

**We have handled motorcycle  
accident cases every day  
for decades.**

## ABATE Acres to be Paid Off

In 2009, the ABATE Wisconsin Board of Directors established a fund to help pay off the note on ABATE Acres, land the organization purchased for use by the membership. The fund bears the name of the late Dan Frantz, a former board member who believed the land would benefit future generations of ABATE members.

Donations to the fund were slow but steady when in 2011 life member Michael Hupy proposed a "matching grant" challenge to the membership. That resulted in Hupy and Abraham, S.C. donating \$8,500 in honor of his pledge. In 2012, Attorney Hupy offered a "triple match" challenge up to \$10,000. The membership came through, raising \$22,000. Hupy and Abraham, S.C. contributed \$10,000 and Attorney Hupy personally donated another \$10,000, bringing the year total to \$42,000. ABATE refinanced the mortgage in 2012, and Attorney Hupy said he wanted to continue his challenge program and see the land paid off in five years.

If the challenge fell short, ABATE would face a balloon payment or would have to refinance once more. In 2013, the challenge was to match \$19,000. Because the MRF STEAM

Conference was coming to Wisconsin, Attorney Hupy extended the challenge deadline to March 15, 2014, to coincide with the conference. Happily, the membership came through again and met the \$19,000 challenge.

On March 29, during the banquet at the STEAM Conference, 22-year employee of Hupy and Abraham, S.C. and ABATE of Wisconsin founder Tony "Pan" Sanfelipo presented a check in the amount of \$9,500 from the law firm to Executive Director Dave "Chubby" Charlebois. Then, as he has done in the past, Attorney Michael Hupy presented his personal check for \$9,500 to complete the match pledge of \$19,000.

Board member Paul Vita, who works on the Finance Committee, reported that, because of the generosity of the

membership, Hupy and Abraham, S.C. and Attorney Hupy personally, ABATE Acres will be paid off in full in 2017, realizing Attorney Hupy's mission of paying off the land in five years.



**Presenting checks at STEAM 2014:  
Tony "Pan" Sanfelipo, Dave "Chubby" Charlebois,  
Gail "Tiger" Beyer and Attorney Michael Hupy**

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# SUMMER SWEEPSTAKES: Win More Than \$3,000 in Prizes

## Hupy and Abraham, S.C. Motorcycle Dealership Gift Card Giveaway

This summer, Hupy and Abraham, S.C. will be holding monthly drawings for more than \$3,000 in prizes. Three winners will be chosen each month (May through August). Winners will be awarded gift cards to the motorcycle dealerships of their choice, valued at \$500, \$250 and \$100.

### Three EASY Ways to Enter and Win!

Three winners will be selected each month. Contestants may submit an unlimited number of entries through the following methods:

1. **Entry Form:** Complete the form found at: [www.hupy.com/prizes](http://www.hupy.com/prizes)
2. **Facebook:** "Like" us on Facebook and share the contest page
3. **Twitter:** Tweet the contest page

### Sign Up Today and Increase Your Chances to Win!

Drawings will be held the last day of May, June, July and August. Winners will be announced by the 5th of each month. The earlier you sign up in the month, the greater number of days you have to enter and win! Winners will be randomly drawn from the pool of monthly entrants and winners will be announced through [www.hupy.com](http://www.hupy.com) and social media posts.

**ENTER TODAY FOR YOUR CHANCE TO WIN THE HUPY AND ABRAHAM, S.C. SUMMER SWEEPSTAKES!**

## SUMMER SWEEPSTAKES: More Than \$3,000 in Prizes from Hupy and Abraham, S.C.

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Entry Form: Complete the form found at: [www.hupy.com/prizes](http://www.hupy.com/prizes)

Facebook: "Like" us on Facebook and share the contest page

Twitter: Tweet the contest page

Scan this code to enter



**More than \$3,000 in Prizes**

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