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**Legal
News**
You Can Use

VOLUME 5 | MAY 2013

CASE RESULTS

\$600,000 Settlement Just Before Trial – Insurance Company Tried to Blame Plaintiff

In May 2008, our client was a passenger in a car driven by her husband of 50 years, when a car pulled from a stop sign and hit them while they were going about 55 mph in the Town of Freedom, Wisconsin. Our client suffered a fracture in her knee, which required surgical repair. After the surgery, the client experienced many serious complications which kept her in the hospital and then a nursing home for several months. She later required a total knee replacement.

The insurance company tried to blame the complications on our client, due to her personal health choices, and argued that the husband was partially at fault for the accident. Hupy and Abraham, S.C. Attorney Nicole Weir pushed forward and the case settled weeks before trial for \$600,000.

Pedestrian Claim Denied, Then Paid, When Lawsuit Threatened

A woman was crossing the street on a spring morning in April 2011 when she was struck by a vehicle whose driver was not keeping a proper lookout. The insurance company denied the claim, but Attorney Vito J. Manicioto insisted Hupy and Abraham, S.C. continue working on the case as he believed the driver was negligent. After letting the insurance company know he planned on filing suit and would not go away quietly, the insurance company changed its position and paid the policy limits – \$50,000.

REFER YOUR FRIENDS!

When your friends, family members or coworkers get injured, they may need an attorney. Please have them call us. We will be happy to help them, and there is no fee unless they are successful.

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YOU SHOULD KNOW

Wisconsin Residents Penalized for Being Responsible

In Wisconsin, an injured person can recover the reasonable value of the medical care required to treat the injury. To uphold this right, Wisconsin follows the Collateral Source Rule, which provides that an injured party's recovery cannot be reduced by payments or benefits from other sources. For example, if you are in a serious automobile accident caused by a bad driver, oftentimes your health insurance coverage will pay for the medical bills related to your accident. The bills, which are sent to you, are presumed to be the reasonable value of the care you received. However, in many cases your health insurance company will pay a discounted rate rather than the rates charged to you.

These new laws will change the way the reasonable value of medical care is determined, allowing into evidence the amount the health insurance company actually paid as well as the amount billed. Such a change would mean that an injured person who has worked hard, planned ahead and made sacrifices to obtain health coverage, disability insurance and other benefits would receive less for the same injury than someone who never bothered to buy insurance. Furthermore, this evidence will confuse jurors. The only relevant information for jurors to consider is the amount of the medical expenses that are "reasonable and necessary charges" to treat the injury. If the jury hears about "outside sources of payment," it misleads them because the jury is not told about offsetting costs and expenses, like the premiums paid for the coverage.

Example of New Law in Action

Let's say you're in an accident with a drunk driver who runs a red light and causes injury to three different people (the drunk driver's passenger, your passenger and you), incurring \$100,000 in medical bills each. All three of you suffered the same injuries and needed the same medical treatment. However, the drunk driver's passenger is uninsured. Your passenger is a senior citizen on Medicaid, and you have United Healthcare through your employer. Here are the potential recoveries if the Collateral Source Law is changed:

- Drunk driver's passenger receives \$100,000 (uninsured)
- You receive \$80,000 (United Healthcare)
- Your passenger receives \$40,000 (Medicaid)

Benefits of the Collateral Source Rule

Holds Wrongdoers Fully Responsible

Wrongdoers (like a drunk driver causing a car crash) must now pay the full amount of damages and cannot receive any benefit that you paid for, like health or disability insurance.

Fully Compensates Injured People

You get the recovery you are entitled to and are not punished for paying premiums by receiving a smaller recovery.

Preserves Insurance Benefits

You receive full benefit from the premiums you paid for insurance coverage to protect yourself and your family. At the same time, those premiums don't benefit the wrongdoer.

Attorney Jason Abraham has met with legislators on the proposed changes to the law and was able to get over 50 clients to write letters opposing the bills. The proposed bills are SB-22 and AB-29, and are available at <http://legiscan.com>



Client Testimonial

Thank you for everything your firm has handled for me. Your office took care of so many things that would have just overwhelmed my family and me during a difficult time. Everyone we spoke with was kind and patient with our questions and we would have been lost and discouraged so many times without that help.

Sincerely,

- C. Geimer

ON THE WEB

“Yield to Pedestrians” Public Service Announcement (PSA)

Hupy and Abraham, S.C.’s “Yield to Pedestrians” PSA has not only been a YouTube sensation, but has been airing on local television stations. The firm created and fully funded the PSA spreading this important message in light of increased pedestrian accidents and fatalities.



The firm has received numerous phone calls thanking us for putting out this impactful message about increasing pedestrian awareness. Attorney Hupy hopes that everyone will listen to his message, **“Save a life! Yield the right of way to pedestrians at all corners and crosswalks. It is the law.”**

BREAKING NEWS

May is Motorcycle Awareness Month

It is May; the sun is out, the weather is warming up, and motorcycles are hitting the streets. Hupy and Abraham, S.C. recognizes May as Motorcycle Awareness Month. After the long winter, drivers must learn how to share the road with motorcycles once again.

Hupy and Abraham, S.C. has been telling motorists to “Watch for Motorcycles” for years in an attempt

to reduce the number of accidents and injuries to motorcyclists. In fact, the “Watch for Motorcycles” campaign has reached over 10 million people through print publications, television, radio, bumper sticker promotions, airplane banners, and the Web.

Help keep the roads safe – SAVE A LIFE! To request your FREE “Watch for Motorcycles” bumper sticker, go to www.hupy.com.

WATCH FOR MOTORCYCLES

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HupyandAbraham

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In 2012, Hupy and Abraham, S.C. donated over \$200,000 to more than 100 community organizations.



Attorney Jason Abraham Educates Students on Making Positive Life Decisions

Attorney Jason Abraham spent a recent afternoon educating “Learning for Life” students about the importance of making positive decisions for yourself, having a dream and staying away from substances that could ruin your life. Attorney Abraham discussed his responsibility as a lawyer and to the community and how Hupy and Abraham, S.C. has impacted the community in a positive way.

Guest Speaker at Lifesavers National Conference

With his excellent record of winning cases for the motorcycle community, Attorney Abraham was also invited to discuss legal issues at a motorcycle crash scene, including responsibility and insurance issues. In the past, Attorney Abraham has presented similar talks at Accident Scene Management classes around the country.

IN THE COMMUNITY