



The Timeline Of Filing A Car Accident Lawsuit

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WHAT TO EXPECT WHEN FILING A CAR ACCIDENT LAWSUIT

After a car accident, you must take steps to file a claim with your insurance company to seek compensation for your damages. However, certain obstacles may arise and force you to go through a much longer process than you initially expect.

In this eBook, you'll learn all about the process, so that you can prepare accordingly.



FILING A CLAIM WITH YOUR INSURANCE COMPANY

Immediately following a car accident, call your insurance company to report the incident. Be sure to let them know your policy number, provide photos if applicable, and give them the other driver's information so they can start the process on your behalf.

Your insurance will work with the other party's provider to determine the cause of the accident and who is at fault. Either your insurance company or the negligent driver's provider will send an adjuster to assess the damages from the crash. From there, they'll either accept or deny the claim.

1 WHEN THE INSURANCE COMPANY DENIES YOUR CLAIM

Insurance companies often look to protect their profits over claimants. Instead of paying out compensation, they often deny claims. The insurance company often uses tactics that go against their policies, which means they're acting in bad faith.

If the insurance company wrongfully denies your claim for compensation, you may have the right to file a lawsuit against the negligent party and his or her insurance provider. You can speak with a lawyer about filing a claim, and you will have to notify the defendant of the lawsuit.



② THE INSURANCE COMPANY'S MOTION TO DISMISS

As the defendant in a lawsuit, the insurance company can file a motion to dismiss the lawsuit. They must present evidence to the judge in the case showing that they followed their processes to assess the damage and rightfully deny the claim.

You can also ensure the judge has your evidence showing the four factors of liability. Once the judge analyzes the information provided, he or she can decide whether to dismiss the case or if the lawsuit will proceed through the legal system.

③ USING THE DISCOVERY PHASE TO PROVE LIABILITY

During the discovery phase, both parties' legal teams can present valuable information about the lawsuit. Your legal team can present evidence such as police reports, photos of the damage, witness testimony, and more. The defendant has the same opportunity.

Both sides present their evidence to the other. Many car accident lawsuits end during the discovery phase because there is enough evidence to warrant the claim. The insurance company is more likely to settle if you and your legal team present enough evidence during discovery. Settlements are more likely during discovery because insurance companies would rather avoid the cost of going to trial.



④ THE INSURANCE COMPANY'S SETTLEMENT OFFER

If you and your legal team can provide enough evidence to the defendant and show you deserve compensation, the insurance company may offer a settlement. You should speak with your legal team to ensure the settlement offer covers your losses. At this point, you have two options:

- If the settlement offer is enough, you may want to accept it. Accepting the settlement helps you avoid the costs of going to trial and gets compensation promptly.
- If the settlement offer is not enough, you can speak with your legal team to determine your next step. You may want to deny the claim if your lawyer feels you can get more through a verdict.

Insurance companies are happy to offer low settlements because they know you need money during a difficult time. They hope you need the money enough to accept whatever they offer, even if it's not enough to cover your related expenses.

Make sure you speak with your legal team to recognize what rights you have.



5 THE POTENTIAL OF GOING TO TRIAL

Very few cases make it to trial because the insurance company wants to avoid the excess cost of litigation. However, if you deny the insurance company's settlement and pursue a trial, you may benefit from the decision.

Before you go to trial, you want to ask a few questions:

- Did the insurance company offer you a settlement that covers your losses?
- Did the insurance company initially deny your claim?
- Did the insurance company try to take advantage of your rights?
- Does your legal team feel you can get more than the settlement offer?
- Does your legal team feel confident in getting maximum compensation through a trial?

The aftermath of a car accident can seem difficult to overcome when you're unsure of what comes next. We hope that this eBook has been helpful. If you suffer an injury in an accident caused by negligence, don't leave your outcome to chance. Speak with an attorney who can help you understand your options moving forward.

