

About Your Case with our Firm

How Our Firm Handles
your Personal Injury
Case, and Other Issues
Related to Your Personal
Injury Case with Our Law
Firm



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How we handle your Personal Injury Case in our office, and Other Issues Related to Your Personal Injury Case with Our Law Firm

Many of our clients wonder about what happens in their personal injury case, the steps involved, how much their case is worth, how long it will take, and what their case status is.

This short informational e-book will tell you for the most part everything you need to know about your personal injury case with our office and what the status is based upon stage.

This guide will also teach you how we handle your case.

If after reading this e-book, you still have questions regarding your case status, you may always call us at 800-816-1529 to get your current case status.

Referring your friends, family, and other people to our firm for their cases

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We always welcome referrals from our clients, friends, family, and other people and attorneys to our office. When you refer someone to our office be sure you tell them to tell us that you referred them when they call in. We can assure you we will take care of them.

Contacting the Law Office of Norman Gregory Fernandez After You Have Signed Up to Be a client.

The absolute best way to contact our office is by phone by calling us at 800-816-1529, extension 0.

When you dial in to our office, the phone system will give you an option for new clients requesting a consultation with an attorney to dial 1. Do not dial 1 if you are an existing client because that extension is for new clients wanting a consultation ONLY. Dial extension 0.

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If you are an existing client and you dial 1, which is our personal injury hotline, the operators on the hotline will not be able to help you or to take a message for you. The operators on extension 1 are exclusively there for new client intake only.

If you are an existing client, you must dial 0 to get to our staff working on your case.

If you want a case status, read this guide first, especially the portion related to "What is my Case Status." If you want more information, call us for a status. Do not email us requesting a status.

We do not want you to email us unless we are working on something related to your case and we are expecting your email.

We get hundreds of emails per day and may not see your email for various reasons. Email is not the best way to communicate with us, unless we are working on something related to your case and we know that you are sending us an email.

If you send us something or upload something into the portal, give us a call to let us know and to confirm we received it. Communication between us is key throughout your case.

Sometimes attorney Norman Gregory Fernandez or other attorneys that work for us may give you their cell phone number at the beginning of the case to facilitate getting you signed up, or they may do so while working on your case for various reasons.

Unless otherwise told, you should not contact the attorneys through their personal cell phone after you are signed up, unless you have a true emergency, or they tell you that it is okay to do so.

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Just like a doctor's office, the attorneys are busy going to court, attending depositions, and doing litigation work. 99% of the time, our support staff will be able to answer your questions, or they will communicate directly with the attorney and relay messages from the attorney to you.

When there is a significant development in your case and when necessary, the attorney may communicate with you directly or through support staff.

If you would like to speak to any of the attorneys in the office, simply call 800-816-1529, extension 0, and schedule an appointment to speak to them. You should always tell us the reason you are calling and what you want, so we can prepare for the appointment.

Sometimes the Attorney may relay or communicate through office staff just like in a medical office. Not every communication requires communications directly with the attorney.

We have a limited number of employees to answer calls, and as you can imagine sometimes, we may have many clients all calling at the same time or staff may all be busy and not able to answer all calls at the same time.

In these instances, sometimes a live person may not be available to answer your phone calls, and the call may go to voicemail.

We can assure you that if your call goes to voicemail, and if you leave a voicemail, we will call you back within 24 hours. There is no need for you to call multiple times per day if you have already left a voicemail. We will call back in the order in which you called.

Sometimes people may call and hang up without leaving a message. If you do not leave us a message if your call goes to voicemail, we will not know you called and you will not get a call back. If your call goes to voicemail, leave us a message and we will call you back.

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How Do I Get to The Law Firm Online Client Portal?

The Law office of Norman Gregory Fernandez is one of the few law firms in the nation to have an online client portal for our clients. The online portal enables you to log into our system, to upload documents, pictures, videos, and more. The portal allows you to download documents, pictures, videos, and more that we share with you. The portal allows us to assign you tasks and make calendar events for you as well. The portal also allows you to update your contact information without you having to call us.

Being a client of our law firm automatically gives you access to the online portal for clients in good standing. When we create your case, we enable the portal for you, and our system will automatically send you a welcome email and invite you to create an account. If for some reason you do not create an account at the beginning of your case, but you would like to create an account later on, simply give us a call and we will resend you the login information.

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To get to the online client portal simply go to <https://thepersonalinjury.com> . Scroll to the bottom of the page. You will see a link to “client area.” Click on the link and you will be taken to a page that has another link that says, “click here to access the secure online portal.” If you click that you will get to the online client portal.

We also have a client only website located at <https://portal.ngflaw.com> which gives a link to the portal and law firm documentation for clients and eBooks.

The client only website at <https://portal.ngflaw.com> has a copy of this eBook along with instructions for clients to answer discovery questions, templates for the same, the depo prep guide and other items for clients. We recommend that you bookmark the website and use it as necessary, it is for you and not the general public.

How Long Will It Take for My Case to Resolve?

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If we could answer this question for you, we could also predict the lottery numbers as well. In other words, every case is unique and different. There is no way for us to know how long your case will take to resolve.

For the most part you can expect an average car accident case to take between 30 days and six months to resolve depending upon how long it takes for our client to finish treating with a medical provider, whether or not a defendant insurance company accepts liability for the accident, whether or not the defendant makes a settlement offer, and whether or not our client accepts a settlement offer that we negotiate.

Many times, it is necessary to file a lawsuit, and once a lawsuit is filed, the courts determine the timeframe for trial, etc.

In contrast, a premises liability case such as a slip and fall typically takes much longer because we have to file a lawsuit in almost all cases. The simple answer to this question, how long will it take for my case to resolve, is that there is no set answer.

Obviously, we will do our best to resolve your case as quickly as possible.

It is always up to the defendant to make a settlement offer. We cannot force them to settle, but we will apply legal pressure to them every step of the way to convince them to offer a settlement. If necessary, we will file a lawsuit against the defendant which more often than not achieves this goal.

Under no circumstances should you stop your medical treatment until you have either healed, or there is nothing more they can do for you, to try to make your case go faster. Chances are you will not make your case go faster, and you will diminish the amount of money you will get in your case. If

you have any issues give us a call at 800-816-1529.

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How Much Is My Case Worth?

There is simply no way for any attorney to know what a case is worth at the beginning of the case.

There are some websites that purport to tell you the value of your case, these websites have as much worth as websites that pick lottery numbers for you. They are simply junk, kind of like fortune tellers.

Nobody can predict what a case is worth at the beginning of the case. Anybody who tries to tell you what your case is worth at the beginning of your case is simply lying to you.

If another attorney tells you what your case is worth at the beginning of the case, run away as quickly as possible.

There are many factors that determine how much a case is worth such as but not limited to:

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- Liability (“who is at fault and how easy it is to prove”),
- *the* nature and extent of your injuries,
- your medical treatment,
- your medical bills,
- the extent of permanent disability,
- scarring or disfigurement,
- your loss of wages,
- your loss of earning capacity,
- your loss of future wages,
- your property damage if you had a vehicle accident case,
- your prognosis after medical treatment,
- your pain and suffering,
- your loss of enjoyment of life,
- your emotional distress,
- the need for future medical treatment, and
- liens which may reduce your recovery.

In California fault may be apportioned to all parties including the injured party. What this means is that the injured party might be partially at fault which will reduce the amount they may recover in a case.

Think of fault like a pizza pie. Each person or entity gets so many pieces of the pie which represents their percentage of fault, with the entire pizza being 100% of the pie.

An example is let's say your case is worth \$100 and you are 25% at fault. Your case would then be worth \$75 because 25% of the fault apportioned to you is deducted. Obviously, we will fight to minimize any fault allocation to you.

Once our client is finished treating, and we know their prognosis and all out-of-pocket expenses, we will get a rough estimate of what the case might be worth, but there is still no way we can know for sure what the case is worth because if we go to trial it is up to a judge or a jury to decide what the case is worth.

In personal injury cases damages are ordinarily awarded according to proof at trial.

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Further, a client may decide to settle their case before trial, after a defendant makes a reasonable settlement offer. Every case is different.

In the end a case is worth what a client will settle for, or what if anything a judge or jury may award at trial.

Once we know all the damages, we will have an estimate of the range we would like to settle the case for.

There are absolutely no guarantees that you will get a settlement or judgment in your case. Sometimes after working on a case, evidence may affect the outcome of a case one way or another. You hired us to prosecute your case and we will do our best to get you a positive outcome.

Since we work on a contingency basis on personal injury cases, and we get a percentage of whatever we recover for you, we can assure you that we will do everything we can to get you as much money as possible in your case.

Getting Medical Treatment on Your Case

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Our law firm works with various entities that will provide medical treatment to our clients on a lien basis. What this means is that in most cases even if you do not have medical insurance, we may be able to find you doctors who will treat you on a lien basis.

Lien basis means they get paid out of the proceeds of the case, if we obtain a settlement or judgement for you, once the case settles or we obtain a judgment.

There is no guarantee that we will be able to get you medical treatment, but we have been doing this a long time, we have a good reputation in the industry, and we more often than not will be able to find doctors who will treat you.

The location where you live plays a big part in how many providers are available to treat on a lien basis.

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We have even been able to get clients surgery on a lien basis, dental treatment on a lien basis, etc. there are many factors including where a client is located, and the type of case they have, but if you have any questions about getting medical treatment, give us a call at 800-816-1529.

The Importance of Medical Treatment on Your Case

We cannot stress this enough, generally speaking, medical treatment is the key to your personal injury case. If you are injured, common sense dictates that you would go to the doctor and get medical treatment. No one will believe that you were truly injured, especially an insurance company, if you do not get medical treatment, it is as simple as that.

Many of our clients do not go to the doctor because they do not have medical insurance. Read the section above about getting medical treatment on your case. If you have a problem getting medical treatment, call us as soon as possible.

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Often times, primary treating physicians, or HMOs will simply examine you, prescribe medical relaxers and pain medications, and tell you to return if your symptoms do not resolve. Modernly, it is generally accepted that physical therapy, chiropractic treatment, massage therapy, etc. will help you to resolve your medical issues more quickly.

The client that sits for 2 to 3 months after going to a primary care physician, suffering, will not get as much money as a client that attempts physical therapy, and other alternative treatments.

Generally, the nature and extent of your injuries and your medical bills are directly proportional to how much money you get in your case. Unfortunately, what this means for you is that the more injured you are, and the higher your medical bills are, the more money you will get.

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You should absolutely go to the doctor, do not underestimate your complaints, meaning if something hurts tell the doctor it hurts you are not doing yourself any favors by underestimating your symptoms to the doctor.

If a doctor in physical therapy or another specialty wants you to come in 2 to 3 times a week for therapy, make sure you do not miss any appointments.

Your medical treatment is a huge factor in whatever recovery we will get for you in your case.

Clients Who Are Desperate for Money, Getting A Cash Advance on Your Case

Many of our law firm clients for one reason or another are in desperate straits due to being injured. They are unable to work, they have no money, and they need help now. We always tell our clients to act as though the case does not exist, meaning that they should do whatever they can to survive until the case is resolved.

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Many of our clients can get disability benefits if they are unable to work. Other clients may be able to get unemployment benefits if they are unable to work. Some clients may be able to get help from family and friends until they are able to return to work. In the worst of circumstances some clients may be able to get Social Security disability benefits.

Some clients may have to go to the government for general relief. (Welfare, Food Stamps, Housing vouchers, etc.)

Some of our clients are absolutely desperate and need to get a small sum of money immediately to survive. In such instances, we can assist the client in getting a cash advance through outside cash advance companies. We strongly suggest that you do not get a cash advance because of the high interest rates.

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We always tell our clients to avoid this option as much as possible because these cash advance companies charge large interest rates that are analogous to payday advance companies.

In other words, you may get in advance of \$1000 and may have to pay back the loan at \$3000 or more by the time your case resolves. Each company is different, and we have no say so as to the contract between a cash advance company and our client other than our recommendation to our client.

A cash advance will also adversely affect your ability to settle the case, and the money you receive at the end of the case, because you have to pay back the cash advance plus interest back to the lending company before you can get money out of the case. The cash advance company will end up taking a large portion of your settlement depending upon the terms of the loan you have with them.

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We always recommend not getting a cash advance from a cash advance company. However, we have helped numerous clients get cash advances, and if necessary, we will help you to get a cash advance as well. We always recommend getting a minimum cash advance as possible. Only get what you absolutely need.

Our law firm is precluded from giving loans and advances to clients except for advancing costs and expenses in cases.

Keeping A Personal Injury Log

We recommend that you keep a personal injury log. A personal injury log is like a diary except that it is used to document daily what you have had to go through after your injury. You can put things along such as the pain that you have suffered throughout the day, the difficulties you have had throughout the day, etc. The more detailed the better.

Keeping a personal injury log will help us to maximize the settlement or judgment we can get you in your case. It is not mandatory, but we recommend it.

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No Lawyer Can Make Guarantees as To the Outcome of Your Case

No reputable ethical attorney will ever make any guarantees to a client about the outcome of their case.

No matter how much experience an attorney has, there is no way for them to know one way or another what the outcome of your case will be.

We at the Law office of Norman Gregory Fernandez have almost 3 decades of experience and have dealt with thousands of personal injury cases over the years.

Based upon our experience, we can give you a good idea what to expect in your case, but we cannot tell you exactly for sure what the outcome of your case will be.

In most cases that we do, we are able to get money for our clients in their case if the case goes well and the evidence pans out.

As a matter of fact, as a percentage, only in a very small percentage of cases have we not been able to get money for clients.

There are many factors that will affect the outcome of your case, such as conflicting facts, witnesses, videotaped evidence, the quality of evidence, comparative negligence, etc. We can assure you that we will do everything we can to get you the most money possible in your case.

What Is the Difference Between Prelitigation and Litigation?

Prelitigation is the stage of the case before we file a lawsuit with the court. Litigation is after a lawsuit has been filed with the court.

The Different Case Statuses of Your Personal Injury Case Within Our Office

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Your personal injury case within our office will always fall within one of the below stages. By reading below, you should always know what stage your case is in. As an attorney and law firm, we have a duty to communicate significant developments with you in your case. We assure you that if there has been a significant development in your case, we will contact you to communicate with you.

If you have a question as to what the status of your case is, or the stage of your case, simply read below. By reading below, you will not only get a very good idea about exactly how your case works within our office, but also what the status of your case is. Of course, if after reading below, you still have a question, you may always call us at 800-816-1529.

Case Stages

Prelitigation, Open Case Stage

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After We receive all sign-up documents from the client, including a completed intake questionnaire, we open a case in our law office management system, input all data into our law office management system. All documents given to us by a client will be digitized, scanned, and returned to the client when requested. We are a modern law firm and only maintain client files in digital format, unless we are required to print out documents for depositions, court hearings, and trial.

It is very important for our clients to give us as much detail as possible about their case on the intake questionnaire. The intake questionnaire from the client provides us with the information we need to prosecute their case.

We will send an adverse party letter to the defendant (person or company that hurt you) when we do not have their insurance information, or we send a representation letter to a defendant if we have their insurance information.

For vehicle accident cases it is sometimes necessary to get a police report in order for us to get the defendant information, because many times our client is taken by paramedic to the hospital. In these instances, we rely upon the police to get the defendant information. It is important for our clients to always get defendant information in a vehicle accident case when they can.

Pictures

We always request that our clients take as many pictures as possible of vehicles if it is a car accident case, of a location if you had a trip and fall or slip and fall, and of injuries when possible. We always say a picture or video speaks a thousand words. If we ever do have to go to trial, a jury always looks at pictures above all.

We wait for the Defendant's response.

If this is an auto accident case, we work with our client and the insurance companies to assist the client in getting a rental car, get their car repaired, or get the money if the car is totaled. We also try to get police reports, videotapes, insurance policy limits, and other information during this stage.

Our law firm, unlike almost all other personal injury law firms, does not charge anything to assist our clients in getting their property damage claims in vehicle accident cases resolved in prelitigation.

On almost all cases, the defendant (person who is at fault) will send us a letter in response to our adverse party letter, providing us with their insurance adjuster information, a claim number, etc. we will then communicate with the insurance company or self-insured entity to provide them what is called index information about you and your case.

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Sometimes a defendant will request a recorded statement from you. In almost all circumstances we will not provide recorded statements in prelitigation. However, in certain circumstances will allow recorded statements because we have found that in some cases it helps to promulgate a settlement in your case.

Sometimes defendants absolutely do not respond to our adverse party letter. In such cases, we have no choice but to file a lawsuit after you are finished treating as explained below.

If the defendant has responded to us, at this point we wait until you are finished treating before we go further with your case, see below.

In car accident cases as stated above, we will work to get your car repaired, or totaled even if you are still medically treating.

Vehicle Accident Cases Only

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As stated above, although most law firms charge a service fee or a percentage to handle the property damage related to your vehicle case, we at the Law office of Norman Gregory Fernandez absolutely do not charge any fee for this part of your case. The only exception to this is if the property damage does not settle prior to trial and becomes an issue at trial. This is such a rare occurrence that we cannot remember a time this has happened. In other words, usually the property damage part of the case is settled well before a case has to go to trial. We take no money from a property damage settlement unless the property damage part of the case goes to trial.

You will be responsible for notifying us either where the car is if it was taken to a tow yard or impound lot after the accident and cooperating with the insurance adjusters from your insurance company and the defendant insurance company so that the car or vehicle can be inspected.

We will attempt to get the defendant to accept liability immediately and cover your property damages. We will also attempt to get you a rental car. We may go to your insurance company to provide services until we can get the defendant to accept liability. In the worst-case scenario, you may have to cover the deductible until we get the defendant to accept liability.

How Does an Insurance Company Determine If My Vehicle Is Totaled?

In California, by law, a defendant is only liable to repair your car up to the fair market value of your car. What this means is let us say the fair market value of your car is \$5000. Let us say to repair your car it would cost \$10,000. In California, a defendant only has to pay repair costs up to the fair market value of your car. Therefore, in the above example since it would cost 10,000 to repair your car, but the car is only worth \$5000, the insurance company will total your car, and only pay you the fair market value of your car.

What is the fair Market value of my car or Vehicle?

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The Fair Market Value of your car is not what you paid for it, but what you can buy it for on the open market. It depends on the Year, Make, Model, Milage, Options, and Location of your vehicle. The exact same vehicle with the exact same everything may be worth more in Los Angeles than Stockton. You can get a good idea what the fair market value of your vehicle is by going to autotrader.com and plugging in all the details for your car in your area. This is kind of what the insurance company will do to determine fair market value.

What if I still mow money on my car when the car is totaled?

If the insurance company totals your car, the insurance company will send the amount of money which represents the fair market value of your car, to the person who owns your car, which is the lien holder, i.e., the company who you got a loan for on the car. In many cases the money is not enough to cover what you owe. Unfortunately, when you buy a car, you may have obtained a loan for the car, that greatly exceeds the fair market value of the car/ As soon as you drive it off the lot your vehicle loses value. You should always get gap insurance which is insurance that will cover the difference between the fair market value of the car, and what you owe on the car if the car is totaled.

In California, a defendant is not liable for the difference between what you owe on the car in the fair market value of the car they are only liable up to the fair market value of the car. I know it does not seem fair, but you could end up owing money

on the car, even if a defendant has paid the lienholder the fair market value of the car.

Can I Keep the Car If It Has Been Totaled?

Generally, yes, if your car has been totaled, you can still keep the car, but the insurance company will deduct the salvage value of your car from your property damage settlement. The salvage value of the car is generally what a junkyard would pay for your car. This amount could vary between \$200-\$500 more or less.

Prelitigation, Waiting for Client to Finish Medical Treatment

In the vast majority of personal injury cases we take, the client is still injured and treating with their doctor. We will not know what the estimated value of the case is, until the client has been diagnosed and treated by their doctor, and we receive all documentation.

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Once the client is either asymptomatic which means they are completely healed, or permanent and stationary which means that there is nothing more that can be done for the client by their doctors and they are permanently injured, we will know how much the case is approximately worth.

We therefore wait for our client to finish treatment before we do anything further on a case, unless the client is still treating by the time, we have to file a lawsuit which is normally 2 years from the date of the accident.

If the client is still injured and being treated when the statute of limitations comes up (time-limited file a lawsuit), we will file a lawsuit to preserve the case even if the client is still medically treated.

It is the client's responsibility to inform us when they are done treating. It is also the client's responsibility to inform us if they are having problems getting medical treatment so that we can help them find a solution.

Prelitigation, Demand package stage

When the client is finished treating, and they inform us that they are finished treating, we gather all medical reports, all medical bills, any loss of wages

information needed to prove loss of wages, spousal information, and any other information necessary for us to make a demand package to send to the defendant, to initiate settlement discussions.

It is very important for us to get all the information.

Sometimes a client must assist us in getting medical records because sometimes even if we have a release, medical providers will not give us information we need.

By law, a medical provider must give a patient a copy of the medical records upon request.

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Once we gather all of this information, we assemble what is called a “demand” package and send it to the defendant demanding that they settle usually for a much higher amount of money than we believe the case is actually worth.

This process can take months for the insurance company or defendant to review medical records and to conduct their investigation. Generally, on average the process takes anywhere from 30 to 90 days while the insurance company has the medical records reviewed by their medical professionals in-house, etc.

The majority of vehicle accident cases are settled during this phase if the insurance company offers a settlement which the client will accept. The exact opposite is true of the fall/trip and fall and premises liability cases. Although modernly, some premises liability defendants will settle cases prelitigation now, where in the past one hundred percent of these cases had to be filed in court. The vast majority of these cases still have to be filed in court. Premises liability cases are more difficult to prove, therefore defendants are less likely to settle these cases in prelitigation.

Once we send a demand package, we will initiate settlement negotiations. The decision to settle a case is always up to the client.

Prelitigation, Need to File a Lawsuit

If we have sent a demand package to a defendant, and they steadfastly refuse to make a settlement offer which a client will accept, or the statute of limitations is about to expire,

we will put the case in queue to file a lawsuit.

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Sometimes we must file a lawsuit if the statute of limitations (time-limited file lawsuit) is about to expire, even if we are unable to do a demand package because the client is still treating.

Depending upon the case and circumstances involved, we may prioritize the lawsuit for filing, but in most cases, the case where a lawsuit has to be filed is put into a queue with other cases that need to be filed, and your case will be filed when its queue position comes up.

100% of the time we will contact you prior to filing the lawsuit to let you know that we will be filing a lawsuit, to verify your contact information, to discuss the facts of the case with you, and to confirm everything before we sue the defendant.

Sometimes some of our clients have died, have gone to jail, disappeared, do not contact us back, or simply do not want to proceed with the case. We will not file the lawsuit unless we communicate with your first.

It is your responsibility as a client to expeditiously return our calls, emails, text messages, etc. as soon as possible. If we are going to spend significant money and attorney time initiating a lawsuit in your case, we need to know that you are there to work with us.

We will be doing all of the work in the litigation case, and you will be required to do some things like answering discovery questions, etc. We will let you know. You should know that in our experience 99% of all cases are settled without ever having to go to trial.

Litigation, Need to Serve the Lawsuit

When A lawsuit has been filed in your case, we need to personally serve the lawsuit on the defendant. Sometimes, especially in motor vehicle accident cases, the defendants, who are individuals, move and are difficult to find. This can delay the process of serving the defendant. This stage is a constitutional requirement that all defendants have notice and an opportunity to be heard. In extreme cases where we cannot serve a defendant, we may have to try to serve by publication which is a very expensive and lengthy process.

Commercial defendants are usually much easier to serve, but sometimes in premises liability cases where a specific owner of a property cannot be found, it may take longer to serve a defendant.

Litigation, Discovery

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Once we have served the defendant in your case, and the defendant answers your lawsuit against them, each side will have the opportunity to do discovery which involves written questions back and forth, demand for production of documents back and forth, the defendant has the right to take an independent medical examination of you, the defendant may want to take your deposition, and so forth. This is the most strenuous and lengthy process in a personal injury case.

This is the part of the case where you will be required to do certain things, but do not worry, we are a modern sophisticated law firm, and we have instructional packets and templates to help you get through this entire process.

Litigation, Settlement, Negotiations

Usually after discovery is concluded in the litigation case, we engage in settlement talks with the defendant.

Anytime a defendant offers money to settle your case, we have an ethical duty to communicate that settlement offer to you.

Even if we feel like you should not accept a settlement offer, only you decide whether a case settles or not for the amount that has been offered.

Our retainer agreement grants us the right to settle your case without your authorization only under very limited circumstances, and we will only do so if let us say you disappear, and we believe the settlement offer is reasonable and you could lose the money if we do not accept on your behalf, etc. In almost 24 years we have never exercised this option. We always want the client to agree to a settlement before will settle the case.

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This stage will allow you to have control over how much money you get, as opposed to going to trial, turning control over to the court or jury, and potentially getting nothing. If the case does settle, then scroll down to the case settled steps to learn what happens there.

Litigation, Prepare for Trial

Most litigation cases will settle before trial. In fact, 99% of cases are settled prior to going to trial. If the case is not settled, we will prepare to take your case to trial. We will not go into detail here other than to say that much work and expense is put in to going to trial. The average trial expenses are anywhere from \$10-\$20,000. Experts need to be subpoenaed along with your doctors. It is very rare that we will go to trial, and this is only with the client's permission. Most clients settle the case before trial.

Litigation Trial (if your case settled see below)

If there is no settlement in your case, and both the law firm and you agree, we will take your case to trial.

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Your trial could be in front of a judge only, this is called a bench trial, or your trial could be in front of a jury, this is called a jury trial

For bench trials, the average personal injury case takes 3 to 5 days to litigate in trial. Usually, the judge will provide a written verdict sometime after the trial is

concluded. The judge in a bench trial almost never gives a verdict on a case immediately after the presentation of evidence like a jury trial

For jury trials, there is jury selection, the presentation of evidence, jury deliberations, and then the jury renders a verdict. 9 out of 12 jurors are required to agree with us to win, but the jurors also determine who gets what amount of money if any.

Our goal is to get a Judge or a jury verdict in our favor and get them to award us money.

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If we win, we will move for costs and expenses to be paid for by the defendant and submit a memorandum of costs.

If we lose the defendant will do the same thing.

Another possibility if we win is the defendant may make a motion for reconsideration, or a motion for new trial. If they lose on those motions, they may appeal the case.

In other words, even if we win at trial, a defendant may try to delay the case by appealing it. Sometimes clients will agree to take less money than the judgment to prevent a defense motion or appeal.

Case Settled, Waiting for Release from Defendant

We wait for the defendant to send us the release which is basically the settlement agreement. Once the defendant sends us a release, we send it to our client for signature.

Case Settled, Waiting for Client to Sign Release

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We wait for the client to sign the release and send the release back to us, which we will then send to the defendant. The defendant will not cut a check until the release is signed.

Case Settled, Waiting for Check from Defendant

Once we send the client signed release to the defendant, and other information they may require, they must cut a check, and send it to us.

This process sometimes takes up to 30 days or more depending upon the defendant's internal procedures, and certain circumstances. Some defendants want proof that the client was not on Medi-Cal or Medicare before they cut a check. Sometimes the defendant will allow our client to sign a declaration under penalty of perjury that they were not on Medi-Cal or Medicare, sometimes they want proof from the actual governmental agency that there is no lien. If there is a lien from the governmental entities, most of the time the defendants will either pay the lien directly out of the settlement, or they will send us two separate checks, one for the governmental agency, and one for the client and the firm.

It can sometimes take Medi-Cal or Medicare up to 6 months or more to let us know if they claim a lien, and during this process we will have to provide information as requested by the governmental entity.

In most cases we will get a check within 30-60 days.

Recently though with the changes of the law, Medi-Cal and Medicare clients can expect to wait longer for a check depending upon what the defendant requirements are.

Once we receive the check, it is deposited into our client trust account to be disbursed as described in the next steps.

Litigation Waiting for Defendant to Pay Judgment on Trial

If we obtain a judgment in trial, we expect the defendant to promptly pay the judgment to us. Once we get the money, we go through the same process as listed below with respect to negotiating liens, and disbursing funds.

Case Settled, Negotiating Liens

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Once we get the settlement check from the defendant, and it is deposited into trust, we will then begin the process of negotiating any liens we have from treating doctors, cash advance companies, or Medi-Cal or Medicare, to attempt to get them to reduce what they want in satisfaction of their lien, to a level which will maximize the amount of money our client gets in their pocket.

Sometimes this process is started before a settlement is reached. It is very rare that a doctor will not negotiate their bill down. We have only seen two instances in almost 24 years of doing personal injury law, and in doing over a thousand personal injury cases where a doctor refused to negotiate their bill lower than what they were charging.

This process can take weeks. We have had situations where doctors have not returned our calls for weeks at a time, and so forth.

It is entirely up to the doctors at this point but usually we can get liens negotiated depending upon the number of providers, within a week to 2 weeks.

If absolutely necessary, we can cut our client a check for the undisputed amount of their settlement if this process takes too long. You may call us at 800-816-1529 for more information.

Case Settled, Waiting for Breakdown Approval from Client

Once all the liens have negotiated, we will send the client a breakdown which is also known as the disbursement sheet, indicating what money the client will get,

what money the doctor will get, etc. Once the client approves the breakdown, they will sign the breakdown and send it back to us.

Settlement or Judgment Disperse Funds to Client

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Once we get the signed breakdown back from the client, we disburse the funds to the client by mailing a check to the client from our trust account. We are required

by law to disperse funds from a settlement directly from our trust account. In certain circumstances, we may be able to electronically send you the funds for your settlement via Zelle directly to your bank. For more information call us at 800-816-1529.

Close Case

Once all the funds are distributed in your case, we will close the case. Our system will have all of your information archived, just in case you need some of it, or have a new case that you want to bring to us. You will lose access to the client portal unless you become a client again.

Conclusion

We hope this eBook was helpful to you. As always if you have any questions, you may call us at 800-816-1529.

About the Law Office of Norman Gregory Fernandez

The Law Offices of Norman Gregory Fernandez is a premier California Personal Injury Law Firm. We have handled Personal Injury cases throughout the great State of California for almost 30 years. Our law firm handles Personal Injury cases, including but not limited to: automobile accidents, car accidents, motorcycle accidents, truck accidents, bus accidents, train accidents, passenger accidents, and other types of motor vehicle accidents, slip and fall, trip and fall, premises liability cases, assault and battery cases, medical malpractice, traumatic brain injury, and other types of cases where you may have been injured physically, and/or emotionally, due to the intentional actions or negligence of another. If you need help you may call us 24 hours a day at (800) 816-1529 extension 1. We provide a free consultation over the phone for Personal Injury cases. No matter where you are in California, or in the nation, you can sign up with our law firm electronically via smart phone, tablet, or computer. We can arrange for you to receive the medical treatment you need in your personal injury case, even if you do not have medical insurance!

No Recovery - Ne Fee.

