



DEATH & SERIOUS CAR INJURY CASES

Getting You The Most Money For Your Claim



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INTRODUCTION: DEATH AND SERIOUS CAR INJURY CASES

DEATH CASES:

A death case involves a victim who tragically dies because of a traumatic car accident caused by another driver's wrongdoing. Death cases aren't limited to persons killed in a car, truck, or motorcycle collision on the roadways.

It can involve a victim operating an off-road vehicle like an ATV, or even a riding mower, while on the highway. A death case can also involve a pedestrian who is struck and killed by a careless or distracted driver.

In death cases, the first step you must do is raise an estate for the deceased family victim to pursue a legal claim against the wrongdoer.

An administrator or administratrix of the estate is appointed to act on behalf of the deceased family member. **We take care of all the paperwork involved in raising an estate so we can pursue a claim on behalf of the deceased's estate.**

The financial \$\$ recovery obtained in a death case goes to the estate of the deceased.

We can help you with every aspect of the death claim.

Those entitled to obtain a recovery from the estate of the deceased may include a parent, child, or other family member. We have represented ALL family members in these types of tragedies.

Over our 30 plus years of practice, we have helped victims' families with many types of death claims, including fatal collisions involving: rear end, T-bone, improper left turn, intersection, sideswipe, distracted and intoxicated drivers, and all types of highway collisions.

Each case is different, but equally tragic, for the families of these victims who were killed due to another driver's wrongdoing.

Our job is to ease the suffering a family is going through by taking care of every aspect of the legal side of the case.

We ALWAYS do so in a caring and compassionate manner, which allows the victim's family to focus on healing. We are always only a phone call away if you need to talk to us or have any questions about the status of your case.

That is really what our law firm is about: COMPASSION AND COMPETENCE.

Here are some brief examples of cases we have successfully concluded for a victim's estate:

In one example, the deceased victim was rear ended by a driver who was distracted while using their cell phone. In another case, the deceased victim was killed because a driver turned in front of him illegally on the highway. On several occasions, a fatality occurred because the wrongdoer ran a red light and caused an intersection collision. A further fatality case we have handled involved a tractor trailer that was traveling too fast on a slick and wet roadway, which lost control, and killed our client as a result.

Why were we able to get all those estates a substantial recovery? The answer is that the victims were not the cause of their deaths. **Their deaths were caused by someone else driving negligently on the highway.**

Please understand the wrongdoer's insurance company will use any possible means to shift the cause of the accident to the deceased victim. They will not hesitate to do so to avoid fairly compensating the victim's estate. **That's why it is so critical to get us involved quickly to fight the insurance company on your behalf.**

A few more examples may help further explain some other types of **non-traditional** highway death cases we handle.

In one death case, we were able to get a substantial recovery for a deceased victim's family when a car struck the victim from

behind on a clear, straight, and level roadway in Pennsylvania. **The victim was operating an ATV at the time he was fatally struck from behind.** The defense attorney argued during litigation that their driver wasn't at fault because it isn't legal to operate an ATV on the roadway in Pennsylvania.

So how were we able to recover a substantial amount for the victim's family?

Because the victim still had rights that the defendant driver violated. In order to prevail, we used the driver's statement given immediately following the rear end collision against them. We also employed an accident reconstruction expert to break down how the accident occurred, and how the wrongdoer could have prevented the tragedy.

In a similar case in Pennsylvania, a deceased victim was operating a riding lawnmower near his home when he was struck from behind by a distracted driver. The insurance company initially took a hard line against providing ANY money to the victim's family because they argued the victim shouldn't have been on the roadway in the first place.

After we got involved, we took the wrongdoer's deposition in which he couldn't offer a believable explanation as to why he failed to see the victim prior to striking him from behind. When the wrongdoer's insurance company saw that we were going to push this forward to trial, they changed their tune and extended a substantial offer to resolve the case.

Again, in these DEATH CASES, the main reason we were able to get the victim's family \$\$ was because the victim was not at fault but was still tragically killed by the other driver's negligent and careless actions!

****IMPORTANT Everyone knows each case is different and we cannot guarantee that any possible recovery (if any) will be the same as or better than ANY of the examples in this book.**

BUT what we can confirm is that you will know from the initial call to us that we are 100% with you and on your side doing everything we can to help you with your death case.

SERIOUS CAR INJURY CASES

Serious car accident victims have certain fundamental rights available to them so they can be made whole financially (\$\$) for their injuries. A serious car accident victim is usually someone who required surgery, or possibly even several surgeries, due to the accident they were involved in through no fault of their own.

We have represented hundreds of auto accident victims who have required surgery due to an accident. We know how to get our clients the most \$\$ possible under the law. Our experience with previous clients seriously injured in an auto accident helps us to understand what the injured person has gone through.

A serious injury could also involve a severe concussion or a traumatic brain injury. We have handled many of those cases as well in over 30 years of legal practice.

If you have been the victim of any of these types of **serious injuries from an auto accident, we may be able to help you.**

Legally, there are two requirements needed to obtain a substantial recovery if you are a victim in a serious car accident case: Liability and Causation.

1st, you must show that the other person is at fault and caused the car accident.

If you were rear-ended, or if you had a vehicle turn in front of you, run a red light, come into your lane of travel on the highway, or if you were a passenger or pedestrian, you are in a good position for the 1st requirement. Under the above circumstances, it is likely that the other driver caused the collision.

The 2nd requirement is that you prove your serious, surgery-requiring, injuries were caused by the other driver's negligence.

If liability and causation, the two necessary elements, are met then the only remaining issue is what the \$\$ value is for what you went through.

So, what is the value of what you had to go through, including possible surgery, because of your accident-related injuries? Everyone knows surgery is a very serious matter that not only disrupts your life but may also carry with it lifelong complications and a decreased quality of life.

That is where we help you. We FIERCELY and PASSIONATELY advocate on your behalf with the insurance company to get you the most \$\$ possible for your surgery-related auto accident. We have found that insurance companies hate to fairly compensate victims for what they experienced, including in serious auto-accident cases. Knowing this, we keep the pressure on the insurance company until you receive what is rightfully owed to you.

Do you want to know how that is done? Then please read on.

As we stated, the purpose of this book is to explain to you in a simple and straightforward manner what exactly is involved in getting you the most money possible for the serious injuries you sustained in your car accident.

So, what is the most important thing your attorney can tell you in that regard? Think about it. What is the best news you can hear from your personal injury attorney? Is it that she wrote an excellent brief in your case? Is it that she answered the interrogatories in your case? Is it that she got your deposition scheduled with a court reporter?

Probably not. **The most important thing that your injury attorney can tell you is that they got you \$\$ for your serious injury case,** or that they got your family a substantial recovery for the tragedy that occurred. Our law firm tries to do that every day.

We hope you are not turned off by the title of this book. But the fact is the law can only give you one thing for your injuries: \$\$. It cannot restore you to your pre-injury condition. Unfortunately, it cannot bring your loved one back to you. For that we are very sorry.

The Tully Law Firm strives to get you the most \$\$ possible for your DEATH or SERIOUS INJURY case. **That is our sole purpose in representing you.**

Our goal is to get you the most \$\$ we can for the injuries you or the deceased's Estate suffered in a professional but caring, personal way.

Maybe the best proof we have of that is through our 90 plus 5-star Google reviews. Over and over, you will see the theme of a caring, compassionate, and professional law firm who is willing to go the extra mile for their clients.

Want an example of our trying to get every penny we can in representing you in your serious injury case?

We recently had a case where a female client was injured in a car accident. Thankfully, it wasn't a fatal collision, but the victim still sustained serious injuries. The most important thing to her throughout the legal process was that she be treated fairly by the insurance company.

We sent a complete package of her records to the insurance adjuster assigned to handle her claim. We included in the demand package our client's medical records, bills, and photographs depicting the parts of her body that were injured.

We then negotiated with the insurance adjuster. As usual, we took a hardline during negotiations because that is what often leads to the best \$\$\$ result for our clients.

After reviewing our demand package, the adjuster called us back and said that their current offer was the absolute top dollar that they would ever pay on the case. Do not come back to us and ask for more money because no more money will be offered. Either take the offer or go to trial.

Instead of merely taking the insurance adjuster's offer, we waited about three weeks and called them back and demanded an amount that was greater than the adjuster's absolute top dollar. After a back-and-forth argument, the adjuster agreed to settle our client's claim for more money than their alleged top dollar amount. Our client was thrilled that she was patient and gave us the time to do our job – which was to get her the most money possible! Sometimes, if you really want the adjuster's top dollar offer, it takes a little more time, but the result can be worth the wait!

That same philosophy applies to your surgery case or your family's death case. We keep pushing for you!

If you want fighters as your attorneys, who are willing to go the extra mile to get you every penny they can for you, then we are the ones for you. That is what we do and that is ALL that we do.

One last point that is important in reading this book: Yes, we are based in Pittsburgh, Pennsylvania and have been for over 30 years. But we travel ANYWHERE in the state of Pennsylvania for a serious accident or death claim.

In fact, we have represented serious accident victims and the Estates of deceased individuals in most counties in Pennsylvania. These counties include Allegheny, Butler, Beaver, Indiana, Westmoreland, Lawrence, Fayette, Armstrong, Mercer, Clarion, Jefferson, Bradford, DuBois, Adams, Franklin, Centre, Harrisburg, Lancaster, Williamsport, Erie, New Castle, DuBois, Cambria, Crawford and even Philadelphia.

We will visit you wherever you want to meet!

Our goal is to help you in a caring competent understanding manner.

Call our 24-hour toll-free number NOW at 1-800-518-0050 or 412-281-8700 to talk about your serious injury or death case!

Thank you for taking the time to read this book! We sincerely hope it helps you whether you retain us or not!

Bernie and Michael Tully Attorneys at Law.

FOREWORD

Who Did We Write This Book For and Why Did We Write This Book?

This book was written specifically for seriously injured victims of car accidents. This group includes all individuals who had to undergo surgery, were hospitalized, or had concussions due to someone else's carelessness.

This book was further written for the families of individuals tragically killed in accidents on the highways in Pennsylvania.

WHY we wrote this book was to answer the questions you have about the legal process. What rights does the victim's family have for what happened? What do I need to do immediately? Legally, what should I do next? How does the legal process work? You want to know what your rights are as the victim of someone else's negligence.

This book was also written to explain what you or your family members are financially (\$\$) entitled to for what happened.

Lastly, we wrote this book to explain, in an easy, non-technical way, how **YOU** can get the most \$\$ possible for the injuries you sustained in your serious injury case. Or how the estate of your

loved one can maximize the value of the death claim. Even if you do not hire us, use the ideas in our book anyway!

The ideas in this book apply whether you are involved in a **MEDICAL MALPRACTICE, PRODUCT LIABILITY CASE OR ANY OTHER TYPE OF CASE IN WHICH YOU WERE SERIOUSLY INJURED**. In all those situations, you are hurt and continue to suffer with problems from your accident. We do **ALL** those types of cases.

HOWEVER, this book is devoted almost exclusively to serious, surgical, CAR ACCIDENT AND CAR FATALITY CASES.

The law cannot give you or your loved ones their life back. It cannot restore you to how you were before your injury. It cannot make up for the time you lost at work or keep your job open for you.

THE ONLY THING THE LAW CAN DO FOR YOU IS TO PROVIDE YOU WITH COMPENSATION. \$\$ That is the foundation of our entire book.

The last question then becomes **HOW** you get the most \$\$ for your injuries. Why does one person get a \$100,000 offer and another person with similar serious injuries get a \$300,000 offer?

What is the Difference?

Is it because of the lawyer you use? Possibly.

**How is the TULLY Law Firm different than other firms?
Here are 3 specific ways:**

- 1st, if you agree, we use a color videographer who can go to your home or other convenient location and take as much time as necessary to video what you, the injured victim, go through daily. We have found this simple procedure, which is not that expensive, can dramatically increase the value of your case.

We are not sure how many other personal injury lawyers use this procedure to increase the \$\$ they get for their clients, but we know that it has worked wonders for our law firm. There is just something about a video, along with medical records, that captures the insurance adjuster's eye and gets them to dramatically increase their offer. A Day-In-The-Life video can work like magic!

- 2nd, our law firm sends out a FREE monthly Newsletter to over 7,000 satisfied current and former clients. This is a FREE service that we provide to YOU that talks about injury law and related matters and is designed to inform you of developments in the law. We do not believe there are many other law firms that have done that each month for over 20 years.
- 3rd, we have a large email list of former and current clients that we regularly send blogs to about issues related to injury and fatality cases.

We hope you enjoy reading this book.

We also hope you will call our 24-hour toll-free number now at 1-800-518-0050 or 412-281-8700 if you think the TULLY LAW FIRM is right for you!

Thanks for reading.

Bernard M. Tully and Michael J. Tully Attorneys at Law

DEDICATION

This book is dedicated to my deceased sister Patty Tully. Patty is my older sister in Heaven!

Patty was the victim of medical malpractice when she was being delivered. Because of the doctor's and hospital's carelessness, Patty was deprived of oxygen for a long period of time at birth. She was brain damaged because of this medical negligence. We never sued the hospital or the doctor because that was almost 70 years ago, and it just wasn't done back then.

Patty was the kindest, most forgiving person I ever knew. Her life was a living hell. She was tortured throughout her school years by other kids who called her retarded. Even the teachers were not nice to her because she was mentally slow. Patty's life was a startling example of what an injury victim often must go through daily. I saw it and lived through it. So did my older brother Jimmy. Yet I never heard Patty complain, even when she was made fun of by others because of her severe mental challenges. **Patty taught me about having compassion for others especially the underdogs in life.**

Seeing what Patty went through taught me at an early age that injured and fragile people need someone to fight for them and to care about their rights. **IT ALSO TAUGHT ME ABOUT HAVING COMPASSION FOR OTHERS WHO ARE HURTING.**

Hopefully, in some small way we do that as injury lawyers.

Thanks, Patty, for your inspiring life!

DISCLAIMER

This publication is intended to be used for educational purposes only. No legal advice is being given, and no attorney-client relationship is intended to be created by reading this material. The author assumes no liability for any errors or omissions or for how this book or its contents are used or interpreted or for any consequences resulting directly or indirectly from the use of this book. For legal or any other advice, please consult an experienced attorney or the appropriate expert.

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TESTIMONIALS

“Several years ago, I had a very serious accident. I was recommended to Attorney Tully by a family member and I’m so happy I called Bernie. He was very helpful sorting out the craziness when I was not able to. His fees were extremely reasonable. He would call all the time to see how I was doing because that is how nice he is! It took me two years to recover. My future needs are not a concern for me now because of the settlement he was able to provide for me. I am so pleased with the outcome and very thankful to him for his caring and professionalism. I would recommend him to anyone, and I have!”

Elaine C.

“I’d like to take a minute of your time to say a few words about a SUPER GUY that happens to be an attorney.

Attorney Bernie Tully. I call him Bernie. He is very professional. But he makes you feel like you’re one of his own.

My husband was in a car accident. And thank the Good Lord we were referred to Bernie. He came right to our house. We didn’t ask him to. He told us that’s what he wanted to do. That’s the kind of guy Bernie is. You come first.

Attorney Tully listened to my husband’s situation. He respected every bit of what we had to say. After taking in all of our information and making us feel very confident that he knew the law inside and out, we were very happy to ask Attorney Tully to represent my husband. And what a great job he did!”

Marlene D.

“Hello Everyone... I just wanted to share my experience with others about the friendliness and efficiency of this wonderful law firm in which I personally have had such favorable results! I and my husband both have nothing but praise and thanks for all the magnificent work everyone has done. I have been a client for almost 10 years with Attorney Tully helping me and my family in several different situations.

Most people are already stressed and nervous when they are calling an attorney, not knowing what road they are about to head down. What struck me most was how I was treated. It was like being part of a family. What do families do, they help each other out. They put you at ease with understanding. It seemed everywhere I was with Mr. Tully everyone knew him and greeted him with pleasantries. When Attorney Tully calls he refers to himself as “Bernie Tully”. He’s like the father everyone would like to have. He first listens and ponders all you have to say and then his wisdom comes into play. Bernie will advise you as to what can and cannot be done, sometimes it’s not what you expect or even want to hear (just like a dad). But you know his years of experience will guide you in the right direction.

Mary, the secretary, does more than answer calls. She takes messages, transfers calls and will go the extra mile when needed. All the rest of his staff and night service are also patient and helpful.

I have referred many people over the years to this firm and if they could help they would or refer you to someone who could. How’s that for honesty? I will always be grateful for his firm’s beliefs and efforts.”

Leslie F.

“Dear Bernie: I wanted to write you to thank you for all the ways you have helped my family over the years, most recently with my son’s motorcycle accident. Often you are involved when things are not at their best, but I really appreciate how you handle these problems with a goal of helping and not judging. Somehow you make the tough situations a little better. You have always dealt with me honestly, respectfully and with courtesy and I appreciate it. You have always been available when I needed to reach you and your legal skills have always helped me get the best possible outcome; again much appreciated. Please feel free to use me as a reference anytime. My best to you and your family.”

Kenneth S.

“My daughter was in a near fatal car accident. While she was in the hospital, I contacted Mr. Tully’s office. Mr. Tully came to my home, asked about Juliet’s condition, specifics about the case, and explained to me how he would proceed with the case if we signed on with him. We did and Juliet and I are very glad we chose Mr. Tully. Any time I had a question or concern that I phoned the office with, I spoke with Mr. Tully. I always got a call back from Mr. Tully. I found Mr. Tully to be straight forward, concerned, and very organized. I knew what was going on with the case at all times; No song and dance that I have experienced with other law firms. Mr. Tully sent her copies of the police report and also her medical records. The case was settled in a timely fashion, Juliet is very happy with her award, and God has returned her to good health. Mr. Tully was a blessing in a nightmarish experience. I would highly recommend Mr. Bernard Tully.”

Jonelle B.

“Dear Attorney Tully & Associates, I just wanted to express my deepest gratitude for all of your efforts in securing me a fair settlement for both the loss of my auto and also for the injuries that I sustained. Your team provided me with excellent legal advice and was timely in processing the numerous documents involved in my case. But most of all, I was impressed with the kindness of your staff and the concern for my well-being!!! Also, I appreciate receiving the monthly fliers for the past 2 years! Finally, I will certainly refer your law firm for anyone in need of legal counseling!! May God bless all of you for the good that you do!”

Nicholas J.

“If you are in need of an attorney, in my humble opinion, you should contact Mr. Tully. An open and honest appraisal of your situation, a clear and precise explanation of your options and a straight forward approach to get the job done and get you the best results possible, in a very professional manner. Mr. Tully will not judge you, he will not talk down to you and he will be sure you get the help you need.”

Dicky R.

“Bernie M. Tully, Jennifer (paralegal), and staff were very helpful, kind and supportive. They fought to the fullest for me and still cared to ask me continually if I need anything and how am I feeling. They are all very personable and professional, too! THEY ARE REAL PEOPLE! Thanks. Sincerely and much gratitude.”

Jennifer H.

“I want to thank you for your generous offer. The way the money was allocated made me very happy. I will call at a later date. I do want to let you know, I sincerely appreciate all your kindness and efforts. Take care. Happy Easter to you, Jennifer and your staff.”

Pat K.

ABOUT THE AUTHOR, BERNARD M. TULLY, ESQ.



I have been practicing INJURY LAW for over 30 years. I am Pittsburgh born and raised. You and I probably root for the same teams. The Pittsburgh Pirates, the Pittsburgh Penguins and of course the Pittsburgh Steelers. Any team in Pennsylvania is my favorite team!

A long standing joke in our office is that I am available to talk to my clients at any time, except when the Pittsburgh Steelers are playing.

I was born and raised in the West End of the City of Pittsburgh and graduated from Canevin High School in 1970.

In high school I was on the wrestling team. In my senior year, I came in second in the state in my weight class at 138 pounds. I don't know if it's a blessing or a curse, but I'm still around that same weight today at age 64.

After high school, I went to Duquesne University for college. I had a great experience there.

After graduating from Duquesne University in 1974, I worked for an environmental company called NUS Corporation. We worked in the Finger Lakes area on Cayuga Lake in Ithaca, New York. I was working with 4 other people about my age, all of us on our own in New York. Wow!

Then I got the bright idea of going to law school, and I did so in 1976.

I went to Ohio Northern University Law School in Ada, Ohio, near Lima, Ohio.

The University itself was in the middle of nowhere. As a matter of fact, when my brother Jimmy and I drove there to check the place out, we nearly passed it up because it was so small. But boy did we study there!

I graduated from Law School in 1979. Then I moved back to Pittsburgh. After all, that is where my entire family is from. But before I did that I had to pass the Bar Exam. Fortunately I did pass it on my first try. Then I got the job of a lifetime for a young attorney. I was hired as an Assistant District Attorney. An Assistant District Attorney gets to go into Court immediately. That is unlike most law firms where it might be five or six years until you get to try your first case.

I started my first jury trial a week after I passed the Bar Exam and it never slowed down. I tried over 150 jury trials working at the District Attorney's office in Allegheny County.

After 5-1/2 years there, it was time for change. I got a job working at a civil law firm in Pittsburgh. They did mostly car accident and injury cases. That's how I made the transition from criminal law to civil law. I was able to get into the courtroom a lot with the firm doing injury cases. Car Accidents, Slip and Falls, Product Liability and any type of case where a person was injured were my cases to try.

After 2 years, I thought it was time to go out on my own. Injury cases just started flowing in from the first day.

I finally got around to getting married in 1991 to my lovely wife Michelle. Marrying Michelle was the best thing that ever happened to me. We just had our 30th wedding anniversary.

Along the way we had three lovely children. Twins, Michael and Jessica and our youngest daughter, Katie. Michael and Jessica just graduated from Duquesne University School of Law and Penn State Dickinson Law School, respectively.

Our youngest daughter Katie graduated Phi Beta Kappa from Penn State University. Katie is going on for her Ph.D. in psychology. Phi Beta Kappa is for students with a grade point average of 3.90 or better out of a possible 4.0.

So with Michelle's two children, Kevin and Beth, we have five children. Kevin works as an attorney for a major law firm in Pittsburgh. He got married to his lovely wife Brandy in September, 2015. I am very proud of Kevin. He is a tremendous young man.

Beth, who also graduated Phi Beta Kappa, is a wonderful, caring mom with three children. Along with her husband Ryan, they're happily married and living in Des Moines, Iowa.

If you think I am proud of all 5 of my children you are right! Michelle and I are empty nesters now. Sigh! We live in the Wexford area, north of Pittsburgh. We have done about 25 cruises over the years because the boss (Michelle) likes them. Royal Caribbean Cruises are our favorites, but Carnival Cruises are enjoyable too.

I really do love my job as a personal injury lawyer. It gives me a wonderful opportunity to meet different people and try to help them with their problems. For this I am eternally grateful. It's a wonderful life.

Thanks for reading.

Bernie Tully

www.telltully.net

MICHAEL J. TULLY



Michael was raised in the North Hills of Pittsburgh. Michael has always resided in Western Pennsylvania, where he grew up a huge fan of the Pittsburgh Penguins. Michael is not the only one of his siblings to enter the legal profession, as his twin-sister and his older brother are also attorneys practicing in Pennsylvania. Following high school, Michael attended Pennsylvania State University at University Park where he received his bachelor's degree. After graduating from Penn State, Michael went on to attend Duquesne University School of Law. During law school, Michael interned with the Allegheny County

District Attorney's office that prosecuted those individuals charged with criminal offenses.

After passing the Pennsylvania Bar Exam, Michael was hired as an associate at a Pittsburgh-based defense firm that represented insurance companies in lawsuits filed by persons injured in auto accidents. This invaluable experience provided him the opportunity to see how the defense attorneys and insurance companies operate behind the scenes and strategize to give you, the injured party, the least amount of money for your injury claim as possible.

Michael was thrilled to rejoin the **Tully Law Firm** and once again begin representing plaintiffs seriously injured in auto-accidents that were caused by the negligent actions of other drivers on the roadway. Michael's unique background puts our clients in the best situation to succeed. Michael has proven that he will go the extra mile for his clients and will be with them through every step of the way. He is with you 100%.

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Chapter 1

DEATH CASES

What type of damages can you recover on behalf of an estate in a death case?

Some of the items of damage the estate may be able to recover in a death case/survivor case include the following:

- **Medical Expenses:** Any expenses incurred because of any life flight, ambulance, emergency room visit, in-patient hospitalizations, and any other bills relating to your accident-related medical treatment
- **Lost Wages:** For any work missed because of this collision, including any short or long-term disabilities
- **Lost Earning Capacity:** Your ability to perform tasks required of you in the future
- **Property and Vehicle Damage or Replacement:** Damage incurred to your vehicle, including if your vehicle is totaled
- **Pain and Suffering:** If the deceased experienced ANY conscious pain and suffering following the collision but prior to the untimely death this is another source of monetary recovery in the case.

Wrongful Death

You and your family have a right to recover \$\$ for the death of a loved one caused by the wrongful act of another. That is the basis for a death claim. So, if a loved one has died by a tragic auto accident, truck accident, or any type of highway fatality AND the death was caused by the negligent, careless, or wrongful act of another person or company, then we can make an Estate claim for substantial \$\$.

The Pennsylvania Wrongful Death and Survival Actions controls the filing of lawsuits in death cases. The Wrongful Death Act, 42 Pa.C.S. §8301 allows for an action to be brought on behalf of the estate for \$\$ damages caused by these other entities or persons.

The estate of your loved one who died tragically can sue a trucking company, a corporation, a business, a person who was driving a car, or others if they did something that was illegal or careless that resulted in harm.

The classic example of this is if your loved one died because of being hit by a tractor trailer. In that situation you can sue the trucking company. The trucking company usually has at least \$1 million in insurance coverage to deal with the negligent actions of its employees. Often times, trucking companies have a \$5 million policy or even more.

Therefore, in trucking fatalities, there is available coverage to adequately pay the estate of a deceased person. But whom do you bring a wrongful death action on behalf of? A wrongful death action is brought for the benefit of the deceased person's spouse, children, or parents.

How? The 1st thing you need to do when a tragedy occurs is to get an estate opened for the deceased person. We help families of fatalities in the opening of the estate on a regular basis.

All that is really involved is a personal representative of the estate goes to the Courthouse with us, is sworn in and we pay a filing fee in order to open up the estate for you. That is it. We also provide all the paperwork necessary for the estate to be properly opened and to get short certificates and other necessary documents to help move the process along.

What About \$\$ Damages In Death Cases?

Under the Wrongful Death Act, you are entitled to recover medical expenses including reasonable hospital, nursing and related expenses caused by the injuries that resulted in death. As everyone knows, if the deceased survived several days before dying as a result of someone's carelessness, their hospital bills can be astronomical. It is not at all unusual to incur hospital bills over \$100,000.

You should not be responsible for any of that bill. That is the responsibility of the person who caused your loved one's death.

And you have a lot of rights. You (and the estate) have a right to get reimbursed for the funeral and burial expenses and the cost of administration of this process. You are also entitled to get \$\$ for the contributions that the decedent would have made for his or her family's shelter, food, clothing, medical care, education, entertainment, and recreation.

In addition, the beneficiaries of the estate can recover for the value of the loss of services provided by the decedent. This is not only the financial ones. Your right to recover includes the loss of companionship, comfort, society, guidance, solace and protection that the deceased person would have provided to the family, but for the careless acts of the defendant.

The Survival Action under 41 Pa.C.S. §8302 also deals with death and family tragedies. A recovery for \$\$ is permitted for the loss of earning power from the date of death through the end of the decedent's normal working life expectancy. This means that you as the representative of the estate are entitled to make a claim for the amount of money that your loved one would have made from the date of death until the end of the decedent's normal working life expectancy.

You can also make a claim for money for the loss of retirement benefits and social security income under either the Survival or Wrongful Death Act.

In addition, you can also make a claim for the conscious pain and suffering your loved ones experienced from the time of the injury until the time of death. The law provides \$\$ for the conscious pain and suffering of the decedent even if the decedent dies at the scene of the auto accident, or only lives for a very short time. Those are items of money that you, as the representative of the estate, can make a claim for as well. We will provide you the how to make those claims in a death case.

Sometimes people worry about the inheritance tax and the tax laws. Don't be concerned with that. When you hire the law firm of Bernard M. Tully, Esquire to represent you, we help you with these potential tax matters in terms of filling out the proper forms for you. We believe that is part of our job to give you the best representation we can during this very tragic time.

Right now, we have several very active death cases that deal with some of the issues discussed above. We stand ready to help you with your case!

All we need is a phone call from you at 1-800-518-0050 or 412-281-8700 to get started.

Chapter 2

TRUCKING ACCIDENTS AND FATALITIES

HAS A FAMILY MEMBER DIED BECAUSE OF A FATAL TRUCK ACCIDENT? If so, we can help your family in a competent and caring way.

Tractor trailers and trucks are extremely heavy and when they collide with another car or truck, they often cause catastrophic injuries.

We have found many trucking companies skirt the laws in order to maximize their profits. They may have their drivers work long hours, well beyond what is safe, then look the other way while their drivers fudge their logbooks.

If you or a loved one are a victim of a trucking accident injury or fatality you need to call the law firm of Bernard M. Tully, Esquire immediately at 412-281-8700 or 1-800-518-0050.

Why Do I Say Immediately?

Because the sooner we can get our investigator out to the scene of the accident, the stronger your case becomes. The trucking

industry has insurance adjusters and investigators who are literally standing by in case an accident occurs. They immediately dispatch people to go out to the scene and collect evidence such as names, witnesses, skid marks, police reports and photos of the accident scene. Why? So, they can avoid taking responsibility for what happened.

If you wait for weeks or months before you contact the law firm of Bernard M. Tully, Esquire, it makes your case more difficult. Can you see why? Because by that time all the physical evidence has been removed from the scene. The police have already made their determination of who was at fault, and any favorable witnesses for us may have moved.

You can see from all this the urgency to contact an experienced trucking accident attorney immediately if you are the victim of a truck driver's carelessness or negligence.

If there is a fatality involved with a truck accident, it makes it even more crucial to call us immediately. You want to get the most \$\$ you can in your case. How do you do that? The best way to do that is to contact us as soon as possible after the trucking accident.

Remember, although no two cases are the same, it is likely that we have handled a trucking injury case like yours in our 30 plus years of litigation. We can help you.

Chapter 3

PAIN, SUFFERING AND \$\$

What Is Pain And Suffering And How Much Is It Worth?

It is basically monetary reimbursement for what you had to endure because of the car accident.

If you are involved in a serious car accident which resulted in surgery, hospitalization, or other severe injuries, you can recover \$\$ for any of the following damages:

- **Medical Expenses:** Any expenses incurred because of a life flight, ambulance, emergency room visit, in-patient hospitalizations, and any other bills relating to your accident-related medical treatment
- **Lost Wages:** For any work missed because of this collision, including any short or long-term disabilities
- **Lost Earning Capacity:** Your ability to perform tasks required of you in the future
- **Car and Vehicle Damage Replacement Value:** Damage incurred to your vehicle, including if your vehicle was totaled! You can be reimbursed for such damages.
- **Pain and Suffering:** If you had pain and suffering from your serious injuries related to your car

collision that is another source of monetary recovery.

You can also receive \$\$ for what you have gone through, not only physically, but emotionally as well.

What I have found in doing cases like yours for over 30 years is that there is a psychological component to injuries. Yes, you have been physically hurt and injured and you have received medical treatment for it. But often it goes deeper than that.

We have many clients who are afraid to get in a car for a long period of time after their car accident occurs. We have clients who are afraid to cross the street if they were hit as a **pedestrian**. We have countless clients who have recurring nightmares of their accident. These are issues our clients go through daily.

Does That Apply To You?

We are there to help them the best we can to not only deal with these issues but also to get them \$\$ for what they are going through. How? One way we often do that is by bringing in friends and relatives to verify what the client is going through. These condition witnesses can dramatically

help drive the \$\$ value of your case. Call our office now to find out more about the \$\$ value of your claim!

Chapter 4

THE DEFENSE MEDICAL EXAM (DME): HOW THE INSURANCE COMPANY TRIES TO LOAD THE DICE AGAINST YOU

Defense Medical Exams often add insult to injury for what you are going through! Here is how that happens:

The defense has a right in Pennsylvania to have you examined by a doctor of their choosing.

Insurance companies use this legal right to their maximum advantage. How? They do it by loading the dice against you in an unsuspecting way. The unsuspecting way is that they have a doctor with very impressive credentials exam you.

These doctors often went to the top medical schools. They often are practicing surgeons, including orthopedic surgeons. They usually claim to be fair and objective in evaluating you.

That is completely wrong. In fact, many defense medical doctors are hired guns paid for by the defendant's

insurance company in order to write a report that torpedoes your case.

Don't believe it? Consider this: The amount of money defense medical doctors make per year on these evaluations is obscene. We have been in doctor depositions where the defense medical doctor will freely admit to making over \$500,000 per year just on these defense medical examinations.

Think about it. If someone was paying you \$500,000 a year to do exams, do you think you would try to stay on their good side so that you could get more and more exams to do? That is the practical reality with these so-called defense medical exams.

The doctor selected by the defense insurance company is not your friend. They will say that you are exaggerating. They will say that you are a malingerer. They will do and say just about anything to come to one conclusion. That conclusion is that you are perfectly fine.

Our job is to expose those myths. How? We use something called "Cooper Interrogatories." That is when we ask the doctor how much money he/she makes per year doing these exams, how much this insurance company has paid them over the course of a year, and what percentage of his

exams are scheduled by the defense as opposed to injured plaintiffs. It is usually about 90%.

By having this information, we are able to tell the jury that the doctor's evaluation of you might not be a fair and unbiased one.

It is another example of how we try to fight for you. I have been doing it for over 30 years. Your case matters to us!

Do you think we are worth the call to 1-800-518-0050 or 412-281-8700 now?

Chapter 5

TRUST

If you are injured in an accident, you may be reluctant to hire an attorney. Some believe the attorney will take advantage of them and they are hesitant to commit to one attorney as opposed to another.

There are 2 main reasons why you should call Attorney Bernard M. Tully at 1-800-518-0050 about your injury case.

The 1st is experience. I have been doing injury cases for over 30 years. I was an Assistant District Attorney for 5-1/2 years. I have handled countless serious injury claims and Death cases successfully and can do the same in your case.

The 2nd is you can trust us. Want proof? Consider our 90 plus Google 5-Star Reviews. Most of them are 5-Star Reviews from former clients. How could that be if those past clients did not trust us? Most of our new serious injury or Death cases come from satisfied prior clients. If a client was not satisfied with our work, they certainly would not recommend us to their family members, loved ones and neighbors. They would just say that guy is someone you must be careful about.

Maybe 90% of our new serious injury or Death cases come from satisfied prior clients. Why do you think that is?

As we mentioned before, over 7,000 former and current clients receive our FREE monthly Newsletter. They would not continue to refer us injury cases if they didn't trust us.

Trust is the key. We have, over the years, represented several police officers and their families in injury cases. Everyone knows you cannot fool a police officer. They have just seen too many phonies in their time and can spot them a mile away.

So, if many police officers have trusted us with their cases, why shouldn't you?

You will know immediately from your initial phone call that you can trust us. I will tell you the way things are and what we can do to help you. Then I will try to get you the most \$\$ possible for your case.

If you think we are the law firm for you, call us now at 412-281-8700 or 1-800-518-0050.

The call is FREE, and you will never pay us a dime unless we get you a recovery, **No recovery/no fee** applies to our

firm in personal injury cases. No matter how much we spend on your case in getting witnesses, experts, and depositions, until we get you \$\$ you will not owe us a dime.

Why not give the TULLY LAW FIRM a call today?

WHAT IS THE NEXT STEP?

THANK YOU for taking the time to read this book about serious, surgical car accident and Car Death cases. Now what should you do?

The best way to put into practice the ideas you read about in this book is to take that initial step of just calling us. 30 plus years of trial experience matters. That is a lot of years doing just about every conceivable type of serious auto injury or death case there is.

Remember you never pay us any money unless we get you money first! There is no upfront money required at all.

Your next step is a simple one.

Call us at our 24 hour toll free number 1-800-518-0050 or 412-281-8700. Why not do it right NOW?

Thanks!

Bernard M. Tully, Esq.

Michael J. Tully, Esq.

Injury Attorneys

DEATH & SERIOUS CAR INJURY CASES

Getting You The Most Money For Your Claim



Bernard M. Tully

I have been practicing INJURY LAW for over 30 years. We are Pittsburgh born and raised. But our firm handles Serious Injury and Death cases ANYWHERE in Pennsylvania. You and I probably root for the same Pa. sports teams including the Pirates, Penguins, Steelers, Pitt, PSU, the Phillies and the Flyers! Any team in Pennsylvania is good with us!

A long-standing joke in our office is that we are available to talk to clients at any time 7 days a week, except when a good game is on.

Why Did We Write This Book?

We wrote this book to explain, in an easy non-lawyer way, how to get the most \$\$ possible for a SERIOUS INJURY or DEATH CASE. Even if you do not hire us, use the ideas in our book anyway! They are FREE!

You or the Estate of a loved one tragically killed in an AUTO ACCIDENT have many legal rights. This book may help you understand those rights. WE CAN HELP YOU and will do so in a professional, caring, and compassionate way!



Michael J. Tully

Michael was raised in the North Hills of Pittsburgh. Michael has always resided in Western Pennsylvania, where he grew up a huge fan of the Pittsburgh Penguins. Michael is not the only one of his siblings to enter the legal profession, as his twin-sister and his older brother are also attorneys practicing in Pennsylvania. Following high school, Michael attended Pennsylvania State University at University Park where he received his bachelor's degree. After graduating from Penn State, Michael went on to attend Duquesne University School of Law. During law school, Michael interned with the Allegheny County District Attorney's office that prosecuted those individuals charged with criminal offenses.

After passing the Pennsylvania Bar Exam, Michael was hired as an associate at a Pittsburgh-based defense firm that represented insurance companies in lawsuits filed by persons injured in auto accidents. This invaluable experience provided him the opportunity to see how the defense attorneys and insurance companies operate behind the scenes and strategize to give you, the injured party, the least amount of money for your injury claim as possible.

Michael was thrilled to rejoin the Tully Law Firm and once again begin representing plaintiffs seriously injured in auto-accidents that were caused by the negligent actions of other drivers on the roadway. Michael's unique background puts our clients in the best situation to succeed. Michael has proven that he will go the extra mile for his clients and will be with them through every step of the way. He is with you 100%.

Bernard M. Tully and Michael J. Tully Attorneys at Law

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Price: \$14.95