
PI FAX & Email ALERT
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BY SHAWN STEEL, CHIROPRACTIC ATTORNEY
Telephone: 800-626-003 310-697-9000
Email: shawnsteel@shawnsteel.com
Fax: 310-697-9010

DC + OB vs. Allstate: An Unbeatable Combination.

Plaintiff Jessica Rosales was 20 and pregnant driving her Dodge Stratus in Fountain Valley. Another car pulled out of a parking lot and broadsided her vehicle, which spun it around in a 180 degree turn and struck the median island.

Jessica sought chiropractic care and saw her obstetrician. She suffered physical and emotional concerns about her pregnancy.

Defendant foolishly argued that Jessica had pre existing back pain due to the pregnancy. Clearly this argument upset the female jurors. Trial lasted 3 days. Jessica's medical bills were only \$3039 and \$224 in lost earnings.

The jury awarded an impressive \$20,383 to Jessica Rosales. The court also penalized Allstate to pay an additional \$2362 for court costs. Allstate originally offered \$4735

Practice Tip: Working with an appropriate medical doctor greatly helps the patient's case. A DC and an obstetrician is an unbeatable combination. Always call in the patient's medical doctor for collaboration.

Nice work by Tracey Frizelle, DC
Rosales vs. Balderas Orange Co Superior Court case number 02 WL 066131 Nov 19, 2003

Proving Disability increases the Patient's case

Some patient's cases values increase over 50% if the patient lost time [LOE] from work, lost overtime, lost school time or a major daily activity [ADL] was impaired.

We suggest that you offer a Disability Questionnaire for each of your patients to complete 3 times during care. Beginning, mid and end of care.

Doctors are not economists. They are not supposed to attach a specific 'dollar' amount to the patient's loss. The attorney hires an economist to come up with a specific figure. However, the attorney cannot add the LOE or the ADL to the case without the doctor's documentation.

Recently a patient named Yvette told me she lost two weeks of work. I called the employer to find out she lost \$750 a week. She had a generous boss and she took her vacation time early, so she could continue receiving a pay check. .

The law in California is clear. Any victim is allowed to reimbursement for vacation pay because those are benefits the patient would not have used but for the accident.

But the treating doctor didn't mention the two weeks lost earnings [LOE]. The insurance would not pay the extra \$1500 until the doctor checked his notes and wrote a supplemental report.

For the best patient disability summary see Dr. Gary Lewkovich's new form. We'll be happy to send you a copy if you e-mail johntawlian@shawnsteel.com