

Wayne S. Tartline and Chang Zhou Obtain Summary Judgment For Underinsured Motorist Carrier In Serious Collision Case.

By Wayne Tartline January 2, 2025

Plaintiff's failure to provide timely notice to his own insurance carrier after a serious collision resulted in him being precluded from recovering any underinsured motorist benefits. Plaintiff sued both the at-fault driver and his own underinsured motorist carrier after he was involved in a collision on April 20, 2022, which resulted in significant damage to his vehicle.



Plaintiff claimed medical special damages of \$71,629.17; Plaintiff also produced a life care plan suggesting that the medical care needed by Plaintiff for the next 17 years would cost \$101,092.78. Several settlement demands in the amount of \$1,000,000.00 were made by Plaintiff's counsel.

Nevertheless, BKBM attorneys were able to obtain final summary judgment on this claim resulting in no payment by the underinsured motorist carrier. The Court, in granting summary judgment, found "the evidence of record does not overcome [the UM insurer's] contention that Plaintiff failed to provide timely notice of the loss as required by the policy. In the context of an uninsured or underinsured motorist claim, the failure of an insured to meet conditions precedent to coverage bars coverage and entitles the insurer to summary judgment."

Another great result for a BKBM insurance carrier client.