



Have I Voluntarily Limited My Civil Rights?!

Written by: Alexa D'Amato Barrera, Counsellor at Law



Paul R. D'Amato, Certified Civil Trial Attorney

Alexa D'Amato Barrera, Counsellor at Law

I have been practicing as an attorney for 13 years and have the distinct honor of being my father's law partner. I started working with my dad, Paul R. D'Amato, when I was 14 years old. All we do and have done at our firm for many years is represent people that are seriously injured. While we handle most types of personal injury cases, we get many calls about car accidents.

It has been reported that over 90% of drivers in New Jersey elect the Limitation on Lawsuit or Limited Right to Sue for their auto insurance coverage. If you aren't sure whether or not you elected the Limited Right to Sue then you probably have.

Have I Limited my Right to Sue?

In New Jersey you can select the Limited Right to Sue option and save money on your car insurance. That sounds great, but in reality, you are hampering your right to recover money for your injuries. God forbid, but let's imagine for a minute that a drunk driver comes barreling down the road and crashes into your minivan with you and your 3 kids in tow (that's how I roll). You would think that no matter what you or your children's injuries are, you should be able to recover money. That's not the case if you elected the Limited Right to Sue option.

How will the Limited Right to Sue affect me and my family?

The small percentage of drivers who know that they have elected the Limited Right to Sue believe this simply means they can't recover if they have whiplash. In reality, you could have much worse injuries than whiplash and still not recover.

When a collision occurs and you have selected the Limited Right to Sue, you can only recover money for your injuries if you:

- Die
- Lose a body part
- Have significant disfigurement or scarring
- Suffer a displaced fracture (the bones have completely separated)
- Sustain a permanent injury; or
- Your unborn child (fetus) dies

WOW! Did you realize that you were limiting your rights in such a way?

Let's go back to that collision with the drunk driver that wasn't your fault. You have a broken ankle. It's not displaced, but it is fractured, so you have to stay off of it for a few weeks. (Try that with 3 kids!) When you return to the doctor, the x-rays show the fracture has healed, but you're still in pain and have difficulty walking. The doctor sends you to physical therapy for 1 month. Still it's not better so you have an MRI.

The MRI shows that there are no tears or injuries to the ligaments surrounding your ankle. You go back to physical therapy and are then discharged to do home exercises.

You would think that you should be able to recover money for your pain and suffering, right? The collision was not your fault. The other driver was drunk. Your kids were in the car. Thankfully, they were not injured, but you were off your feet for one month and hobbling around for a few more. You still suffer occasionally with pain. Unfortunately you have elected the Limited Right to Sue on your auto insurance policy. Your fracture was not displaced and it is not a Permanent Injury because the fracture healed and the MRI was negative for any additional injuries. You cannot recover money for your pain and suffering.

What should I do?

Unfortunately, I have seen scenarios like this many times. Don't let this happen to you! If you have selected the Limited Right to Sue, call your auto insurance company immediately and ask them to change your policy to the NO Limitation. Auto insurance policies can be confusing so if you're not sure what coverage you have and want to talk about it, please schedule an office visit and I will review your policy with you at no charge.



For over 40 years, the **D'Amato Law Firm** has been representing people who have been injured. If you have been seriously injured in a motor vehicle collision or by a defective product, or if you have been in a situation where your civil rights were violated, I can help. We pride ourselves in assisting those in our area or elsewhere who are in need of professional, caring and effective legal representation.

**CALL NOW FOR A FREE
CONSULTATION: 609.926.3300**

D'AMATO LAW FIRM
SOUTH JERSEY PERSONAL INJURY LAW CENTER



Paul R. D'Amato
Certified Civil Trial Attorney

Alexa D'Amato Barrera
Counsellor at Law
Member NJ and PA BAR

www.damatolawfirm.com

2900 Fire Road, Suite 200
Egg Harbor Township, New Jersey 08234

P: 609-926-3300
F: 609-926-3883