



The Legal Edge

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Will Hurricane Liability Blow Me Away? Homeowners' Responsibility

By Craig Goldenfarb

It's that time again...hurricane season. In the last decade, several hurricanes have hit Florida hard. Occasionally, I talk to property owners who are concerned about responsibility if their trees or other objects damage someone else's property or cause injury during a storm.

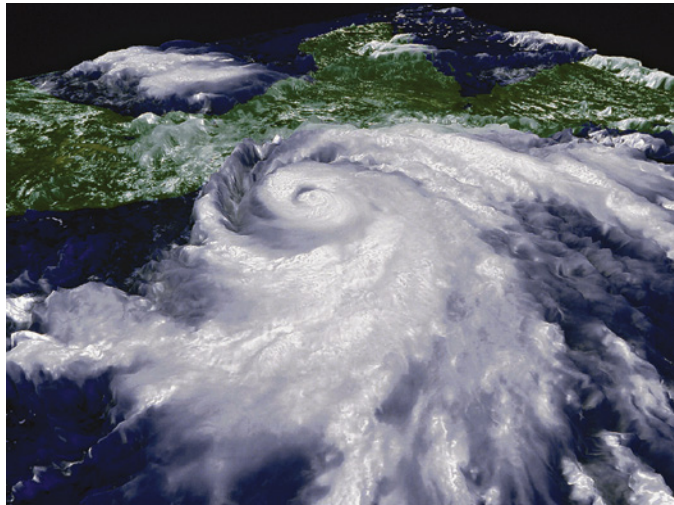
Obviously, if a tree in a homeowner's yard falls on his own house, that homeowner should contact his insurance agent to make a claim. What might be less obvious is the issue of homeowner responsibility to their neighbors.

In general, a homeowner is not responsible for damage caused by objects moved by the winds of a storm, unless the homeowner was "negligent" in some way. What's negligent? Leaving your lawn furniture out in the yard when you know a hurricane is coming. If that furniture flies through a neighbor's window, your neighbor can make a claim against your homeowner's insurance policy.

But liability isn't black and white. A claimant must demonstrate that the "negligent" homeowner should have known that the damage could have been prevented by the exercise of reasonable

care, and the homeowner failed to exercise such reasonable care.

In the absence of negligence, a homeowner usually does not have any liability for damage caused by objects coming from his property. For example,



roof tiles that become projectiles during a storm usually present no negligence. This is basically considered an "act of God" (the hurricane). But be warned. If you have loose tiles that you are aware of and you fail to secure them, this could be grounds for a valid claim of negligence against you.

The bottom line: when a hurricane is coming, bring everything inside that might become a projectile during a storm. Protect yourself, your neighbors, and your insurance policy from claims.

Craig Takes Questions

Q HOW MUCH IS MY CASE WORTH?

A Many people think their case is worth more than it actually is. I usually turn away cases where clients have unreasonable expectations as to what their case is worth. I believe that the more my clients know about what factors go into the value of their case, the better. One of the first things I look at to find out how much a case is worth is **how much insurance coverage is available**. For instance, if your damages are worth \$75,000 but there's only \$10,000 in insurance available, then the case may only be worth \$10,000. **Some of the other factors that determine what your case is worth include:**

Was the accident partially your fault? How serious are your injuries? Can we prove those injuries through medical bills and documentation? Did you lose income or the ability to earn future income due to your injuries? Is surgery recommended or have you already undergone surgery? As you can see, the value of each case is different depending on these, and other, important factors.



We want to be your Trusted Legal Resource for all areas of law.

At the Law Offices of Craig Goldenfarb, we know lawyers throughout Palm Beach County and all around Florida for most types of cases. Whether you need a divorce attorney, a real estate attorney, or any type of attorney, call us and we can help you find an attorney in the appropriate area of law.

My, How We've Grown

It's hard to believe it's been more than eight years since I left a solid job at a good law firm to start my own business. I didn't have much then; just a handful of clients and my amazing and loyal legal assistant, Debbie. (She's still with me, by the way.) We started in a tiny office with a waiting room the size of a bathroom. When one of us sneezed, the other one got sprayed. Okay, it wasn't that small. But times have changed for the better.

In the past few months, we expanded our office space to include the entire 4th floor of our building. I now have more than twenty staff dedicated to our clients. I feel very blessed that in such a tough economy, my law firm has continued to grow every year.

I know my firm's growth is about a lot more than office space. It's about the men and women who work with me making sure the men and women who hire me are beyond satisfied. Being injured is stressful; dealing with your case shouldn't be. From the bottom of my heart, I want to thank my staff for allowing our firm to grow and prosper.



What We Do at Our Firm

At the Law Offices of Craig Goldenfarb, we specialize in representing those injured due to the negligence of a person or company. We handle cases throughout Florida in the following practice areas:

- Car, truck, pedestrian, motorcycle and bicycle accidents
- Slips/Falls and other premises liability accidents
- Medical malpractice
- Legal malpractice
- Nursing home neglect/abuse, including bed sores
- Dog bites
- Heart attacks in public places
- Wrongful Death
- Product Defects & Liability
- Boating accidents
- Fraud in Overbilling the Government (Whistleblower cases)
- Health Insurance treatment denials
- Drowning or near-drowning accidents

★ Meet our Employee of the Month ★

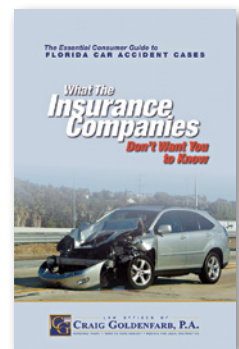


Celina Quintero, Case Opener/Legal Assistant. Celina has been with the firm for more than two years. When she's not working hard, Celina enjoys eating chocolate and spending time with her husband, Hector, and her Jack

Russell Terrier, Foxy. You know how some people say dogs are like children? Well, Foxy won't eat unless she's fed with a spoon! It's a good thing Celina is so patient. She's also an excellent legal assistant. Her favorite part of her job is discovering new and helpful aspects of a case so she can impress the boss. We're impressed, Celina!

Craig's Recommended Free Resources

Legally, we can't say we give the best advice of any personal injury firm in Florida, so you be the judge! Get a FREE copy of Craig Goldenfarb's new book "**What the Insurance Companies Don't Want You to Know.**" To order yours, go to our website www.800goldlaw.com, or send an email request to freecarbook@800goldlaw.com and we'll send it right out.



Want a free, useful gift? Either go to our website www.800goldlaw.com, or simply send an email to freainsuranceholder@800goldlaw.com to get our FREE insurance and registration holder for your glove compartment. Put your car registration and your insurance card in it, so you can find them easily when you need them. It also has step-by-step instructions on the back for what to do if you have a car accident.

Our Commitment to Community

“The part can never be well unless the whole is well.”

~Plato



*I'm proud to say the staff at my firm is always exercising their brains, but as “desk jockeys” it's all too easy to neglect our bodies. Fortunately, the Annual **Lawyers Have Heart** 5K run, held in downtown West Palm Beach, was the perfect way to sweat, have fun, and raise more than \$1000 for our community. Lawyers Have Heart encourages participants to strengthen their own hearts through physical activity and supports the mission of the American Heart Association: building healthier lives, free of cardiovascular disease and stroke.*



Students are on summer break, but teachers and administrators in the public school system are just beginning their work figuring out how to educate with little or no funding. Having two children in public school myself, I know how hard it is for teachers to get the necessary tools and supplies they need to teach. I donate money to my girls' school all the time, but helping out kids I don't know is equally fun. For that reason, I recently made a donation to Mrs. Hirsemann's class at Indiantown Middle School so she could buy books for her “voracious” readers. What a great group of enthusiastic students!



Minor Crash...Major Injury!

In many of the car accident cases I handle, the defense argues that a crash resulting in minimal damage to the cars “could not possibly” result in a serious injury to my client. Unfortunately, most people (including jurors in a trial) seem to believe this flawed argument.

According to the New England Journal of Medicine, “whiplash” injuries (the soft tissue damage commonly suffered in low-speed collisions) now account for more than half of all motor vehicle crash-related injuries. Health studies of those accidents have proven that the amount of damage to the vehicle bears *very little* correlation to the injuries of the people in the car. For example, if a person's head is turned when they are rear-ended, the person is more likely to get a neck injury because his/her range of motion upon impact is less when the head is turned. Second, studies show that a female's neck is more likely to be injured by a whiplash type motion. Third, the bumper of one vehicle (such as a large truck) is more likely not to be crushed than the bumper of a smaller vehicle. Finally, a person who has a previous injury to the neck or back is more likely to be injured than a person with a completely healthy spine.

Therefore, don't fall for the insurance company “hype” that a person simply cannot be injured in a low speed accident. Lots of factors come into play other than how much damage the cars show. Keep an open mind, and you won't become a victim of insurance company propaganda.

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*Do you like this newsletter?
 My wife (the editor and publisher), Colleen, will produce such newsletters for any type of business that has a database of recipients. Mrs. Goldenfarb will write the text, provide all graphic design services and provide for printing and distribution of your newsletter, all for an affordable flat fee. For information, email Marion Diamond, my office administrator, at mdiamond@800goldlaw.com.*

INSIDE THIS ISSUE...

- Hurricane Liability.
- What is your case *really* worth?
- Minor Crash: Major Injury.



Thanks for Your Referrals!

The Law Offices of Craig Goldenfarb succeeds, in part, because of your trust in our firm. We would especially like to thank a few clients and friends who referred us cases recently (we leave some lawyers and doctors off this list due to privacy issues)::



**Dr. David Migdal, Samuel Yaffa, Esq.,
 David Schwartz, Esq., Frances Lando,
 Angelia Slater, Everett Accent, Michael Linton,
 Mark Cullen, Esq., Dr. Jordan Aigen, Lenorris Patterson,
 Jesse Lieberman, Esq., Dr. Chris Thompson,
 Robin McDougall, Paul Vaughn, Jason Waechter, Esq.,
 David Mosquera, Jr., Dr. Leon Uribe, Tyrone Skinner,
 Jean Marseilles, Ervina Lane, and Felton Smith.**

It's against Florida law for us to pay non-lawyers for referrals, but they can't stop us from honoring you in print!



Contact Corner

Do we have your correct address, phone number and email? If you have recently moved or changed your contact information, please email your updated information to correctinfo@800goldlaw.com. We like to notify everyone of news and events as quickly as possible, so please make sure we have a current email address from you. ****We promise not to forward dancing cat videos! ****

Do you want to be added to or removed from the mailing list for this newsletter? Email us at newsletter@800goldlaw.com, and let us know.