



# The People's Lawyer®

"I May Not Handle Every Injury Claim In Northeast Florida... But I Sure Am Gonna Try!"®

## News From Accident Lawyer John Fagan

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Car & Motorcycle Accidents | Dog Bite | Nursing Home Neglect | Slip & Fall | Workers' Comp



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### We Love Referrals!

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*I thought you might want to know:*

## What Do I Have To Do To Prove My Case?

In the eyes of the law, every personal injury case, regardless of the circumstances leading to the injury, is a "negligence" case.

"Negligence" indicates unreasonable carelessness.

Whether you were injured on the highway or in a grocery store or in a hospital, you will have to establish these four elements of negligence in order to prevail in your personal injury case:

### Duty

First you must establish that the defendant owed you a legal duty of care. For example, a driver owes a duty of care to his passengers, to other drivers, and to the pedestrians and cyclists with whom he shares the road.

A store owner has a duty to keep his premises clean and safe for customers. A doctor owes his patients a duty of care based on his superior medical knowledge and training. As a practical matter, the "duty" element usually is easy to establish.

### Breach

Next, you must establish that the defendant failed to fulfill (or "breached") his duty of care, or failed to act in the way that a reasonably careful person would have acted under the same or similar circumstances.



Sometimes an accident is just an accident. If, however, the "accident" was the result of the defendant's breach of the duty of reasonable care, then it is negligence.

### Cause

Third, you must establish causation. You must show that but for the defendant's negligence, you would not have been harmed.

### Damages

Finally, you must establish that you were harmed by the defendant's conduct. Your legal damages will consist of out-of-pocket expenses, including medical expenses; lost wages and benefits; future losses, including anticipated future medical expenses and loss of earning capacity; property loss or damage; and intangible losses, including mental and emotional pain and suffering.

In order to prove negligence in your personal injury case, you will need to establish four elements of negligence: duty, breach, cause, and damages.

# BACK TO SCHOOL

## Safety Tips For Drivers



Be on the lookout for school zone signals and ALWAYS obey the speed limits.

When entering a school zone, be sure to slow down and obey all traffic laws.

Always stop for school buses that are loading or unloading children.

Watch out for school crossing guards and obey their signals.

Be aware of and watch out for children near schools, bus stops, sidewalks, in the streets, in school parking lots, etc.

Never pass other vehicles while driving in a school zone.

Never change lanes, make U-Turns or text while driving in a school zone.

Avoid using a cell phone, unless it is completely hands-free, while driving in a school zone.

Unless licensed to do so, never use handicap or emergency vehicle lanes or spaces to drop off or pick up children at school.

## What Is the "Duty to Mitigate Damages"?

To "mitigate" means to decrease the severity of something. In an injury case, the injured party has a duty to mitigate his or her damages.



This means that you have a legal obligation to take reasonable steps to reduce the consequences of the harm inflicted upon you. You may not recover compensation for harm that you reasonably could have avoided.

**Physical Harm** - The duty to mitigate damages requires that you take reasonable steps to limit the physical consequences of your injuries. For example, the defendant may argue that you have failed to do this if you:

- Decline to undergo a routine surgery that carries little risk, but promises to improve your outcome;
- Delay seeking treatment for an obvious injury; or
- Fail to follow your doctor's treatment plan.

This does not mean that you have no choice with regard to your treatment options. You may, for example, decline surgery and choose to live with your injuries. If, however, a reasonable person in the same situation would have elected surgery, your damages may be reduced by an appropriate amount to reflect the harm you could have avoided.

**Economic Losses** - If your injuries prevent you from doing the work you did previously, but you are still able to work, you are required to take reasonable steps to minimize your economic losses, including seeking suitable employment or retraining opportunities. The law does not allow a person, once injured, to sit back and wait for a windfall in the form of a settlement or jury award.

# Sweet Potato Fries With Roasted Garlic Ketchup

### Ingredients

- 1 - 1/2 lbs sweet potatoes, cut into 1/2-inch strips
- 3/4 tsp garlic salt
- 1/4 tsp black pepper
- 1 tbsp olive oil
- 1/4 cup minced onion
- 1/3 cup ketchup

### Instructions

- Heat oven to 450. Cover baking sheet with aluminum foil; set aside.
- Place potatoes on baking sheet in a single layer and coat with nonstick cooking spray; sprinkle with salt and pepper. Bake for 30 minutes, stirring halfway through.
- Heat oil in nonstick skillet over medium heat. Cook garlic and onion in skillet for 3 minutes, then stir in ketchup.
- Serve with fries.

