

## **THE EYE WITNESS TO YOUR GETTING CREAMED**

**By: Dan Baldyga**

Thirty four years ago, in a book I wrote and was published, entitled, **How To Settle Your Own Insurance Claim**, I stated: "An eye witness can make or break your case. If you've been able to keep your wits about you the first thing you should do, immediately after impact has occurred, is to find somebody who observed it. After having spotted such a person, don't be bashful. Go right over to them and ask if they saw the accident? If they did, jot down their name, address and telephone number. Should they drive away before you can zero in on them, make note of their motor vehicle's registration number so you can later obtain their name through the department of motor vehicle office."

What I wrote, over thirty years ago, remains true today. (As a matter of fact, when it comes to insurance claims, little has changed over the past sixty years!) Companies like Rock Solid Insurance are still raising rates into the stratosphere as they sob in their beds about all the money claims are costing them - - all the while taking advantage of every motor vehicle accident victim they can sink their claws into.

**A WITNESS CAN BE CRUCIAL:** When you've been smashed into one of the most important sources of help - - when it comes to digging up information and assembling a record of the accident - - is the eye witness to that impact, with their accounts and recollections as to what happened. Try to secure a detailed written statement (or tape record it or perhaps, in this day and age, even a video statement). That "witness person" could be a passenger in your own or other vehicles, pedestrians, onlookers and bystanders at the scene of the accident, and/or driver's of other motor vehicles who were not directly involved in the accident.

**UTILIZING THE WITNESS:** How does one actually go about the task of securing the relevant witnesses, testimonies and cooperation? To begin with, know this: It's important that you get to a witness first - - before that fast talking Adjuster I. M. Smart corners them and uses his expertise to twist the facts. By moving quickly you stand a good chance of getting the witness committed to your account of the events and/or to come down on your side of the case. If they do that's money in the bank! You should contact each witness of the accident (identified from the list of persons you compiled at the time of the accident - - or perhaps even discovered in the police report) and talk to them about what they saw, or know, concerning the accident. The ideal procedure is to get them to write out, in detail, what they observed, in their own words. If they're not willing (or able) to do this, then write out their statement yourself (or merely jot down on a pad) what each witness tells you, then have them sign and date it. Try to capture their recollections, impressions and observations of what happened.

Upon completing the interview of each witness, and taking his (or her) statement, ask that individual to read it. When they're finished have them sign and date it, with their home address and phone number included. (If the statement is more than one page have them initial and date the bottom of each page, then ask them to apply their full and complete signature at the very end.)

**You should make a copy of what they signed and send it to them. That's so they'll know exactly what they told you - - if, later on down the road, when Adjuster "Smart" attempts to hustle and con them into stating something differently - - they'll be able to stick to their guns because they'll have written proof to show Smart exactly what they told you.**

**LOCATING A MISSING WITNESS:** You may be unable to directly contact or locate the whereabouts of a witness whose name, home address or phone number you have obtained. (The witness may have moved). Here are two helpful steps you can take to locate a witness:

**1. Send a "Certified or Registered" letter to that witness, addressed to his (or her) last known address with the "Return Receipt Requested" plus the Address Onlybox checked off. This way, if you receive back from the post office the return receipt signed by the witness, or executed by the post office, you should find, fully entered therein, the current address of the witness.**

**2. If you have their full name and address and you're comfortable surfing through cyber-space there are dozens of ways to locate a person via your computer. Should you not be wise to the ways of the internet find somebody to help you who is.**

**IN SUMMARY: I spent over half my life investigating motor vehicle accidents.**

**First as I worked my way through college as a Private Investigator, specifically assigned to motor vehicle accidents, next as a Special Investigator in the United States Navy, covering major military motor vehicle accidents in the Mid-West, and then over thirty years as a claims adjuster, supervisor, manager and trial assistant. I know, from personal experience, a witness to a motor vehicle accident can be invaluable when it comes to making your case. Witnesses may be able to describe things in an accident that confirm what you know happened, thus backing up your side of the story. They may also provide you with information you were not aware of, which indicates how the other operator was at fault. A witness may have heard a verbal remark that someone other than you was at fault. Even a witness, who did not actually see your motor vehicle get crashed into, may have observed you, soon after impact, and confirm the pain and discomfort you were experiencing. A signed statement handed to Adjuster SMART, taken from somebody who did not know you personally, detailing the suffering you were enduring at the scene, right after your motor vehicle was bashed into, is even more money in the bank!**

**On that same subject of "pain and suffering" Adjuster Smart might try to convince you that what a witness says is less important if what is being stated is coming from a friend or relative. Don't you believe it. That's a crock! There are hundreds of thousands of motor vehicle insurance accident claims on record that prove this contention to be false. If a friend or relative actually saw the accident and what they observed proves you're not at fault in any way, shape, manner or form - - and/or can detail how much physical discomfort you displayed at the scene after impact - - their value as a witness (on either issue) is worth its weight in gold.**

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**DISCLAIMER: The only purpose of this article THE EYE WITNESS TO YOUR GETTING CREAMED**

**is to help people understand the motor vehicle accident claim process. Neither Dan Baldyga nor ACRS Automotive Collision Repair Network make any guarantee of**

any kind whatsoever; NOR do they purport to engage in rendering any professional or legal service; NOR to substitute for a lawyer, an insurance adjuster, or claims consultant, or the like. Where such professional help is desired it is the **INDIVIDUALS RESPONSIBILITY** to obtain said services.

Dan Baldyga's third and latest book, **Auto Accident Personal Injury Insurance Claim (How To Evaluate And Settler Your Loss)** can be found on the internet at <http://www.autoaccidentclaims.com>. This book reveals "How To" successfully handle your motor vehicle accident claim, so you won't be taken advantage of. It also goes into detail explaining the revolutionary **BASE (The Baldyga Auto Accident Settlement Evaluation Formula)**. **BASE** explains how to determine the value of the "Pain and Suffering" you endured, because of your personal injury.

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**AUTO ACCIDENT PERSONAL INJURY INSURANCE CLAIM**

**(How To Evaluate And Settle Your Loss)**

Found at: <http://www.autoaccidentclaims.com>