



A Monthly Publication of Ben Glass Law

This newsletter is for informational purposes only and no legal advice is intended.



What Happens When Ambulance Drivers Are Careless? This Law is Going to SHOCK You...

by Ben Glass

Last year, an ambulance being driven by an employee of Campbell County Department of Public Safety was dispatched to the home of a woman who had called for the ambulance because she needed to “go to the hospital to get her medication checked out and she had no other transportation.” The EMTs arrived at the house, assessed the patient and began transporting her to the local hospital. Even though the patient reported that she had a history of psychiatric problems and complained of anxiety, severe headache, chest pains and shortness of breath, the EMTs decided that this was a non-emergency and began to drive the ambulance without activating lights or a siren.

The driver testified later that he decided to transport the patient under non-emergency procedures and that nothing changed en route to the hospital to suddenly require him to switch to emergency transport protocols and to activate his lights and siren.

On the way to the hospital, operating without lights or siren, the ambulance driver drove through a red light, struck a vehicle and killed one of its occupants. The widow of the deceased filed a lawsuit for wrongful death. *So, did she win her claim?*

As it happens, the widow’s claim was **thrown out** of court based on the legal doctrine of sovereign immunity. “Sovereign immunity” literally means that the “king can do no harm.” As you can imagine, this doctrine dates back to the dark ages, and in many respects, Virginia law still lives in the dark ages.

The Court ruled that because the driver had to continually monitor the condition of the patient (even though there was an attendant in the back who was monitoring the patient), that driver was using “judgment and discretion” and, as such, he was entitled to have the case dismissed. Essentially, the sovereign immunity laws are designed to protect government employees who are performing governmental functions from being sued. It is odd that such a doctrine still exists in an era of easily available insurance and one would think that when “the king” kills one of his “subjects,” that the king would want to see that the subject was compensated.

Not so in the kingdom of Virginia.

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FIVE DEADLY SINS THAT CAN WRECK YOUR INJURY CLAIM



Discover the secrets insurance companies don’t want you to know.

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Insurance Companies Can Be Squirrely...

correcting the note. And we presented it to the insurance company. Ultimately, the case was settled.

What's to be learned from this story?

I've thought about this case a lot. **I must admit, I find the humor in the whole situation.**

That said, this case demonstrates the insurance company's lack of consideration of our client's claim. In our presentation to the insurance company, we provided over 100 pages of medical records, a letter explaining the accident and treatment, a police report and accident photos. Of all of those documents, there was no indication whatsoever that my client did anything to cause this accident.

What's more, had there been any investigation by the insurance company (**whatsoever—such as maybe calling their insured to ask what happened**), they would have realized that our client did nothing at all to cause this accident.

If you've been involved in a car accident, realize that insurance companies' goals are to either deny or minimize your claim. While I can't necessarily blame them for trying to maximize profits, oftentimes I don't agree with their methods. Before you talk to the insurance company, make sure to speak to an attorney about your rights. Of course, you can always call BenGlassLaw! ■



CONGRATULATIONS TO BEN GLASS ON MAKING THE AMERICAN SOCIETY OF LEGAL ADVOCATES' TOP 100 IN VIRGINIA!

We are pleased to announce that Ben has been selected for the association's top litigation list in the state. The American Society of Legal Advocates (ASLA) conducts a several-months-long process in which it independently investigates tens of thousands of lawyers. Selection in the top 100 means that BenGlassLaw is in the top 1.5% of all entrants and we're proud of that.

Congrats to Ben, and a special thanks to YOU, all of our readers, for coming along with us on our journey.

BGL's Best Bites

CRISPY GRILLED PIZZA MARGHERITA

by Sandi Glass



Ingredients:

- 1 (16 ounce) package pizza dough, at room temperature
- 1/4 cup olive oil
- 4 ounces shredded Asiago cheese
- 3 large tomatoes, thinly sliced
- 1 cup packed whole basil leaves
- 8 ounces fresh mozzarella cheese, shredded
- salt and ground black pepper to taste

Preparation:

- 1 Preheat an outdoor grill for high heat, and lightly oil the grate.
- 2 Place pizza dough in a bowl to rise 2 to 3 times the original size, about 1 hour. Flour a work surface and a rolling pin. Divide dough in half; roll each half to a 10- to 12-inch diameter circle.
- 3 Place pizza dough rounds on the preheated grill using a wooden paddle (pizza peel) and close lid; cook until grill marks appear on the bottom of each round, 3 to 5 minutes. Remove from grill and flip over on a work surface. Lower grill heat to medium.
- 4 Brush each round with olive oil. Spread half the Asiago cheese on each crust; add tomatoes, basil, and mozzarella. Season with salt and pepper.
- 5 Transfer pizzas to grill with wooden paddle and close lid. Cook until bottom of each round is cooked with grill marks and cheese is melted, 7 to 10 minutes. Remove from grill and let stand for 5 minutes before serving.



SUCCESS QUOTES

At BenGlassLaw, we're big believers in people. We believe everyone has the tools to reach their full potential. Everyone has different goals, but if you study successful people, you find that certain success principles are universal. Here are some of our favorite success quotes to help you get on track this month:

Success is not final. Failure is not fatal. It is the courage to continue that counts.
- Winston Churchill

Don't wait. The time will never be just right.
- Napoleon Hill

I don't measure a man's success by how high he climbs, but how high he bounces when he hits bottom.
- George Patton

Formal education will make you a living. Self-education will make you a fortune.
- Jim Rohn

Strive not to be of success, but rather to be of value.
- Albert Einstein

A champion is afraid of losing. Everyone else is afraid of winning.
- Billie Jean King

To know even one life has breathed easier because you have lived, this is to have succeeded.
- Bessie Anderson Stanley

And finally, our favorite version of today's "haters gonna hate":

The thermometer of success is merely the jealousy of the malcontents.
- Salvador Dali

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What Happens When Ambulance Drivers Are Careless? This Law is Going to SHOCK You...

The case was appealed to the Supreme Court of Virginia and in a 4-3 decision, the Supreme Court of Virginia upheld the dismissal of the lawsuit. The Court pointed to the long history of Virginia honoring "the king can do no harm" doctrine and refused to do what most people would think is the right thing to do and allow the victim's family to be compensated for the horrible decision the driver made to proceed through a red light without activating his siren or lights. The driver testified that the reason he did not activate his lights is that "other drivers respond erratically to lights and sirens" and so he often transported patients to hospitals without lights on a non-emergency basis because "patients are stable enough."

Our office has handled many cases involving sovereign immunity, and in one case, we obtained a verdict against a deputy sheriff when we proved that the sheriff was doing "routine driving" only. However, we had one of our cases thrown out of court on the basis of charitable immunity, a similar doctrine, when our severely disabled client had his leg broken by attendants working for an organization that provided daycare and jobs for disabled individuals.

Virginia law on this area is horrible and is well behind that of most other states. If it is ever to change, change must come from the General Assembly, not the courts. The Supreme Court of Virginia views its role as interpreter of the law, not social change maker. ■

Reminder About Our Firm's Communication Policy

Our promise to you is that while we are working on your case, we don't take inbound phone calls, faxes or emails. Ben Glass takes no inbound unscheduled phone calls whatsoever. It makes him much more productive and helps get your case resolved faster. You can always call the office at 703-544-7876, and schedule an in-person or phone appointment, usually within 24-48 hours. This is a lot better than the endless game of "phone tag" played by most businesses today. Remember, too, that email is "quick," but is checked no more than twice a day. Replies are then scheduled into the calendar. So if it's really important, don't email—call the office instead.

This publication is intended to educate the general public about personal injury, medical malpractice, and small business issues. It is not intended to be legal advice. Every case is different. The information in this newsletter may be freely copied and distributed as long as the newsletter is copied in its entirety.

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Insurance Companies Can Be Squirrely...

by James Abrenio

In a perfect world, if you were involved in a car accident, you'd call up the insurance company, tell them your injuries, and they'd pay you what you deserve. By now, unfortunately, you've realized that this is not a perfect world. And, oftentimes, insurance companies play games.

Recently, we dealt with a case that was truly memorable.

Our client, former military, was riding his motorcycle down the road when a woman inadvertently swerved into him, causing him to be thrown off his bike. As you would expect, our client sustained multiple injuries, including an injured shoulder and fractured wrist. He then underwent treatment, recovered, and we prepared his case and presented it to the insurance company for payment.

After a couple of weeks, and a few phone calls exchanges with the insurance adjustor, we received communication that they were denying our client's claim—outright. Completely stunned, we asked why?! The adjustor's response was that she discovered **one, single medical record** that said that the



reason my client fell off his bike was that **he was startled by a squirrel**. Therefore, it wasn't their insured's fault.

After some investigation, we found the source of the "squirrel record." As it turns out, our client was really good friends with his radiologist, a fellow motorcycle enthusiast (and fan of the movie "Up" by Disney). As a practical joke, the radiologist made a note on one of our client's medical records that he fell from his motorcycle due to a squirrel that scared him (a reference to the movie, as well as a jab at our client for being easily frightened).

In response, we asked the radiologist to write a letter

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