

Claim guide

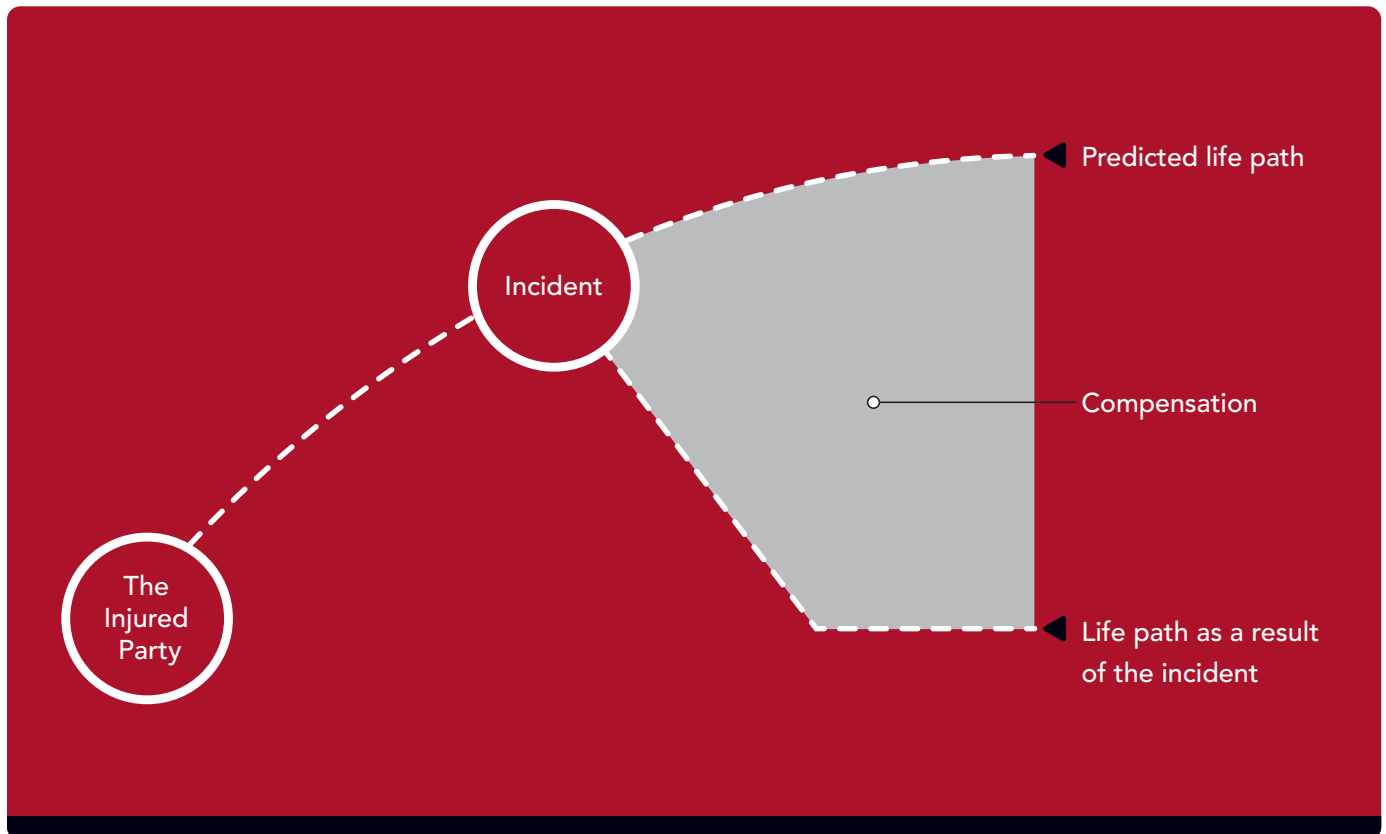
Understanding your journey ahead

Mokoduo Erasmus Davidson (MED) Attorneys are compassionate but uncompromising. We have proudly built our practice on the belief that we can make a genuine difference in the lives of those who need our help.

We have compiled this booklet to offer you advice on what to expect during the course of your time as our client. Should you require any assistance during this time, including assistance with access to medical treatment, financing of your daily living requirements or assistance with transport, please feel free to call us. We are here for you during these trying times.

What is the value of my case?

It is impossible for us to tell immediately how much money, if any, you will recover in connection with your case. There is no formula and each case is unique but is related to the nature, extent and duration of your injuries, along with an assessment of liability.



What damages can I claim?



Medical expenses, both already incurred and reasonably certain to be incurred in the future. This includes transport costs to and from the doctor or hospital.



An amount of money to recognise the pain and suffering, loss of amenities of life, disability and any disfigurement which you have suffered.



Funeral expenses for the reasonable costs of interring a loved one who has been fatally injured.



Lost earnings both as a result of time already spent away from work and in respect of predicted future losses of income, lost employment prospects or early retirement.



Compensation for the loss of companionship of a loved one, an injury to your dignity or reputation and psychological damages in most cases.

Filing a law suit

It is most often necessary to file a lawsuit to obtain an adequate recovery. Although a lawsuit may have to be filed, settlement is always possible. Negotiations continue and only a small percentage of lawsuits actually go to trial.

5 Big mistakes clients make



Plaintiff

You - as the injured party or the person representing the injured party who brings the action



Definition

Defendant

The person or institution against which the action is brought



Don't do these things



Do not give any statements (written, recorded or oral) to anyone concerning your accident or the manner in which the injuries were sustained without first getting our approval.



Do not make any incorrect statements about prior injuries or accidents to any doctor who treats or examines you. If you don't remember, say so.



Do not change your address or employment without notifying your attorney.



Do these things



Car repair

If you were involved in a motor vehicle accident and the vehicle was damaged, try to obtain pictures before the vehicle is repaired. If you do not have a camera or phone, please call and we will make arrangements to take the pictures.



Photographs

Give us any pictures and videos of the accident or accident scene, of the injuries or the place at which the injuries were sustained that you or anyone else has taken for you.



Receipts

Be sure to obtain and save all receipts itemizing any and all expenses you incurred as a result of the injury. Receipts must be dated and contain legible and complete vendor identification.



Medical items

Save all pill bottles, casts, braces, and any other items from your doctors.



Address and phone numbers

Inform us immediately of any change of address, telephone number or employment.



New information

Inform us of anything you think has a bearing on the case, including extensive medical treatment or hospitalization. Try to note important events on your journey to recovery in the diary section provided in this booklet.



Your job

Tell us of any changes in your job, such as job duties, salary or anything else work-related.

Filing a lawsuit - the process

This part of the process takes 4-5 months

1



1st Interview

When you are first interviewed, general information regarding your case is obtained. We will deal with pre litigation formalities and schedule you for your first medical examinations - recorded in the diary section of this booklet.



Definition

A Summons informs the defendant that:

1. A suit has been filed;
2. A response must be given within a set period of time or a judgement will be taken against the Defendant.

The Particulars of Claim:

1. Contains facts alleging the names of the parties;
2. Alleges why the conduct of the Defendant entitles the Plaintiff to recover damages;
3. States the amount claimed.

2



Summons

1. Summons is issued by the Registrar of the appropriate Court.
2. Particulars of Claim are served on the Defendant by a Sheriff.

This part of the process takes 3 months

3



Plea

The response filed by the Defendant is called a Plea, which sets out any alleged facts on which the Defendant wishes to rely to avoid liability for or to reduce the quantum of the damages claimed by the Plaintiff.

4



Replication

In exceptional circumstances it may be necessary for us to raise further facts in answer to a Defendant's Plea.

This part of the process takes 18 months

5



Trial date

Pleadings are closed and the Registrar can be approached to allocate a trial date.



Remember

- Always tell the truth, even if it hurts your case.
- Answer only the questions. Do not make any voluntary statements or speeches.
- Think before you give any answer to any questions. If it concerns a matter about which you do not know, or a detail you do not remember, you may say so.

6



Discovery

Both sides have a right to "discover" facts concerning the opposing party's case.

The Defendant is entitled to request that you or the injured party be examined by a medical practitioner.



Note

We will advise you as early as we are made aware of any such examinations scheduled by the Defendant.

Examinations by medical practitioners are often scheduled on very short notice. It is extremely important that any appointments scheduled by the Defendant be attended because unreasonable failure to do so can result in your action being dismissed.

Settlement

7a



Trial

7b



Did you know ?

Most cases don't go to trial. Settlements are often reached before a trial becomes necessary

Diary of important events & medical appointments

Please make use of this diary to carefully record any important meetings or medical appointments of which we inform you as well as to record any incidents or events which you remember related to your case.

We will provide your full medical, academic and employment history to any medical practitioner appointed by the Defendant. It will therefore be unnecessary for that doctor to ask you any questions other than questions relating to your current medical condition and you should limit your discussion with any such doctor to the topic of your current medical condition.

Appointment with	Date & time	Signature
Address & contact number	Documents required	

Appointment with	Date & time	Signature
Address & contact number	Documents required	

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Important events

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