

Expanded Recovery for Auto Accident Victims

HGSK helped PA residents fight back by expanding recovery for auto accident victims through landmark court decisions. Your rights are stronger because of us.

PHILADELPHIA, PENNSYLVANIA, UNITED STATES, March 26, 2021 /EINPresswire.com/ -- Insurance is a big business in the United States, especially in Pennsylvania. Some of the largest insurance companies in the United States operate here and offer automobile insurance policies. While an insurance carrier will pay out a valid claim in good faith, that is not always the case. Insurance is, after all, a business, and the more claims that are paid out just subtracts from their bottom line. Unfortunately, this means that victims of motor vehicle crashes will be affected the most by a greedy insurance carrier. This is why anyone injured in a motor vehicle wreck needs to hire an experienced auto accident lawyer who will fight back.



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Just because an insurance policy says there is no coverage due to an exclusion or exception does not mean the policy complies with Pennsylvania law.”

James C. Haggerty

At HGSK, we have stood up to some of the largest insurance carriers in the United States who have tried to undervalue or deny an otherwise valid claim. Most times, this is when an insurance carrier hides behind a policy exclusion or exception. In some instances, the exclusion or policy exception simply does not apply, and the carrier is stretching what they can get away with. Other times the exclusion or exception is straightforward and does expressly say what should happen; however, it is unlawful under Pennsylvania law.

It takes an experienced auto accident attorney to recognize when an exclusion or policy

exception violates the law. But here at HGSK, we have dedicated our careers to protecting the rights of Pennsylvania residents who have been victims of an insurance carrier's misconduct. We have done this by expanding the recovery for auto accident victims through the common law, or judge-made law, in interpreting policies against Pennsylvania statutes to ensure carriers are following the law.

For instance, in [Gallagher v GEICO](#), our auto accident lawyer James C. Haggerty worked to change the law in Pennsylvania for expanding recovery for auto accident victims at the Supreme Court of Pennsylvania. In this case, the plaintiff had two auto policies. One policy was for two motor vehicles, and one policy was for a motorcycle. Both policies had "stacked" underinsured motorist coverage (UIM). A stacked policy means the two policies would be added together in the event of a loss. This increases the amount of compensation available to a victim.

After the plaintiff suffered injuries while operating his motorcycle, GEICO paid on the UIM claim for the motorcycle policy only. However, GEICO refused to pay the UIM on the policy covering the two cars. GEICO reasoned this was because that policy had an exclusion prohibiting the plaintiff from recovering compensation while "occupying" a vehicle owned by him or a relative.

Even though the insurance policy has this express language and the facts clarify that this is what happened, GEICO failed to advise the plaintiff of the statutorily required stacking waiver.

While the lower courts disagreed with us at HGSK, our [auto accident lawyers](#), lead by James C. Haggerty, pressed on to the state Supreme Court which finally agreed and reversed the lower courts. The Supreme Court allowed for an expanded recovery in auto accidents when insurance carriers hide behind exclusions like this and do not follow the law. This allowed for a complete change in common law which usually ruled in the insurance carrier's favor. It was a significant victory for victim rights.

Since this time, our firm has worked hard to expand the Gallagher decision in numerous cases in the state and federal courts. This has allowed individuals who would otherwise be ineligible to recover uninsured and underinsured motorist benefits for injuries sustained in Pennsylvania's motor vehicle wrecks. This includes in *Donovan v State Farm*, a similar case pending in the Supreme Court of Pennsylvania which James C. Haggerty has argued for the expansion of rights for motor vehicle accident victims. A decision is still pending.

At Haggerty, Goldberg, Schleifer & Kupersmith, P.C, we can fight for your rights after an auto accident in Pennsylvania. Call us for a FREE consultation, and we can help you understand your rights and determine. Contact our dedicated legal team at (267) 350-6600 to find out more information about our legal services and how we can help.

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