

WHAT TO DO

PROPERTY ACCIDENT | GENERAL LIABILITY

- 1 RENDER AID.** Be kind and compassionate and render aid or seek medical help for the injured party. Try not to embarrass the party any further during the process. If they don't want help, that is ok.
- 2 DOCUMENT** the name, address, contact information of the injured party and the facts: date, time, area (photos of the area, if possible), witnesses (get written statements, if possible) and their contact information, any knowledge of the injury, any knowledge of issues at the scene (water, steps, rug, lighting, etc.), type of injury, exact body part (if known), clothes/shoes they were wearing, age, and if/where the injured party was taken for medical treatment; or, if Paramedics, Fire, or Police are involved – if so, **request a case number**. Secure the area or any equipment, or items associated with the event for additional investigation by the insurance adjuster.
 - a. **Be factual and avoid opinions** on the documentation. Keep in mind that your internal report could be seen by a jury of your peers and anything negative on it could be held against you.
 - b. **Do not appear cold or heartless** by ignoring the injured so you can get a photo or documentation. It is best to be compassionate and render aid or seek medical help for the injured party first. Then, after the injured party has parted begin to formally document the area and take photos.
 - c. It is not a good idea to have the injured party in the photo(s) of the area. This could complicate matters down the line and give a plaintiff attorney a documented additional witness to help them make a case against you.
- 3 CONTACT YOUR GENERAL LIABILITY INSURANCE CARRIER** as soon as possible and provide them with all your information, statements, photos, and any collected items associated with the claim.
- 4 DOCUMENT YOUR INTERNAL CLAIM FILE WITH THE CLAIM NUMBER**, adjuster name, and adjuster contact information. Maintain this documentation for a minimum of 5 years from the date of accident (or 2 years past the legal statute of limitations for your area).
- 5 PASS** on the claim number, adjuster name, and adjuster information for information about the claim if you are contacted by the claimant or any other party/person besides your insurance adjuster. Do not answer questions, accept responsibility, don't commit to pay for anything, nor allow investigations from outside parties unless a warrant or subpoena is served.
- 6 THIRD PARTY INCLUSION.** If the person was injured by something that is not your responsibility (such as a floor mat that an outside company takes care of, or a display that a vendor brought in to advertise with, or by an outside delivery person on your premises that is not your employee, etc.), then be sure to obtain the contract or information on the party/person so it can be included in the claim. If it is contractual, there may be *risk transfer options* available to pass the claim over to the outside responsible party that allegedly caused the incident or injury.
- 7 IF A WARRANT OR SUBPOENA IS SERVED**, contact your adjuster immediately for advice and, if necessary, have legal counsel assigned to review and advise you. If you are contacted by anyone other than your adjuster concerning the matter, please contact your adjuster as soon as possible to let them know who contacted you and what they were doing. If you receive any mail or emails related to an incident, send it to your adjuster for a response or advice on the matter.

Remember, some legal venues give the claimant 1 year, some 2 years, and others up to 5 years or longer from the date of an accident to present and settle a claim before a lawsuit will be needed to preserve their legal rights to try and collect on an alleged injury incident against you.

Contact Hotchkiss Insurance today for a risk assessment and ways to protect your most valuable assets.

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