



PRESS RELEASE

Date: August 18, 2010

FOR IMMEDIATE RELEASE

Recovery of \$610,000 in Rental Car Accident Case

Attorney J.P. Gonzalez-Sirgo of Coral Gables, Florida recovers \$610,000 in rental car accident case. Our client was a passenger in a rental car that was rented by her husband while they visited Miami from their home country. The husband listed himself as the only would be driver of the car on the rental car application. He also purchased the supplemental liability policy that was offered by the rental car company. On the day of the accident, the husband was suffering from a migraine and did not feel well enough to drive. Not feeling well, he asked his adult son to drive. Unfortunately, the son got into an accident for which he was primarily at fault. As a result of the accident, our client was seriously injured. The injuries to our client included a complex pelvic fracture and complications thereof.

Our position against the rental car company rested on 3 theories of liability:

- 1) That the rental car company is liable for the negligence of the renter and/or driver of the rental automobile as the owner of the automobile.

- 2) That the rental car company is liable for the negligence of the non-rental car involved in the accident under an underinsured motorist theory of liability up to the \$1M limit of the supplemental liability policy purchased by our client's husband. The non-rental vehicle carried only \$10,000 of liability coverage. That the rental car company failed to offer UM limits in the amount of the liability limits to its renter and/or to obtain a valid rejection of equivalent UM limits in compliance with the UM statute and relevant case law.

- 3) That the rental car company is liable under a spoliation of evidence theory of liability. Our client made several written requests to inspect the subject rental car prior to its repair or destruction. This was particularly important in light of the fact that our client's seat belt was inoperable. In spite of our requests for an inspection, the rental car company repaired or destroyed the subject vehicle prior to allowing any inspection.

Under the above facts, we argued, any statutory limits on any recovery would not be applicable. In addition, under the spoliation of evidence theory not even the limit of the supplemental policy would be applicable as the rental car company is directly responsible for its own active negligence.



Attorney J.P. Gonzalez-Sirgo has built his entire career on protecting the rights of insurance policyholders, personal injury and wrongful death victims and fighting for the rights of Florida consumers and small businesses. The firm has recovered millions of dollars for victims of denied or underpaid insurance claims, victims of catastrophic personal injuries and wrongful death and on behalf of those that have been taken advantage of by Big Business and Big Insurance. J.P. has been certified as a life member of the [Million Dollar Advocates Forum](#) and the [Multi-Million Dollar Advocates Forum](#). The Million Dollar Advocates Forum is recognized as one of the most prestigious groups of trial lawyers in the United States. Membership is limited to attorneys who have won million and multi-million dollar verdicts, awards, and settlements. Fewer than 1% of U.S. lawyers are members. In Miami-Dade County call us at 305-461-1095 or call us toll free at 1-866-71-CLAIM or fill out the short online contact form at www.YourAttorneys.com.