

HANDLING UNINSURED & UNDERINSURED MOTORIST CLAIMS

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RECENT DEVELOPMENTS

Item 1

“WHILE OCCUPYING” –

Is a motorcyclist who was ejected, then run over and killed “occupying” the vehicle?

Item 2

“BODILY INJURY” –

Are Wrongful Death Claims a “Bodily Injury”?

Item 3

THE FAMILY MEMBER EXCLUSION – *Claims of Unadopted Step-Children*

Item 4

WHILE OCCUPYING –

A Passenger’s “Occupying” a Stolen Vehicle is a “Use” of the vehicle



RECENT DEVELOPMENTS

Item 5

***NAMED DRIVER POLICIES –
Waiver Does Not Create Coverage***

Item 6

***GOVERNMENT OWNED VEHICLES –
Governmental Immunity Bars the UM Claim.
The Excess UM policy “Follows Form.”***

Item 7

***THE “OTHER INSURANCE” CLAUSE –
The Other Insurance Clause is not void to the extent
it prohibits a double recovery.***

Item 8

***BAD FAITH WHAT IS IT?
Menchaca’s 5 Rules of Bad Faith***



RECENT DEVELOPMENTS

Item 9

***BAD FAITH. WHAT IS IT?
Bad Faith on PIP Claims.***

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***ATTORNEY’S FEES –
Excessive Demands***

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THE EXHAUSTION DOCTRINE

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***SEVERANCE AND ABATEMENT –
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RECENT DEVELOPMENTS

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Applying Paid/Incurred Statute to PIP Claims

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DEPOSING THE ADJUSTER AND THE CORPORATE REPRESENTATIVE



WHILE OCCUPYING

VEHICLES OWNED BY THE INSURED
WHICH ARE NOT COVERED UNDER THE POLICY

“USE” OF THE VEHICLE WITHOUT THE
PERMISSION FROM THE OWNER

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