**SETTLEMENT OFFER ER 408**

July X, 2024

XX Insurance

Phone: xxx-xxx-xxxx

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E-mail: xxx@xx.com

ATTN: XXX X

Re:

|  |  |
| --- | --- |
| Our Client: | Rita Britez |
| Your Insured:  | XXXX X |
| Date of Loss: | mm/dd/yyyy |
| Your Claim No: | yy-xxxxxx |

Dear Claims Adjuster,

I represent Ms. Rita Britez with regard to injuries she sustained in the August 21, 2023 auto accident caused by your insured, Ms. Ernesto X. Ms. Britez’s condition has now stabilized to the point where I am authorized to make a settlement demand regarding her claim. Given the severity of Ms. Britez’s injury, a demand is hereby made for **policy limit** to settle Ms. Britez’s claim.

This letter and the enclosed documents are submitted for settlement purposes only. The Washington Rules of Evidence prohibit use of this letter and the enclosures as evidence in any legal proceeding without our express consent. If settlement fails for any reason, this letter and its enclosures are to be returned to me without retention of copies.

**BACKGROUND**

Ms. Britez is a XX-year-old woman from X, XXXX. She is personable and will present favorably to a jury if we are unable to resolve this claim through settlement negotiations and are forced to proceed with litigation.

**EXHIBITS**

We have enclosed the following documents in support of this demand:

1. Police Report
2. Evergreen Health Medical Records
3. Bothell Chiropractic Medical Records
4. Billing Records
5. Wage Loss Documents

**FACTS OF ACCIDENT**

On January x, 20xx, at or around X:XX PM/AM, Ms. Britez was traveling along South 128th Street near the intersection of Military Road South in X, XXXXXX. While stopped for traffic, Ms. XXX XXXX, who was traveling behind her, failed to stop and collided with the rear end of Ms. Britez’s vehicle.

Officer XX XX of XX Police Department arrived on scene at X:XX PM/AM. Upon investigating, she filed a report.

**INITIAL COMPLAINTS**

As a result of the crash, Ms. Britez developed the following symptoms:

|  |  |  |
| --- | --- | --- |
| Complaints | Physician | Date Noted |
| Right shoulder painNeck painRib painLower back painUpper back painMid back pain | Brandon E. Smith, A.R.N.P.Donald Warren, D.C.Donald Warren, D.C.Donald Warren, D.C.Donald Warren, D.C.Donald Warren, D.C. | 8/25/20208/25/20208/25/20208/25/20208/25/20208/25/2020 |

**LIST OF INJURIES**

|  |  |
| --- | --- |
| Injuries | ICD-10 Code |
| Lumbar back pain with radiculopathy, affecting lower extremity |  |
| Sprain of ligaments of cervical spine, initial encounter | S13.4XXA |
| Sprain of ligaments of thoracic spine, initial encounter | S23.3XXA |
| Sprain of ligaments of lumbar spine, initial encounter | S33.5XXA |
| Pain in right shoulder | M25.511 |

**MEDICAL TREATMENT**

**Evergreen Health
Dates of Treatment: mm/dd/yyyy No. of Visits: 1 MD**

On January 22, 2022, Ms. Britez arrived to Evergreen Health for examination and treatment following her car accident-related injuries by Brandon E. Smith, ARNP. Ms. Britez complained primarily of lumbar back pain. After conducting a physical examination, Brandon E. Smith, ARNP diagnosed Ms. Britez with:

* Lumbar back pain with radiculopathy, affecting lower extremity

Upon discharge from the hospital, Brandon E. Smith, ARNP recommended that Ms. Britez return should her condition deteriorate and follow up with her primary care provider.

She also prescribed the following medications:

* Meloxicam 15 MG oral tablet

**Bothell Chiropractic**

**Dates of Treatment: mm/dd/yyyy – mm/dd/yyyy No. of Visits: 11 DC**

Intake and Examination

On February 22, 2022, Ms. Britez presented to Bothell Chiropractic for examination and treatment of her accident-related injuries by Dr. Donald Warren, D.C. Ms. Britez’s initial complaints were neck, rib, upper, lower and mid back pain.

Dr. Warren conducted an evaluation and a physical examination of Ms. Britez’s injuries. Dr. Warren’s objective findings include:

* Range of Motion Studies: Active range of motion measurements revealed the patient’s cervical and thoraco-lumbar range of motion to be restricted with pain.
* Orthopedic Analysis: Dr. Warren administered a series of tests that found the following: pain and ligamentous injury along the patient’s spine; pain during Nachlas’, Kemp’s and Maximum Foramina Compression tests.
* Palpation Exam: Dr. Warren’s evaluation revealed muscle spasm, subluxations and hypertonicity along the patient’s cervical, thoracic and lumbar spines.

Diagnosis

At the conclusion of the examination, Dr. Warren diagnosed Ms. Britez with the following:

* Sprain of ligaments of cervical spine, initial encounter
* Sprain of ligaments of thoracic spine, initial encounter
* Sprain of ligaments of lumbar spine, initial encounter
* Pain in right shoulder

Treatment

Dr. Warren set up Ms. Britez with a treatment regimen that entailed chiropractic manipulative therapy, intersegmental mechanical traction three times a week for four weeks, pending reevaluation. Over the course of her treatment, Ms. Britez was also subjected to resistive/stretching exercises along with home exercises.

On May 28, 2022, after X chiropractic visits, Ms. Britez returned to Bothell Chiropractic for her final examination and treatment by Dr. Donald Warren, D.C. Dr. Warren did not discharge Ms. Britez from her care.

**DUTY UNDER DURESS & IMPACT ON ADL**

On August 25, 2020, Donald Warren, DC noted:

* Ms. Britez reported “The neck pain is bad, can't sleep at night because of it. Back pain is also getting worse. She has to sit on the computer 8 hours a day, she feels pressure on low back. Walking is tough if she has to go shopping or go for a long walk. Headache started at base of neck now it's going down right shoulder, started in middle and then down right shoulder. Sometimes tingling early in the morning in neck.”

**CALCULATION OF SPECIAL DAMAGES**

**Medical Expenses**

Ms. Britez has incurred medical expenses for treatment of the injuries sustained in her motor vehicle collision.  The total incurred medical expenses are as follows:

|  |  |
| --- | --- |
| Evergreen Health | $1,485.00 |
| Simpsons Physicians | $511.11 |
| Bothell Chiropractic | $2,614.00 |
| **TOTAL:**  | **$4,610.11** |

**Wage Loss**

At the time of the accident, Ms. Britez made $1,271.43 a week working. This figure was calculated by examining Ms. Britez’s average earnings in the month preceding the collision. As a result of the January 8, 2022 auto accident, Ms. Britez was unable to work for 3 days. This equates to $521.76 in lost wages.

**Mileage Expenses**

Ms. Britez has incurred mileage expenses for treatment of the injuries sustained in her motor vehicle collision. The total incurred mileage expenses for medical treatment transportation are as follows:

|  |  |  |
| --- | --- | --- |
| Evergreen Health | 1 visits x 9.6 RT = 17.81 miles x .535 | $9.53 |
| Bothell Chiropractic | 11 visits x 9.6 RT = 105.6 miles x .535 | $56.50 |
| **TOTAL:**  |  | **$66.03** |

**Special Damages Summary**

|  |  |
| --- | --- |
| Medical Expenses  | $4,610.11 |
| Wage Loss | $521.76 |
| Mileage Expenses | $66.03 |
| **TOTAL:** | **$5,197.90** |

**GENERAL DAMAGES**

 At the time of this collision, Ms. Britez lived a normal and active life. Following the accident, she suffered ongoing pain and limitations that substantially impacted the normal activity of her life for which she required medical care. Although Ms. Britez has made progress in getting her symptoms under control over the course of treatment, she continues to suffer a considerable amount of pain and suffering because of this accident.

**SETTLEMENT PROPOSAL**

Considering the clear liability of the third-party in this case and the injuries clearly proximately caused, as well as the damages documented herein, we make a reasonable and fair demand in the total amount of **policy limit** in full and final settlement of this claim.

Please provide our client with a response to our demand within ten (10) days of receipt, or by **July X, 2024**. Thank you and I look forward to hearing from you.

Sincerely,

Habtemariam Law Firm, PLLC

Neftalem Habtemariam

Attorney at Law