**SETTLEMENT OFFER ER 408**

June 6, 2024

XX Insurance

Phone: xxx-xxx-xxxx

Fax: xxx-xxx-xxxx

E-mail: xxx@xxxxx.com

ATTN: X

Re:

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

Dear Ms. X,

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

Mr. Mamani is a XX-year-old man from X, XXXX. He 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, Mr. Mamani was traveling along South 128th Street near the intersection of Military Road South in X, XXXXXX. While stopped for traffic, Mr. XXX XXXX, who was traveling behind him, failed to stop and collided with the rear end of Mr. Mamani’s vehicle.

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

**INITIAL COMPLAINTS**

As a result of the crash, Mr. Mamani 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, Mr. Mamani arrived to Evergreen Health for examination and treatment following his car accident-related injuries by Brandon E. Smith, ARNP. Mr. Mamani complained primarily of lumbar back pain. After conducting a physical examination, Brandon E. Smith, ARNP diagnosed Mr. Mamani with:

* Lumbar back pain with radiculopathy, affecting lower extremity

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

He 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, Mr. Mamani presented to Bothell Chiropractic for examination and treatment of his accident-related injuries by Dr. Donald Warren, D.C. Mr. Mamani’s initial complaints were neck, rib, lower back, upper back and mid back pain.

Dr. Warren conducted an evaluation and a physical examination of Mr. Mamani’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 Mr. Mamani 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 Mr. Mamani 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 his treatment, Mr. Mamani was also subjected to resistive/stretching exercises along with home exercises.

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

**DUTY UNDER DURESS & IMPACT ON ADL**

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

* Mr. Mamani reported “The neck pain is bad, can't sleep at night because of it. Back pain is also getting worse. He must sit on the computer 8 hours a day, he feels pressure on low back. Walking is tough if he must 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**

Mr. Mamani has incurred medical expenses for treatment of the injuries sustained in his 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, Mr. Mamani made $1,271.43 a week working. This figure was calculated by examining Mr. Mamani’s average earnings in the month preceding the collision. As a result of the January 8, 2022 auto accident, Mr. Mamani was unable to work for 3 days. This equates to $521.76 in lost wages.

**Mileage Expenses**

Mr. Mamani has incurred mileage expenses for treatment of the injuries sustained in his 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, Mr. Mamani lived a normal and active life. Following the accident, he suffered ongoing pain and limitations that substantially impacted the normal activity of his life for which he required medical care. Although Mr. Mamani has made progress in getting his symptoms under control over the course of treatment, he 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