



The Michigan Motorcycle Law Newsletter

Buckfire & Buckfire, P.C.

MICHIGAN'S TOP RATED MOTORCYCLE LAWYERS

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INSIDE THIS ISSUE:

Notice Requirement For Highway Defect Actions	2
Ask Dondi, Dan, and George: Your Motorcycle Legal Experts	3
Our Motorcycle Shop Spotlight	3
Our Current Cases of Interest	4
Recent Settlements	4
Become a "Guest Blogger"	4
Free Motorcycle Accident Book	4



Upcoming Motorcycle Events/Rides

- October 14: 39th Annual Kalamazoo Motorcycle Swap Meet. Kalamazoo. Contact: 800-800-6034.
- October 21: Giant Motorcycle Swap Meet. Birch Run. Contact: 800-968-4242.
- November 18: Giant Motorcycle Swap Meet. Novi. Contact: 800-968-4242

Coming Soon... The Motorcycle Helmet Laws Free App For The iPhone and Android

Many of you are aware, or in fact, have your own copy of our "Motorcycle Helmet Laws" wallet card. In fact, we have had over 1,000 motorcyclists nationwide request their copy of the wallet card.

The motorcycle accident lawyers of Buckfire & Buckfire, P.C. are proud to announce that due to such high interest, they have decided to take it a step further by creating the "Motorcycle Helmet Laws" application for the iPhone and Android.

This FREE app will not only aide bikers traveling across the United States, but Canada, Europe, and even Australia! With the free app, you will be able to access important helmet law information in multiple countries quickly and conveniently right from your smartphone.

Other cool features of the app include:

- GPS Bike Finder—allows bikers to place a GPS pin for their bike's location and set a time when he or she needs to return.
- Submit images of cool helmets and see the best helmet images in the helmet gallery.
- Receive discounts at some of your favorite Bike Shops around the country.
- **And MORE!** Other app features will be announced at the release of the app.

Look to one of our upcoming Motorcycle Law Newsletter issues for information on the release of the app and how to download.

What People Are Saying About The Law Firm of Buckfire & Buckfire, P.C.

We take great pride in the fact that we settle over 95% of our Michigan accident and injury cases before going to court; however, the number we value and honor the most is the number of compliments we receive from our past and current clients. Here is one of our most recent ones...

"The law firm of Buckfire & Buckfire more than exceeded my expectations. The highly professional legal team handled by Attorney George Burke laid out the strategy, the steps he and his team would be taking in support of my claim, and kept me abreast throughout the process in a most professional manner. I would without hesitation highly recommend this outstanding team of attorneys to anyone who feels they need a real advocate in their corner." **Lou Caporusso, Toronto, ON**



Notice Requirement For Highway Defect Actions



This article was written by Buckfire Attorney Dondi Vesprini (pictured to the left). Dondi has been a licensed attorney in the State of Michigan since 1999. He is recognized as an expert in cases involving motorcycle accidents. Dondi is a member of the Board of Directors of ABATE of Michigan and also frequently meets with both legislators and lobbyists regarding legislation affecting injured motorcyclists. Look for Dondi's article in each issue where he will discuss important issues affecting motorcyclists.

*If anyone has any suggestions of topics they would like addressed that may be of interest in the motorcycle community, please feel free to email **Dondi at Dondi@buckfirelaw.com***

What comes to mind when one thinks of the Fall season in Michigan? Leaves changing color, color rides, football, Thanksgiving, and bad roads.

I have heard from many road workers that changes in weather can create or otherwise make roadways more prone to the creation of a defective condition, such as stress cracking and pothole formation. The reality is that many of these defects go unrepaired by the responsible agencies until a motorcyclist has gone down because of the defect. In addition to these "self forming" types of defects, motorcyclists must be aware of other roadway hazards including gravel brushed onto the roadway, excessive tar strips or tar snakes on the road surface, and improperly patched potholes leaving an uneven area of the roadway.

If the defective highway or road is under the jurisdiction of a governmental agency (i.e., Michigan Department of Transportation or a county road commission), and the injury is due to the governmental agencies' failure to maintain the highway in reasonable repair and in a condition reasonably safe and fit for public travel, the injured person may make a claim against the governmental agency for his or her damages and injuries.

It is always important to get an attorney involved as early as possible in any type of motorcycle accident, but it is perhaps no more important than in an accident involving a road defect. Besides the obvious advantages of having an attorney involved to investigate the claim early on while the evidence is still "fresh", a failure to contact an attorney immediately after the accident puts the injured person at risk of being totally barred from making a claim for compensation.

This is because Michigan law requires that as a condition to any recovery for injuries sustained due to a defective highway or road, the injured person must serve a notice upon the responsible governmental agency of the occurrence of the injury and the defect. If this notice is not provided within 120 days from the date of the injury, the injured person is **barred** from any recovery from the governmental agency!

Many times, especially in cases of severe injury, an injured person may not be physically capable or may not have it as a priority to contact an attorney within the first 120 days after an accident. Likewise, when the injured motorcyclist is killed due to a highway defect, the family may not contact an attorney within the first 120 days after the accident. The law does not afford any sympathy in these situations. If the notice was not provided within the first 120 days, the claim is barred. Period.

Therefore, it is vital to contact an attorney immediately after an injury due to a highway defect. Not only can an attorney assist you with getting the notice done within the 120 day time frame, but the attorney can draft a proper notice with you. The law requires very specific information to be included in the notice and courts have been increasingly critical on inspecting the notices to make sure the required information is included. Also, depending on the circumstances, the notice may also need to be provided to other judicial or governmental agencies in addition to the agency responsible for the defect itself.

Given the specific information that is required by law to be in the notice, it can take some time for an attorney to gather the information to properly draft a notice that will pass judicial muster. So contact an attorney as early as possible as opposed to waiting until day 110, thinking that will be enough time.

If you are involved in an accident due to a highway defect, get an attorney involved early so your otherwise valid claim is not barred by this incredibly harsh technicality!

Ask Dondi, Dan, and George: Your Motorcycle Legal Experts

Q: What are survivor loss benefits for?

Dondi: If your husband, wife, or a relative who you are dependent upon, dies as a result of injuries from a motorcycle/car accident, you may be entitled to receive survivor loss benefits. These benefits include money from the No-Fault insurance company for loss of their financial support and loss of household services, as well as payment for a portion of the funeral bill.

Q: How long can I get survivor loss benefits for?

George: You are entitled to receive survivor loss benefits for the first three years following the accident.

Q: What type of documentation do I need to file a claim for survivor loss benefits?

Dan: You will be required to submit a copy of the death certificate, as well as a copy of the funeral bill. Additionally, you will be required to present written proof of the loss of financial support and household support.



Attorneys Dondi Vesprini, Dan Buckfire, and George Burke.

Bring this newsletter into Motorcycle Mike's and receive

\$5.00 Off Any Purchase In-Service

Buckfire & Buckfire helping the Biker Community

Our Motorcycle Shop Spotlight

Motorcycle Mike's

53379 Gratiot, Chesterfield, MI 48051

Ph: 586-570-6595 — <http://www.motorcyclemikes.com>

This month we spotlight Motorcycle Mike's. Motorcycle Mike's, formerly known as Blue Water Tires, has been in business for over 35 years. It specializes in motorcycle, scooter, and ATV tires.

Mike Cox, owner of Motorcycle Mikes, sold Blue Water Tires to Leslie Tire after the passing of his partner and Uncle, Clifford Cox. He then moved the motorcycle tire division to its new location in Chesterfield, Michigan.

"Tires For What You Ride" is Motorcycle Mike's slogan. This is because it offers the biggest names in tires from Dunlop, Avon, Metzeler, Michelin, Bridgestone, and more. Motorcycle Mike's is open Tuesday through Saturday and will ship anywhere.

"Whether you need help in picking out the best tires, mounting the tires, or balancing the tires on your wheels, just look to us to help," says Cox. Cox is very proud of his business and has always been interested in motorcycles. "I grew up in a motorcycle family. I can remember scraping gasket sealer off the side covers of old British bikes when I was six years old. I liked being in the garage with my dad working on whatever he would trust me with."



A picture of Mike Cox's bike.

Want to nominate or spotlight your motorcycle shop in our next newsletter? Just email or call Kathryn with your nomination at 248.569.4646 or Kathryn@buckfirelaw.com The spotlight is FREE.

MICHIGAN'S TOP MOTORCYCLE ACCIDENT LAWYERS



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Have a friend who would also like to receive "The Michigan Motorcycle Law Newsletter"?

Just call or email Kathryn at 248-569-4646 or Kathryn@buckfirelaw.com with their contact information and we will add them to our mailing list!

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If you would like to be removed from our mailing list call Kathryn at 248-569-4646 or email her at Kathryn@buckfirelaw.com

Our Current Cases of Interest

- A lawsuit against the negligent driver for injuries caused to a motorcyclist while riding his bike in Monroe County near his home. The negligent driver turned left in front of his motorcycle.
- A no-fault insurance lawsuit against AAA Michigan relating to a September 4, 2003 motorcycle accident. The biker was injured after a car pulled out in front of him from a driveway on M-55 in Denton Township. AAA paid the no-fault benefits for his surgery right after the accident, but is now refusing to pay for the current hip surgery that our client requires related to the motorcycle accident injuries.

Recent Settlements

- \$25,000 no-fault insurance settlement on behalf of our client injured in a Lapeer County area motorcycle vs. car accident. The settlement was with the other driver's insurance company to reimburse our client for his no-fault insurance benefits.

Become a "Guest Blogger" - Share your favorite ride, stop, or talk about your shop!

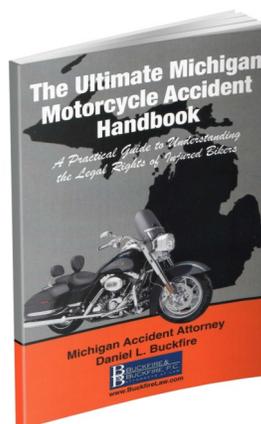
Do you have a favorite bike stop, trip, or story you would like to share? Do you own a motorcycle shop and want to inform the biker community about your shop?

We are inviting you to be "Guest Bloggers." Send the details to Kathryn@buckfirelaw.com and we will post your story on our Motorcycle Blog at www.Michiganmotorcycleaccidentlawyerblog.com

FREE Motorcycle Accident Book

Your FREE Guide to Michigan Motorcycle Accident Cases

Warning: Do Not Speak to the Insurance Adjuster or Hire a Lawyer Until You Read This Free Book.



The Book reveals:

- How To Find The Best Lawyer For Your Case
- Who MUST Pay For Motorcycle Damage Claims
- How To Get The Best Money Settlement For Your Injuries
- Are You Entitled To Michigan No-Fault Insurance Benefits
- How To Get Your Medical Bills And Lost Wages Paid
- **AND MUCH MORE** including the **SECRET STRATEGIES** insurance companies will use to avoid paying YOU a fair settlement.

Request your book by calling (800) 606-1717 or visit

www.MichiganMotorcycleBook.com