

From Jerry Maschka



Adequate Auto Coverage

When buying auto insurance, carefully consider these two facets of your policy: liability coverage and uninsured/underinsured motorist benefits.

Drivers purchase liability insurance to cover claims that can be filed against them if

they cause an accident. They are also required by law to purchase uninsured/underinsured motorist benefits coverage. This portion of the policy covers you when you are in an accident that is not your fault and the at-fault vehicle has no or low coverage. These benefits provide a way for you to be compensated for serious losses if the at-fault vehicle is not adequately insured.

“There’s a greater probability drivers of cars will need uninsured/underinsured coverage than liability coverage.”

Drivers often buy auto insurance with high liability coverage because they fear being sued if they cause an accident. But if you are in an accident, the chances are greater that someone else will be the cause. For that reason, Jerry Maschka advises drivers to carry uninsured/underinsured motorist benefits that are equal to or greater than the amount of liability coverage they carry. “You should review your automobile policy and, in today’s world, everyone should have at least \$250,000 for liability coverage and \$250,000 for uninsured and underinsured motorist coverage plus an umbrella policy,” he says.

About Maschka, Riedy & Ries

Complex Civil Litigation

The work of this firm focuses on cases that require complex civil litigation or mediation. Our team of 9 lawyers and 15 support staff work for clients who have suffered personal injury, wrongful death, or loss in a construction dispute or other civil issue. Our firm’s full legal resources are a formidable force for balance and justice when a wrong has been suffered.

Compassionate Client Service

People and the healthy continuation of their lives are the reason for our work. Our clients, jarred by an unexpected event, deserve the compassion, respect, clear communication and direction we provide. We are united in our commitment to help them navigate troubled times and resolve issues so life can be resumed with self-respect intact.

Professional Achievement

Together, our attorneys bring 198 years of legal experience to client cases. This depth of experience, specialized knowledge and a collaborative approach produce consistently successful client outcomes. Publicly, Maschka, Riedy & Ries has earned the highest rating available from Martindale-Hubbell. Partner Jerry Maschka is among Minnesota’s “Top 40 Personal Injury Lawyers” (MN Law & Politics), and for the 15th consecutive year is counted among Best Lawyers in America, a Best Lawyers® referral



guide respected for stringent peer-review selection.

Complex case? Ask us to lead.

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Maschka, Riedy & Ries
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Well-structured Case Yields Maximum Benefit

A 47-year-old employee at a food processing plant came to Maschka, Riedy and Ries after he suffered serious injuries from an on-the-job accident. The man had fallen 15 feet through a 2 ½ -square-foot opening in an upper floor in the plant.



A Third Party

The opening in the floor had resulted when contract workers – brought in to perform repairs, cleaning and maintenance -- removed a downspout. The workers covered the hole left by the

removed downspout with Styrofoam but failed to flag or mark it. Compounding this failure was the fact that workers frequently used Styrofoam to kneel or stand on when working, and pieces were scattered or stacked throughout the work area. It was in this area that the man stepped on the piece of foam that covered the hole and fell through.

Surgery to repair the man’s tendons and musculature in both shoulders followed, as did other medical treatment. Although able to return to work, he is still limited by continuous

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Client Benefitted When Statutory Formula Not Followed

residual pain as well as decreased strength and range of motion.

Worker's Compensation

Worker's compensation covered his medical expenses and two-thirds of his income loss. It also paid a small amount for permanent injuries. Worker's comp, however, did not provide compensation for past and future pain and suffering.

Not a Formula

Some lawyers may have chosen to follow statutory formula to settle the case. But Jerry Maschka decided to approach the case differently by negotiating a separate agreement with the liability insurance which pertained only to damages not covered by workers compensation. "Using statutory formula for these cases usually results in the injured party receiving less," says Maschka.

Attention to detail was crucial. MRR obtained depositions from the injured man's fellow employees and contract workers and retained an expert to discuss regulations that

apply to work safety. MRR met with doctors to gain a clear understanding of the client's diagnosis and hired a company to prepare an anatomical reproduction of the injuries and surgical repairs. Range of motion was demonstrated with photos. "We had an extensive explanation of what happened, including medical bills, income loss and future income loss and very importantly why he had pain and was going to continue to have pain," says Maschka, "and presented it to the third party's liability insurer."

Resolution

The client received a \$350,000 settlement – higher than had the statutory formula had been followed – yet retained the ability to file future claims, if needed, against worker's compensation.

tip

If you suffer injuries and work loss covered by worker's compensation, always inquire whether a third party was involved in the incident. If so, you may well have a claim to benefits outside of worker's comp. A skillful personal injury lawyer can advise you on proper steps to take.

Other Areas of Expertise: Criminal Law

Case Dismissed

Jim Fleming defended a Mankato banker who was charged with Fraud in connection with the approval of a line of credit to a non-profit. The line of credit was personally guaranteed by an officer who was worth over \$4 million.

Police assumed the loan needed an appraisal for approval. No corresponding appraisal existed so our client was charged with Fraud.

Fleming established in a half-day hearing that the bank policy did not require an appraisal for the line of credit to be approved. Mr. Fleming got the investigating officer to admit that he did not understand the significance of a personal guarantee. The Blue Earth County District Court dismissed the case against our client.



James D. Fleming, J.D.

Jim Fleming brings more than 22 years of experience as a prosecutor and public defender, 6 of those as Chief Public Defender. His background along with his extensive trial experience serves Maschka, Riedy & Ries clients who have been accused of a crime. A 1987 graduate of William Mitchell College of Law, He is a member of the National Association of Criminal Defense Lawyers, Minnesota Association of Criminal Defense Lawyers and the Minnesota Association for Justice. He has been named Super Lawyer by MN Law & Politics. Jim's practice focuses on Criminal Law, Family Law, and Personal Injury.



Jerry Maschka, Jack Riedy, Marc Christianson and Chuck Ries were all named **Super Lawyers** in 2009.

Renee Rubish resolved a **medical malpractice case**. A teenage boy died due to a misdiagnosis of his diabetes. Damages awarded: Confidential

Jerry Maschka is among Minnesota's "**Top 40 Personal Injury Lawyers**," named by MN Law & Politics.

Chuck Peterson aids **Mankato's municipal Home Stretch Program**. Home Stretch teaches home purchasing process and reduces foreclosures among participants. Peterson, regarded by program managers as a compassionate teacher who explains each point so first-time home buyers understand and follow through, **also teaches estate planning** for VINE, a nonprofit providing assistance to elderly and disabled persons.

I-35 Bridge Victims represented by MRR receive favorable awards from the Panel appointed to hear all bridge cases.

Eight members of the firm formed team MRR Lil' Gators to raise money and participate in the **Mankato Arthritis Walk**, held May 2, 2009 in Spring Lake Park. The event raises awareness and funds for the Arthritis Foundation. The MRR Lil' Gators raised \$1,975.00 in support of the cause.

Medical Malpractice case recently settled by Jerry Maschka. A case of a man not treated properly in the emergency room resulted in his death. Damages awarded: Confidential

Renee Rubish & Jerry Maschka to receive Professional Excellence Award, the Minnesota State Bar Associations most prestigious award. The Award is given annually to those who have demonstrated substantial efforts to advance the legal profession and the administration of justice. Rubish & Maschka were chosen for their pro bono work on the I-35 Bridge Cases.

MRR: Partnering with outside attorneys

Complex problem? We litigate, mediate.

If your client is faced with a personal injury case that requires mediation or complex litigation, we are ready to assist. As partners, we respectfully, purposefully move your client from crisis to justice and resolution. Call Jerry Maschka to discuss specific case details and client needs. 507.625.6600

complex problems resolved