



# LEGAL NEWS YOU CAN USE

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Matthew Lathrop  
Trial Attorney

## VOLUME 1 ISSUE 2

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of Matthew A. Lathrop

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### HOW WE CAN HELP

At the Law Office of Matthew A. Lathrop, we don't focus on obtaining quick settlements. Instead, we concentrate on doing right by each client, even when that means taking a case all the way to trial. We bring experienced, skilled, and aggressive representation to personal injury and wrongful death claims throughout Nebraska and Iowa and are dedicated to helping you obtain justice. Learn more at [www.LathropLawOmaha.com](http://www.LathropLawOmaha.com)

### GOOGLE REVIEWS



“Matt is a great attorney who listens to you. He answered questions before I could even ask them. I was lucky to find him. He got me a great settlement. Even after I wasn't a client, I was in an accident and he came over and helped me navigate the insurance and reports. It wasn't even a case for him, but that didn't matter. He just wanted to help me. He cares, even after the case is over. You should check out Matt Lathrop! He is the real deal.” (edited)

– Richard Wojtowicz

## “Safety” is a Dirty Word!

by Matthew Lathrop

*I have been practicing for more than 28 years. I like to think I've seen it all, but the insurance industry never fails to amaze me.*



Recently one insurance company filed a motion arguing that we are not allowed to use the word “Safety Rule.” What is this all about?

In our case, we argued that the driver who caused the wreck, which injured our client, had violated the Rules of the Road. These are the commonsense rules that we all agree to follow when we apply for our driver's license.

As we all know, these Rules of the Road are critical to our traffic system working effectively. More importantly, however, these Rules of the Road are what keep us all safe on our streets and protect us from injury and even death.

Some rules were meant to be broken, but, not SAFETY rules!

**We argued that the careless driver violated these Rules of the Road put everyone in danger. The defendant argued: “Any testimony suggesting that there are specific ‘Safety Rules’ that Defendants are required to follow is improper and contrary to the law”!**

I can't make this stuff up.

Obviously, the reason we have many of the rules we do, is because long ago someone was injured or killed, and the safety rule was created to prevent it from happening again.

- We require drivers to obey traffic signals.
- We require cooks to wash their hands before handling our food.
- We require hospital workers to use new, sterile needles.
- We require pilots to be sober and well rested when they fly our families around the country.

**These are not just good ideas. These are what we EXPECT in these situations.** These behaviors are mandatory to keep all of us safe. It is unacceptable to break any of these rules.

If there is a better definition of “Safety Rule” I don't know what it is. But insurance companies and their lawyers are terrified to let a jury think there is a rule, requiring their safe behavior.

**The judge in our case threw out this silly argument.** He told the other lawyer, “You can argue to the jury that the Rules of the Road are not ‘Rules’. And you are free to argue that they are not ‘Safety Rules.’”

I can't wait to see what the jury thinks of *that!* ●



# Loose Meat Sandwich

*one of Matt's favorite recipes!*

Total cook time: 10 minutes

## Ingredients:

- 1 pound ground beef
- 1/4 cup chicken broth
- 1 tbsp yellow mustard
- 1 tsp brown sugar
- 1 tbsp Worcestershire sauce
- Salt & Pepper to taste
- 1/4 diced white onion (more if you prefer)

## Directions:

- 1 Brown meat and onions
- 2 When brown, add chicken broth, mustard, sugar, Worcestershire sauce, salt and pepper.
- 3 Reduce heat.
- 4 Let excess broth simmer off.
- 5 Serve on hamburger bun with sweet hamburger pickles and mustard. (Only pagans put ketchup on a loose meat sandwich!) ●

## ATTORNEY SPOTLIGHT



### **KELSEY WEILER**

*Personal Injury Attorney*

*In Kelsey's own words:*

I was born and raised in Omaha, Nebraska. I attended St. Wenceslaus and Skutt Catholic High School, before earning my bachelor's degree in Psychology from Creighton University. During undergrad, I took several law-focused classes, where my passion for the law truly developed.

After undergrad, I went straight to Creighton School of Law. During my time at Creighton Law, I earned the CALI Excellence for the Future Award in three classes: Property I, Health Care Law II, and Immigration Law. I graduated *cum laude*, in the top 15% of my class. Law School was an amazing experience – both academically and personally.

In 2015, during my third year of law school, I married my husband Kevin. Kevin is also a Creighton graduate. We are big Blue Jays fans! We have a beautiful daughter, Brady, who is 2 years old. We are also expecting a baby boy in July! Brady is very excited to be a big sister, and we can't wait to expand our family.

During my free time, I enjoy cheering for the Jays, golfing with my husband and our friends, and taking my chocolate lab Moose for walks. ●



*Kelsey Weiler with her husband Kevin and their two-year-old daughter, Brady.*

# CASE RESULT: Self-Employed Tavern Owner Compensated \$75,000 for Serious Injuries Suffered in Rear-End Car Crash



*One weekday morning, a 49-year-old self-employed tavern owner was driving to 7 a.m. mass. As he was stopped at a red light, a car smashed into the back of his vehicle—leaving him stunned and injured. The driver who rear-ended him left his car at the accident scene and took off running. The tavern owner couldn't get out of his car to follow him, but the police tracked the other driver down.*

**The tavern owner pursued a claim against the other driver's insurance. Unfortunately, that driver was underinsured.** With Matt's help, the tavern owner was only able to recover \$25,000 from the other driver's insurance company for his concussion, neck, and lower back injuries.

## **Not the End of the Tavern Owner's Legal Recovery**

**Medical care and lost wages add up quickly, so \$25,000 was not enough to fully compensate the tavern owner for his injuries.** He lost a significant amount of money because of the crash. For months after the accident, he was only able to work part-time at his tavern. He had to hire—and pay for—extra help at work. His life was totally disrupted.

Eventually, he got back to work full-time, but his neck injuries left him suffering from daily headaches that he did not have before the car accident.

He tried to get his own insurance company to pay for the car accident damages that the underinsured driver's

insurance did not cover. The insurance company refused and instead requested that the tavern owner pay back his own insurance company for medical bills.

**Our client's own insurance company refused to settle the claim, and the case went to trial.** Attorney Matthew Lathrop gathered evidence and witnesses to present at trial. Not only did a doctor testify about the extent of the tavern owner's injuries, but nine other witnesses, including friends, relatives, and co-workers, testified about the tavern owner's headaches. All nine of these witnesses testified that he seemed like he was always taking Advil—at work, at home, and on the go. He had slowed down after the wreck.

**The jury found the witness testimony compelling and awarded the tavern owner an additional \$50,000 for his car accident injuries.** Additionally, a judge found that the insurance company should not have denied the tavern owner's claim and awarded him attorney's fees. That meant that our fee was paid by the insurance company and not out of the tavern owner's recovery.

## **A Tale of Two Hit and Runs**

The tavern owner felt that he was the victim of two hit and runs. The first occurred when the driver left the scene of the crash, and the second happened when his own insurance company refused to pay his damages.

He felt his insurance company was bullying him. The tavern owner's accident recovery not only provided him with financial compensation but also made him feel vindicated after this traumatic period in his life.

## **Let Us Protect Your Rights After a Nebraska Car Crash**

The insurance company is interested in maximizing its profits and not providing you with a fair car accident recovery. You need someone on your side who will gather all of the evidence and who isn't afraid to go to trial to get you the full and fair financial recovery that you deserve. Contact the Law Office of Matthew A. Lathrop today for a free consultation to see if you have a car accident case worth pursuing. ●



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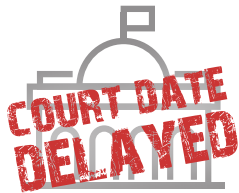
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- Loose Meat Sandwich
- *Attorney Spotlight*: Kelsey Weiler
- *Case Result*: Self-Employed Tavern Owner Compensated \$75,000 for Serious Injuries Suffered in Rear-End Car Crash

## A Personal Message From Matthew Lathrop

In this month’s issue, I share an interesting story from a recent case. You’ll also get to meet Kelsey Weiler in the Attorney Spotlight. I hope you try the recipe for one of my favorite sandwiches. Below, learn how we are working to keep our clients’ cases on track as much as possible, in spite of the challenges of the pandemic.



## We Share Your **FRUSTRATION!**

***Clients are getting squeezed again. There doesn’t seem to be any area of our lives not impacted by this Coronavirus. The latest struggle is in our courts. Because of health and safety requirements, there are only four courtrooms in the Douglas County Courthouse that can accommodate a full 12-person jury.***

As we know, criminal defendants have a Constitutional guarantee of a “speedy trial,” so these cases have priority over civil cases.

After a three month freeze, the Court resumed jury trials in July, but only criminal cases. Civil cases were indefinitely continued.

First, let us say we share your frustration! Justice delayed is justice denied. Next, we are here to tell you that we are working hard to get our cases back on track.

**As soon as it became apparent that the courts were not going to let us try our cases as originally scheduled, we contacted the judges handling those cases and we requested that we get the next available dates for jury trial.**

We are glad that we acted so quickly. Other lawyers, who didn’t act quickly, or really don’t want to go to trial, will have trial dates that are GREATLY delayed; and that means mid- to late-2023 before trial!

**In addition, we are thinking creatively and pushing our judges and the insurance lawyers, too.** I have suggested to conduct “virtual” jury trials (with jurors attending by Zoom). In addition, I have discussed the possibility of trials outside of the courthouse, such as a hotel conference room, or even the City Council chambers.

As you might guess, the lawyers representing the insurance companies are not agreeable. They always recoil from anything “new” or “different.”

Judges are not as reluctant, but so far, none have agreed.

**Rest assured, however, the one thing we will *not* do, is agree to trial without a jury (it is your right, and we want people from our communities deciding our cases).** Likewise, we will not agree to settle your case for a “discount” because jury trials are backed up.

Thank you for your patience. We continue to strengthen your cases and get them ready to try at a moment’s notice. If you have any questions about how the delays are affecting your case, please call our office and we will be happy to update you. ●