



## From Jerry Maschka

If you're hurt in a car crash talk to a lawyer. When you are injured in a car crash it is important to understand the interaction between your own health insurance, no-fault coverage and worker's compensation if you are on the job at the time. It is your no-fault medical coverage (usually \$20,000) which applies first before your health insurance is required to pay. If at the time of the crash you are at work and have worker's compensation coverage, it is the worker's compensation coverage which applies first. Once your no-fault coverage is exhausted, your health insurance takes over payment of the bills. One important difference between no-fault coverage and health insurance or worker's compensation coverage is that both the health insurer and the provider of worker's compensation will want some or all of their money back from the liability carrier for the person who was at fault. Management and negotiation of this expected repayment can be a complex matter. Also, once you are involved in a crash, it is important to understand those benefits to which you may be entitled under your no-fault coverage or your worker's compensation coverage, depending on which applies. The benefits available under worker's compensation and no-fault are not identical. Also your station in life and whether you are a primary homemaker and/or earning a regular weekly salary may entitle you to benefits other than just a percentage of your loss of income.

You can benefit greatly from speaking with a lawyer familiar with personal injury law and usually there is no charge for providing this assistance.

## 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 News

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## Psychological Injury

Two university teammates left campus for an afternoon workout, one riding a bike, the other running. While on the sidewalk a speeding car hydroplaned, lost control, came onto the sidewalk striking both of them. Our client, who was about to be hit on her bike saw her friend struck, fly through the air, fall "like a rag doll" and hit her head on the curb. An Emergency

Medical Technician appeared at the scene almost immediately and confirmed our client's friend was no longer breathing.

### Direct Consequences

The collision left our client with blunt force trauma to her legs, elbow and stomach, including puncture wounds and contusions. But her physical injuries were minor in comparison to the extreme psychological challenges she experienced in the following months.

Our client, a dedicated scholarship athlete, continued training but found it difficult to maintain past routines. She cried often while working out and could no longer train outdoors. At a competition, she passed out near the finish line and woke up screaming. As a result, her involvement in team competition ended.

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## Knowledge of Stress Disorder Aids Client, Makes Case

Stomach aches, chest tightness and headaches persisted. Flashbacks and nightmares of the accident made it difficult to sleep.

The once sociable student who had previously maintained a 4.0 found it difficult to concentrate, track conversations and maintain good grades. She was now easily overwhelmed and lost motivation and drive.

### Managing Trauma's Effects

This client had begun seeking therapy with a qualified psychologist when she came to Maschka, Riedy & Ries. Even under a psychologist's supervision, post-traumatic stress made it difficult for the client to participate in the case.

MRR senior partner Jerry Maschka and paralegal Alicia More worked closely with the client to encourage healing.

"We had a lot of affection for this young woman," Maschka said, "and we wanted her to get past the trauma. She didn't want to

complain, because she was the survivor. But her injuries were real. Even therapy was a challenge, because it meant revisiting the event. We persuaded her to talk and to participate in the management of her own fears."

### Resolution

MRR interviewed experts and cited past trauma cases to reach a settlement. Because the client did not want to revisit details of the accident in a courtroom, both parties settled. Many believe the award may have been larger at trial. The client received \$70,000 for emotional damage. Although public validation didn't eliminate the injury, it did help the client accept her situation and move forward with her life.

**tip** If you have been involved in a traumatic event, don't ignore its emotional impact or try to convince yourself that there are not psychological consequences. Accept the fact that it's normal to have an emotional response and do whatever is necessary to heal. Ask for support from family, friends and health professionals, and ask an attorney for advice on practical matters.

## Other Areas of Expertise: Real Property Damage

### Case Dismissed

A recent MRR case demonstrates the importance of detailed planning and clear communication when taking on a major renovation, infrastructure improvement or landscaping project. In this case, a large number of old-growth trees were cut down when a contractor charged with "improving" a view of the river valley inadvertently crossed a property line.

When the downed trees and a windrow of logs and branches were discovered, the only reparation possible was to plant young trees and remove the debris. The scenic, sloped site made the cost of the work unusually high, and the liability carrier for both the homeowner and tree trimmer contributed to the settlement.



**"When hiring a contractor to work on your property, give clear direction, locate survey stakes together, and oversee work in progress."**

### Jerry Maschka, J.D.

Jerry Maschka has represented injured people for more than 35 years. He is one of Minnesota Law & Politics' 'Top 40 Personal Injury Lawyers,' a Law & Politics Super Lawyer and has been listed in The Best Lawyers in America for 15 consecutive years. Mr. Maschka is a Civil Trial Specialist, Qualified ADR Neutral, a member of the Minnesota Association for Justice and an accredited member of the American Board of Trial Advocates.



### Jennifer G. Lurken joined MRR's litigation department

as an associate attorney. Jennifer is an experienced litigator whose practice will concentrate in the areas of Personal Injury and Civil Litigation. She is also experienced in the areas of employment law matters, construction defect claims, trademark matters and general business litigation. In 2008, Lurken was named an "Up and Coming New Lawyer" by Minnesota Lawyer.



**Jerry Maschka** is among Minnesota's "Top 100 Lawyers," named by MN Law & Politics.

MRR represented a general contractor who built a building to be used for manufacturing purposes. The construction contract included a concrete floor built with concrete supplied by a ready-mix company. The concrete floor developed "pop-outs," which are small blemishes in the surface of the concrete floor. The building owner brought a claim in arbitration seeking damages against the general contractor on account of the pop-outs. MRR represented the general contractor in a lawsuit against the ready-mix concrete company, seeking to require the ready-mix company to in turn pay any damages owed to the building owner because of the pop-outs. On behalf of the general contractor, **Jack Riedy** successfully negotiated a \$200,000 settlement with the ready-mix company.

Jerry Maschka settled a **wrongful death as a result of a motor vehicle accident** in California. Insurers paid maximum policy limits.

Two personal injury cases were settled by **Jerry Maschka**. Grandmother received \$155,000 and grandson awarded \$45,000 for injuries sustained from being rear-ended at highway speed.

**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**