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December 22, 2017 RE: Doe v. Smith

 Okla. Cty.# CJ-2017-44

Ms. Lisa Smith Your claim# xxxxxxx

Liberty Mutual

PO Box 515097

Los Angeles, CA 90051-5097

Dear Ms. Smith,

I am in receipt of your 12/12/17 letter. Enclosed is Geico’s declarations showing Mr. Smiths’ $25,000/50,000 bodily injury liability limits. I have also enclosed your liability department letter denying liability on the part of Mr. Doe.

I enclose billing and records, totaling $13,000 along with $3000 in lost wages. Both are now higher since she has continued treatment. The additional treatment to attempt to repair the damage to her shoulder has thus far not succeeded. Ms. Doe told me just today, that recent efforts to treat the shoulder pain have failed and she has been referred for surgery. That may require an additional MRI first, and will require additional physical therapy. She has been told by her employer that she will not be able to return until she has a full release from her doctors. The net result will be that her damages will substantially increase.

Finally, I have enclosed a draft copy of our discovery responses which will go out next week, and some photographs of the location, scene, and vehicles. I will supplement, by email, with the final version of the written responses. I also enclose the police report for your review.

Smith’s liability is clear, and Ms. Doe’s damages already exceed his limits, and are continuing with no end yet to her pain. Please consider this her demand for payment, per *Burch v. Allstate Ins. Co.*, 977 P.2d 1057 (holding UM is “first-dollar” coverage once it is shown damages exceed liability coverage)*,* of your $25,000 underinsured motorists’ limits. I also request, given her increasing damages, and the minimum liability policy, that you waive subrogation.

Feel free to give me a call if you wish to discuss any of the above. Thank you.

 Sincerely,

 Paul Kouri

PK/hs

Enclosures

CC: Jane Doe w/o by email