

# KNOW YOUR RIGHTS AFTER AN ACCIDENT

A Free Guide for Accident Victims in California  
Gabay para sa mga Nasangkot sa Aksidente sa  
California

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**Nagsasalita kami ng Tagalog**

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## 1. What to Do Immediately After an Accident

The moments following an accident are critical for both your health and your legal case. Here are the essential steps you should take:

- **Call 911** - Report the accident and request medical assistance. A police report is crucial evidence for your case.

*Tagalog: Tumawag sa 911 - I-report ang aksidente at humingi ng medical assistance.*

- **Seek Medical Attention** - Even if you feel fine, some injuries take hours or days to manifest. Get checked by a doctor within 24 hours.

*Tagalog: Magpatingin sa doktor - Kahit okay ang pakiramdam mo, may mga injury na lumalabas pagkatapos ng ilang oras.*

- **Document Everything** - Take photos of the accident scene, vehicle damage, road conditions, traffic signals, and your injuries.

*Tagalog: I-dokumento lahat - Kumuha ng mga litrato ng aksidente, damage sa sasakyan, at mga injury mo.*

- **Exchange Information** - Get the other driver's name, insurance info, license plate number, and contact details.

*Tagalog: Magpalitan ng impormasyon - Kunin ang pangalan, insurance, at plate number ng kabilang driver.*

- **Get Witness Information** - If anyone saw the accident, get their names and phone numbers.

*Tagalog: Kumuha ng witness info - Kung may nakakita ng aksidente, kunin ang kanilang pangalan at number.*

- **Do NOT Admit Fault** - Be careful what you say. Do not apologize or accept blame at the scene.

*Tagalog: HUWAG umamin ng kasalanan - Mag-ingat sa sinasabi mo. Huwag mag-sorry o tanggapin ang blame.*

## 2. Protecting Your Legal Rights

California law provides strong protections for accident victims. To preserve your rights:

- **Do not give recorded statements** to the other driver's insurance company without speaking to an attorney first.
- **Do not sign any documents** from insurance companies, including medical authorization forms that give them access to your entire medical history.
- **Keep all medical appointments** and follow your doctor's treatment plan. Gaps in treatment can be used against you.
- **Save all receipts and records** related to the accident - medical bills, pharmacy receipts, lost wages documentation, and transportation costs.
- **Do not post about the accident on social media.** Insurance companies monitor social media accounts to find evidence against you.

## 3. Dealing with Insurance Companies

Insurance companies are businesses focused on minimizing payouts. Here's what you need to know:

### Common Insurance Company Tactics:

- **Quick settlement offers** - They may offer fast cash before you know the full extent of your injuries. These offers are almost always far below what your case is worth.
- **Recorded statements** - Adjusters will try to get you on record saying something that can be twisted to reduce your claim.
- **Surveillance** - They may hire investigators to follow you and photograph your activities.
- **Delay tactics** - Drawing out the process hoping you'll accept less due to financial pressure.
- **Disputing medical treatment** - Claiming your injuries are pre-existing or that treatment was unnecessary.

**IMPORTANT:** Never accept the first settlement offer. Studies show that accident victims who hire attorneys receive 3-4x more compensation than those who handle claims on their own.

## 4. Understanding California Personal Injury Law

California operates under a "pure comparative fault" system (Cal. Civ. Code 1714). This means that even if you were partially at fault for the accident, you can still recover damages. Your compensation is reduced by your percentage of fault. For example, if you are found 20% at fault and your damages are \$100,000, you would receive \$80,000.

California also has strict liability for defective products (including auto defects), and employers can be held vicariously liable for accidents caused by employees acting within the scope of their employment.

## 5. Types of Compensation You May Be Entitled To

- **Medical expenses** - Past, present, and future medical treatment costs
- **Lost wages** - Income lost due to the accident and recovery period
- **Loss of earning capacity** - Reduced ability to earn income in the future
- **Pain and suffering** - Physical pain and emotional distress
- **Property damage** - Vehicle repair or replacement costs
- **Loss of consortium** - Impact on your relationship with your spouse
- **Punitive damages** - In cases of extreme negligence or intentional misconduct

## 6. The Statute of Limitations

In California, you generally have **two years from the date of the accident** to file a personal injury lawsuit (Cal. Code Civ. Proc. 335.1). For claims against government entities, you must file an administrative claim within **six months** of the incident. Missing these deadlines can permanently bar your right to compensation.

## 7. Why You Need an Attorney

Personal injury cases involve complex legal procedures, insurance negotiations, and medical documentation. An experienced attorney can:

- Investigate your accident and gather crucial evidence
- Handle all communication with insurance companies

- Calculate the full value of your claim including future damages
- Negotiate aggressively for maximum compensation
- File a lawsuit and represent you in court if necessary
- Work on a contingency basis - you pay nothing unless we win

## 8. Frequently Asked Questions

### **Q: How much does it cost to hire an attorney?**

A: Nothing upfront. We work on a contingency fee basis, meaning we only get paid if we win your case.

### **Q: How long will my case take?**

A: Most personal injury cases settle within 6-18 months. Complex cases or those requiring litigation may take longer.

### **Q: What if I was partially at fault?**

A: California's pure comparative fault system allows you to recover damages even if you were partially at fault.

### **Q: Do I have to go to court?**

A: The vast majority of personal injury cases settle out of court through negotiation. However, we are always prepared to go to trial.

### **Q: Can I still file a claim if I didn't go to the hospital right away?**

A: Yes, but it's important to seek medical attention as soon as possible. Delays in treatment can be used by insurance companies to question the severity of your injuries.

# SEKSYON SA TAGALOG

## Gabay para sa mga Filipino na Nasangkot sa Aksidente sa California

### Mga Karapatan Mo Pagkatapos ng Aksidente

Kung ikaw ay nasangkot sa aksidente sa California, mayroon kang mga karapatan na protektado ng batas. Narito ang mga importanteng bagay na dapat mong malaman:

#### Mga Unang Dapat Gawin Pagkatapos ng Aksidente:

- **Tumawag sa 911** - I-report ang aksidente at humingi ng tulong medikal.
- **Magpatingin sa doktor** - Kahit okay ang pakiramdam mo, may mga injury na hindi agad nararamdaman.
- **Kumuha ng mga litrato** - I-dokumento ang aksidente, damage sa sasakyan, at mga sugat mo.
- **Kunin ang impormasyon** - Pangalan, insurance, plate number ng kabilang driver.
- **Huwag umamin ng kasalanan** - Huwag mag-sorry o tanggapin ang blame sa lugar ng aksidente.
- **Huwag pumirma ng kahit ano** - Huwag pumirma ng mga dokumento mula sa insurance company nang hindi muna nakakausap ng abogado.

#### Mga Karaniwang Taktika ng Insurance Company:

- **Mabilis na settlement offer** - Mag-aalok sila ng maliit na halaga bago mo pa malaman ang buong extent ng mga injury mo.
- **Recorded statement** - Susubukan nilang i-record ang sinasabi mo para gamitin laban sa iyo.
- **Pagde-delay** - Pinapatagal nila ang proseso para mapilitan kang tumanggap ng mababang halaga.

#### Mga Uri ng Compensation na Maaari Mong Matanggap:

- **Medical expenses** - Gastos sa ospital, gamot, at therapy
- **Lost wages** - Nawala mong kita dahil sa aksidente
- **Pain and suffering** - Sakit at emotional distress

- **Property damage** - Pagpapaayos o pagpapalit ng sasakyan

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