Walter Blancmange

666 Crescent View

Palo Alto, CA 00000

June 15, 20xx

Maria Teeuw

Claims Adjuster

Continental Insurance Company

900 Cramer Avenue

San Francisco, CA 00000

Re: Your Insured, Sameer Mehendale
Claimant: Walter Blancmange
Claim No.: AQ 65393
Date of Loss: January 13, 20xx

Dear Ms. Teeuw:

As you have been notified, I was injured in an accident with your insured Sameer Mehendale on January 13, 20xx in the city of Palo Alto, California. On that date, I was riding my bicycle in the right lane of Amstel Road, a four-lane street, when your insured in his large Oldsmobile cut over **[NOTE: “cut over” rather than “changed lanes”]**from the middle lane into my lane without properly looking, forcing me into a collision with **[NOTE: “forcing me into a collision” rather than “I ran into the back of”]** the rear of his car. As you are aware, the rules of the road in California give a bicyclist the same right to occupy a lane of traffic as an automobile. The accident occurred at about 10:00 on a clear morning. Visibility was good.

I was already in the right lane when your insured moved into it, cutting me off. Therefore he clearly violated my right of way and was fully at fault for the accident. Although I was unable to stop in time to avoid a collision, I was traveling within the speed limit and in a proper position to the right side of the right lane. I am an experienced cyclist who has been using a bicycle for regular local transportation for more than ten years. I ride an average of 100 miles a week, most of that in city traffic. I have ridden on that particular stretch of Amstel Road several times a week for the past seven years, and so I am very familiar with traffic patterns there. I have never before had any problem riding on Amstel Road, and in fact have never had an accident or been issued a traffic citation in all my years of cycling. For all these reasons, it is clear that I was not at all comparatively negligent regarding the accident. **[NOTE: Details of the accident plus Walter’s riding experience combine to show why Walter was not at fault.]**

The collision knocked me off my bicycle, into the car’s bumper, and to the ground. Despite wearing a protective helmet, I was knocked unconscious and was taken to the hospital by ambulance. **[NOTE: Wearing a helmet is an important point. The fact that Walter was knocked unconscious despite the helmet is a dramatic detail.]**At the hospital, it was discovered that I had numerous injuries, including a concussion, a fractured left ulna, and damaged ligaments in my right ankle. My injuries were so extensive that I was admitted to the hospital. The staff placed a cast on my left wrist. **[Walter was probably kept overnight in the hospital more for observation of his concussion than for his other injuries, but it is certainly truthful for him to state that it was the “extensiveness” of his injuries that put him in the hospital.]**

Upon release from the hospital, I was unable to put weight on my right leg, and my broken wrist permitted me to use only one crutch. I was in great pain not only in my ankle and wrist but also in my back and neck. I suffered from severe headaches. I was confined to bed for a week following the accident. **[NOTE: Having to spend a week in bed would probably not show up in the medical records, so it is a good idea to mention it here.]**

My broken wrist remained in a cast for three weeks, followed by two weeks of intensive physical therapy as prescribed by my orthopedist, Dr. Kiek Bak. Dr. Bak also prescribed physical therapy for the damaged ligaments of my ankle, but after two months of therapy and four more months of recovery and exercises, the ankle is still stiff and painful when I rotate it or put weight on it. Dr. Bak cannot say whether the ankle will ever return to its preaccident condition. **(NOTE: Good to note the doctor’s opinion on the likelihood of permanent injury.)**

My medical special damages for the required treatment are:

Lifesaver Ambulance Service $260

Amstelhof Mem. Hospital $560

Amstelhof Mem. Hosp. (X-ray) $260

Amstelhof Mem. Hosp. (inpatient) $840

Kiek Bak, M.D. $360

Jolle Demmers (phys.ther./wrist) $320

Jolle Demmers (phys.ther./ankle) $1,600

TOTAL \*\*\*\*\*\*\*\*\*\*\* $4,200

As a result of the accident and of this complicated recovery, I have been unable to ride my bicycle since the accident. Bicycle riding was not merely an occasional recreation for me -- it was both an inexpensive and practical means of transportation and my major source of exercise. Long evening and weekend rides have also, for many years, been a relief from stress. I am now 54 years old. Because of the accident and the fact that I do not know if I will ever be able to ride again, all these important elements of my life are in serious jeopardy. **(NOTE: An emphasis here on how life has been seriously disrupted by the injuries.)**

As a further result of the accident, I missed eight days of work in my capacity as an editor for Sunlight Software. As the enclosed letter from the Sunlight personnel office indicates, my salary is $2,800 per month ($133 per day). My lost income, therefore, was $1,064. In addition, I fell behind on a project with a deadline and was forced to work at home for three consecutive weekends for which I received no compensation. At $133 per day, those extra six days of work add a further $798 in lost income. **(NOTE: Put a specific dollar amount on the makeup work that resulted from the accident.)**

Through the clear negligence of your insured, I suffered serious multiple injuries, including head trauma, a fracture, and ligament damage from which I have not fully recovered six months after the accident. Had I not been wearing a bicycle helmet at the time of the accident, my head injuries might well have been fatal. **(NOTE: Even though it is not certain, the possibility of permanent or even fatal injury is an important factor and should be emphasized.)**Further, a major source of health and satisfaction in my life, regular and long-distance bicycle riding, may have been permanently taken from me. As a result, I demand the sum of $50,000 in recompense for my injuries and their consequences.

Please respond to this letter by July 15, 20xx. I look forward to hearing from you.

Yours sincerely,

[signature]

Walter Blancmange