



Gergely Law Offices Celebrates Its 40th Anniversary



Gergely Law Offices, P.C. was first established in 1969, by senior partner Michael C. Gergely, and is proud to be celebrating its 40th year of serving Kalamazoo County and St. Joseph County, as well as Van Buren, Branch, Cass, Allegan, Calhoun and other counties. Gergely Law Offices, P.C., an all family member law firm, has had the unique privilege of providing legal counsel to generations of families in the areas of: Personal Injury, Family Law, Criminal Law, and Estates and Trusts. The depth of forty years of practice and a combined amount of 90 years of practice in Kalamazoo, St. Joseph, Van

Buren, Branch, Cass, Allegan and Calhoun has allowed Gergely Law Offices, P.C. to provide sound advice and legal counsel based upon experience that includes working with clients and family facing personal injury related to accidents such as car accidents, recreational vehicle accidents, truck accidents, motorcycle accidents, boat accidents, and plane accidents. In addition, the same skilled attorneys have also handled an expansive variety of other civil lawsuits or civil claims resulting in injury such as dog-bites, product liability or faulty machinery resulting in injury to hands or loss of limbs, as well as medical malpractice, and worker's compensation.

As a family held business, Gergely Law Offices, P.C. knows family and values family. Gergely Law Offices, P.C. is grateful and proud that so many families in the greater Kalamazoo and St. Joseph County areas have passed down the trusted recommendation of Gergely Law Offices, P.C. to other members of their family for years. Gergely Law Offices, P.C. understands the tenuous circumstances families face in dealing with such things as divorce, custody, paternity, adoption, and step-parent adoption issues. Gergely Law Of-

fices, P.C. has striven from its beginning to aid, protect, and defend its clients dealing with family law matters with decency, advocacy, and integrity. The years of practice of Gergely Law Offices, P.C. has provided its attorneys experience in family law issues which include not only divorce, custody, paternity, and adoption, but also guardianships, conservatorships, and grandparent visitation. Gergely Law Offices, P.C. understands the complex nature of family law and divorce and custody matters.

With forty years of committed legal service in your community, Gergely Law Offices, P.C. is ready to answer your questions, whether they be about Personal Injury such as an auto accident, or whether they be about Family Law such as a divorce or custody matter, or a Criminal Law offense such as a D.U.I., or questions regarding Estates and Trusts such as a will, power of attorney, living trust, revocable or irrevocable trust. We are here to serve you, we know your community, and our door is open. Call us today for a free consultation.

Recent Verdicts and Settlements



1.2 Million Verdict:

This case involved an automobile accident which caused injuries to the Plaintiff resulting in permanent loss of vision in one eye. The Defendants disputed their fault in this accident. The case was tried over four days before the Honorable John Schwedler in Iron County Circuit Court. The verdict was for approximately 1.2 Million Dollars and liability was divided equally amongst both Defendants. Attorney M. Timothy Gergely and co-counsel tried the case to a verdict. One important aspect in successfully trying this case involved proving the economic loss to the Plaintiff which resulted from his injury (i.e. proving the future wage loss suffered by the Plaintiff that resulted from his injuries).

INSIDE THIS ISSUE:

<i>Attendant Care Benefits</i>	2
<i>The Best Interests of the Child</i>	3
<i>Michigan Wrongful Death</i>	3
<i>Quotations</i>	4
<i>Attorney Biographies</i>	4



Attendant Care Services and what the Insurance Company Won't Tell You

When an individual suffers a accidental bodily injury as a result of being involved in a motor vehicle accident in the State of Michigan the Michigan No-Fault Law is the governing law. According to the Michigan No-Fault Law, MCLA 500.3101 et seq. an individual must seek what are referred to as Michigan No-Fault PIP benefits first through their own insurance company, regardless of who is at fault in the accident (thus the name No-Fault - however, fault is a factor in determining pain and suffering damages and excess wage loss damages). It is important to understand that all no fault insurance companies must by statute provide the same no fault PIP benefits to all insured policy holders and those five benefits which the injured individual seeks from his own insurance company are as follows:

- Life time payments of all medical expenses which are reasonably medically necessary for the care, recovery and rehabilitation of the injured individual.
- Wage loss suffered as a result of the injuries sustained in the accident, payable for three years if necessary at a rate of 85% of the individuals gross wages
- Mileage to and from health care providers
- Replacement services – which are services provided on behalf of an injured individual for

things such as household chores, yard work, home maintenance, etc. – this is paid at a maximum of \$20.00 per day.

- The final benefit that must be provided to an individual is referred to as Attendant Care Service Benefits and is the subject of this article.

Attendant Care Service Benefits are benefits which are provided for functions of daily living such as assisting an injured individual with dressing, eating, bathing, hygiene, using the restroom, or other services for his/her well being. Unfortunately, many insurance companies will fail to explain this benefit to their insured and will only advise their insured of the \$20.00 per day replacement service. It is important to note that the attendant care service benefits may be provided by a family member or friend and are not limited to \$20.00 per day. Instead, attendant care benefits are payable on an hourly basis for as many hours as is reasonably, medically necessary. That means that if an individual needs 24 hour per day Attendant Care Service Benefits provided by a family member or friend as a result of serious injury from automobile accident, the insurance company must pay a reasonable hourly rate for this service. The hourly rate is not set by statute and is often required to be negotiated by the individuals attorney. Gergely Law Offices has negotiated millions of dollars of Attendant Care Service payments on behalf of their clients – oftentimes with the insurance company initially telling the clients, before being represented by Gergely Law Offices, that they had no right to Attendant Care Benefits.

If you, a friend or family member have been involved in an automobile accident and have any questions about whether you have properly received the any No-Fault PIP benefit as described in this article, please contact Gergely Law Offices for a free consultation.



The Best Interests of the Child

Under the Michigan Child Custody Act if parents are unable to agree upon who should have custody of their children, the court will determine custody after considering the factors listed in the Child Custody Act. The factors are used to examine qualities of the parents and the child's relationship with each parent. The preference of a child is only one of twelve factors that the court must consider. The factors are as follows:

- The love, affection, and other emotional ties existing between the parties involved and the child.
- The capacity and disposition of the parties involved to give the child love, affection, and guidance and continuation of the education and raising of the child in his or her religion or creed, if any.
- The capacity and disposition of the parties involved to provide the child with food, clothing, medical care or other remedial care recognized and permitted under the laws of this state in place of medical care, and other material needs.
- The length of time the child has lived in a stable, satisfactory environment and the desirability of maintaining continuity.
- The permanence, as a family unit, of the existing or proposed custodial home or homes.
- The moral fitness of the parties involved.
- The mental and physical health of the parties involved.
- The home school and community record of the child.
- The reasonable preference of the child, if the court deems the child to be of sufficient age to express a preference.
- The willingness and ability of each of the parents to facilitate and encourage a close and continuing parent-child relationship between the child and the other parent.
- Domestic violence, whether or not it occurred in the child's presence
- Any other factor considered by the court to be relevant to a particular child custody dispute.

Gergely Law Offices has represented thousands of clients regarding divorce and child custody matters and can assist you with any questions you may have.

Michigan Wrongful Death

What is a wrongful death?

Wrongful death is the taking of the life of an individual resulting from the willful or negligent act of another person or persons.

If a death of an individual is caused as a result of the wrongful or negligent conduct of a person or persons, the decedent's heirs and other beneficiaries may file a wrongful death action against those responsible for the decedent's death. This area of Tort Law is governed by statute. In Michigan, wrongful death is governed by MCLA 600.2922 which lists which family members/heirs may bring a wrongful death action against the responsible party.

Originally, wrongful death statutes were created to pro-

vide financial support for widows and orphans and to motivate people to exercise care to prevent injuries. A wrongful death action is separate and apart from criminal charges, and neither proceeding affects nor controls the other. This means that a defendant acquitted of murder may be sued in a civil action by the victim's family for wrongful death.

An action for wrongful death may be brought for either an intentional or unintentional act that causes an injury that results in death. A blow to the head during an altercation that later results in death is an injury that is intentionally caused. The driver of an automobile who unintentionally causes the death of another in an accident may be held liable for Negli-

gence. Another example of a wrongful death action is if a defect in a product caused a death, the manufacturer and distributor of the product may be liable/responsible.

Gergely Law Offices has extensive experience in wrongful death suits and can assist you and your family with any questions you may have regarding the wrongful death of a loved one.



GERGELY LAW OFFICES, P.C.

1240 W. VW Avenue
P.O. Box 117
Vicksburg, MI 49097

Phone: 269-679-4263
Toll Free: 800-442-2200
E-mail: info@gergelylaw.com

**WERE ON THE
WEB**

WWW.GERGELYLAW.COM

Attorney Biographies

Michael C. Gergely

Michael C. Gergely has 40 years of experience in trial litigation and in the general practice of law and has focused his practice on the areas of family/divorce law, criminal law, estates and trusts, and personal injury law. He received his bachelor of philosophy in 1960; his master's in international politics and economics in 1962; and his doctorate in jurisprudence in 1965, all from the University of Detroit. In 1966, Mr. Gergely became assistant prosecuting attorney for Kalamazoo County, working on trial litigation and handling appeals to the Michigan Court of appeals and the Michigan Supreme Court. In 1969, he formed what is now Gergely Law Offices. He is a member of the American Association for Justice and the Kalamazoo County Bar Association.

Christopher J. Gergely

Christopher J. Gergely has focused in divorce law, matrimonial and family law, complex divorce, equitable distribution and litigation, custody and visitation, relocation, child support and spousal support proceedings, enforcement and modification proceedings, contempt of court proceedings, paternity, domestic violence, and interstate abduction and custody matters. Possessing a keen understanding of the complexities of the divorce process and the intricacies of the local county court systems, Mr. Gergely's litigation and trial practice is in the family law courts of the counties of Kalamazoo County, St. Joseph County, Van Buren County, Cass County, Branch County, Allegan County, and Calhoun County.

M. Timothy Gergely

M. Timothy Gergely focuses his practice in the areas of personal injury and accident law. Mr. Gergely concentrates his practice on helping individuals who have sustained injuries as a result of automobile and semi-truck accidents (No-Fault automobile accident and insurance claims), dog bites, medical malpractice, premises liability, wrongful death, dram shop (bar/tavern liability), and workmen's compensation. Mr. Gergely has handled numerous cases involving serious personal injury in which he has recovered millions of dollars of compensation for his injured clients. Several of Mr. Gergely's significant recoveries for his clients have been featured in Michigan Lawyers Weekly.

Mary C. Gergely

Mary C. Gergely concentrates her practice in the area of family law as well as probate matters. Ms. Gergely's experience encompasses divorce, custody, visitation, child support, paternity, grandparent visitation, neglect and abuse, guardianship and adoption cases. Ms. Gergely is both an experienced and successful attorney in family law and probate litigation. She has been featured in the American Bar Association Journal as well as Business Weekly Directly. Further Ms. Gergely's experience in family law includes cases from the counties of St. Joseph, Kalamazoo, Van Buren, Cass, and Branch.