

# Motor Vehicle - No-Fault

The Michigan No Fault Act is generally considered one of the most challenging statutory schemes in the state. Plunkett Cooney's No Fault law attorneys are experienced in all areas of the Michigan No Fault Act and related litigation.

Investigating no fault claims requires a comprehensive, multifaceted approach with emphasis on close client communications to ensure that their expectations are met and even exceeded.

Below is an overview of some of the areas of service that Plunkett Cooney provides to its clients, which include insurance companies, vehicle fleet owners and operators, trucking and transportation companies and municipalities.

## **Order of Priority Disputes**

Understanding the statutory priority system is the first step in evaluating whether exposure for a motor vehicle accident exists. The Michigan No Fault Act specifically delineates the order in which an insurance company is first in line to pay any appropriate benefits. This analysis must also include issues of ownership and a determination about whether passengers in a vehicle qualify for benefits.

The No Fault Act incorporates stiff penalties for insurers who fail to meet their obligations and pay within 30 days of receipt of reasonable proof of the fact and amount of loss. Plunkett Cooney attorneys assist insurers in assessing these treacherous waters in order to avoid penalties and to avoid paying claims that are the responsibility of another insurer.

## **Defense of Complex Injury Claims and MCCA Related Claims**

Defending claims involving severe spinal cord injuries, traumatic brain injuries and other serious musculoskeletal disorders requires a high level of experience and expertise. Not only do Plunkett Cooney's attorneys have extensive experience defending these claims, they have relationships with medical experts who can assist in the evaluation and defense of such cases. Plunkett Cooney's attorneys routinely take difficult cases to trial if the facts and circumstances warrant.

The members of the firm's Transportation Law Practice Group are also familiar with the many challenges that come from dealing with the Michigan Catastrophic Claims Association (MCCA). Plunkett Cooney attorneys help their clients work with the MCCA to ensure they are reimbursed for every indemnity dollar spent in excess of the statutory threshold.

## **Defense of Attendant Care Claims**

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While attendant care is unquestionably a benefit afforded under the Michigan No Fault Act, in very few cases is attendant care actually required for a person's care, recovery or rehabilitation for injuries arising out of a motor vehicle accident. Of course, this doesn't stop people from making attendant care claims in many unwarranted situations.

Plunkett Cooney's attorneys defend attendant care claims aggressively to ensure that attendant care is medically necessary for the injuries sustained, to ensure that the person allegedly providing the care is actually doing so, and to ensure that the rate claimed is reasonable for the level of care required.

Like the defense of serious injury claims, attendant care claims should be defended in coordination with highly-respected experts who can opine whether attendant care is medically necessary.

### **Dealing with Provider Lawsuits**

The proliferation of medical provider lawsuits has been nothing short of extraordinary. Defense of these claims must focus on both the reasonable necessity of the services provided and whether the charges submitted by the medical provider are reasonable.

Plunkett Cooney's attorneys also regularly defend cases of excessive treatment and fraudulent claims submitted by health care providers. Issues of fraud involving providers include billing for services not rendered, upcoding, charging for unlawful services, and charging amounts that simply shock the conscience. An aggressive defense is required because provider attorneys often seek interest and attorneys' fees against insurers for non-payment.

### **Fraudulent Claims**

Michigan's generous, unlimited lifetime benefits system has generated an enormous fraud problem throughout the state. Plunkett Cooney's attorneys provide their clients with a comprehensive game plan to investigate and defend these non-meritorious claims. From filing to trial, Plunkett Cooney attorneys aggressively defend these claims to ensure that the client's money does not go to pay a claim that was not reasonable, necessary and actually incurred for an injured person's recovery for an auto-related injury.