

From: Paul Dulberg <pdulberg@comcast.net>
Subject: **Fwd: Settlement vs. trial**
Date: December 27, 2016 4:17:49 PM CST
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From: Paul Dulberg <pdulberg@comcast.net>
Date: May 27, 2015 at 11:23:10 AM CDT
To: Brad Balke <brad@balkelaw.com>
Subject: **Settlement vs. trial**

Morning Brad,

Talked with my mom and it seems to us that if all I'm going to get is 15k even if we max out the defendants policy limit then I should seriously look at taking this to trial and leaving it up to a jury to decide an appropriate amount. 15k might as well be 0 because it doesn't even begin to pay for the damages I've suffered.

I know the risks and that it would cost me almost 20k more in expenses and that the defendant can run off and pay nothing beyond his insurance limits.

Assuming that Allstate may claim the act was criminal and that their not responsible has to be overcome. I'm not a mind reader and can't make any claim as to their clients intentions and their client isn't going to self incriminate himself so I don't see how their claim of something criminal can hold water. Especially since their client hasn't been charged with any crimes associated with his actions on that day.

At the last court date, The judge asked if I was doing this for principles. I answered no. However, after thinking it through... Seeing as how I'm getting virtually nothing out of this and will eventually lose my home, that I was working most of my life to keep, because SSDI can't cover living here or almost anywhere that I can consider worthy, my principles are evolving and I'm not opposed to going the distance and taking this to trial. I'm willing to make a principled point that people should not get off 'scot free' other than having to find a new insurance company after using a chainsaw on another person causing real life threatening harm with permanent damages.

I'm more than positive that a jury will award more than the insurance limits and that we will not recover anything more than those limits, but one thing is almost for sure, the defendant will most likely have to file bankruptcy to protect his assets and the next person he hurts over the next 7-10 years will have full access to his assets because he won't be able to file bankruptcy again for that period.

Either way, I get virtually nothing so principles are all I have.

On the positive side, If the jury does award an amount more than the insurance limits we get to see if the defendant has any assets that can't be protected and if he does I stand to get the costs of a trial covered a perhaps a smidgen more than 15k, if not, well then I'm in the same boat I am already and nothing changes.

Paul

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