



# MAX MEYERS LAW **SPOKE & WHEEL**



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## Can a Driver use a SUDDEN MEDICAL EMERGENCY as an Excuse for Causing an Accident?



Surprisingly, the answer is yes in some circumstances. Washington law allows drivers to use the sudden medical emergency defense to avoid liability for a car accident. This means that if the at-fault motorist suffered a medical emergency, it could jeopardize your ability to collect compensation for your medical bills, lost wages, property damage, and pain and suffering.

lose consciousness or control of his actions; and

- The medical emergency caused the person to lose all ability to meet the normal standard of care expected of a driver.

However, to successfully use the sudden medical emergency defense, the driver must prove he meets the strict requirements set by Washington State case law. Because these requirements are so strict, with the help of a lawyer you may be able to beat this type of defense and get the compensation you need.

This means the lawyer representing the at-fault driver must prove:

- His client lost consciousness;
- This caused the crash; and
- The medical emergency was unpredictable.

### WHAT DOES WASHINGTON STATE LAW SAY ABOUT LIABILITY AFTER A SUDDEN MEDICAL EMERGENCY?



Washington State law releases a person from responsibility for a car accident if he can prove he suffered a sudden, unforeseen loss of consciousness. Known as the sudden mental incapacity defense, this prevents some drivers whose medical condition caused a crash from having to pay out in a negligence claim.

Examples of invalid medical emergency defenses might include narcolepsy, fatigue, and epilepsy. Proving a sudden medical emergency often requires the at-fault driver to produce medical records as well as testimony from the driver’s doctor and other expert witnesses.

To use this defense, the driver must experience a sudden medical emergency that leads to an immediate loss of consciousness with little or no warning. This may include a heart attack, stroke, or seizure.

### WHAT CAN I EXPECT IF THIS OCCURS IN MY WASHINGTON STATE CAR ACCIDENT CASE?

Imagine if a driver suffered a seizure that made it unable for her to stop at a red light. She did not have a history of seizures, and there was no reason to believe she would suffer from a loss of consciousness. Yet she did, and hit a car already stopped at the light. Her insurance company would likely deny the claim filed by the motorist she hit, using the sudden mental incapacity defense.

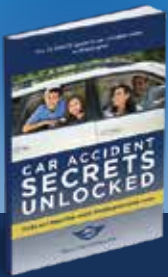
In most car accident cases, we can file a third-party liability claim against the at-fault driver to collect the compensation you need. When that driver says he experienced a sudden medical emergency, however, the insurance company is much more likely to deny your claim. This may also prevent you from filing a claim based on your own uninsured or underinsured motorist policy, leaving you with few options to recover the money you need.

### WHAT ARE THE REQUIREMENTS FOR MEETING THE SUDDEN MEDICAL EMERGENCY DEFENSE?

Washington State case law recognizes sudden mental incapacity only when two requirements are present:

We can help you counter a sudden mental incapacity defense, usually by showing the driver should have known about his condition. We collect

- The person must not have known he was going to



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Discover the secrets insurance companies don’t want you to know.

Get Max’s book **The Ultimate Guide to Car Accident Cases in Washington: Car Accident Secrets Unlocked.**

Go to our website [www.WaCarAccident.com](http://www.WaCarAccident.com) to get your free download now or call **425.276.7804** to have a copy mailed to you.

# "I Have a Dream" by Martin Luther King, Jr.

On January 21st, we celebrated the life and achievements of an influential American civil rights leader, Reverend Dr. Martin Luther King, Jr. He is most well-known for his campaigns to end racial segregation on public transport and for racial equality in the United States. One of his most famous speeches, "I Have A Dream," was delivered during the March on Washington for Jobs and Freedom on August 28, 1963. In his speech, Dr. King called for civil and economic rights and an end to racism in the United States. As you read his historic speech below, let it be a reminder of how far we have come as a nation and how much opportunity there still is for growth and acceptance.



"Five score years ago, a great American, in whose symbolic shadow we stand today, signed the Emancipation Proclamation. This momentous decree came as a great beacon light of hope to millions of Negro slaves who had been seared in the flames of withering injustice. It came as a joyous daybreak to end the long night of their captivity.

But 100 years later, the Negro still is not free. One hundred years later, the life of the Negro is still sadly crippled by the manacles of segregation and the chains of discrimination. One hundred years later, the Negro lives on a lonely island of poverty in the midst of a vast ocean of material prosperity. One hundred years later...

...the Negro is still languished in the corners of American society and finds himself in exile in his own land. And so we've come here today to dramatize a shameful condition. In a sense we've come to our nation's capital to cash a check. When the architects of our republic wrote the magnificent words of the Constitution and the Declaration of Independence, they were signing a promissory note to which every American was to fall heir. This note was a promise that all men - yes, black men as well as white men - would be guaranteed the unalienable rights of life, liberty and the pursuit of happiness.

It is obvious today that America has defaulted on this promissory note insofar as her citizens of color are concerned. Instead of honoring this sacred obligation, America has given the Negro people a bad check, a check which has come back marked insufficient funds. But we refuse to believe that the bank of justice is bankrupt.

We refuse to believe that there are insufficient funds in the great vaults of opportunity of this nation. And so we've come to cash this check, a check that will give us upon demand the riches of freedom and the security of justice.

We have also come to his hallowed spot to remind America of the fierce urgency of now. This is no time to engage in the luxury of cooling off or to take the tranquilizing drug of gradualism. Now is the time to make real the promises of democracy. Now is the time to rise from the dark and desolate valley of segregation to the sunlit path of racial justice. Now is the time...

...to lift our nation from the quick sands of racial injustice to the solid rock of brotherhood. Now is the time to make justice a reality for all of God's children.

It would be fatal for the nation to overlook the urgency of the moment. This sweltering summer of the Negro's legitimate discontent will not pass until there is an invigorating autumn of freedom and equality. 1963 is not an end, but a beginning. Those who hope that the Negro needed to blow off steam and will now be content will have a rude awakening if the nation returns to business as usual.

There will be neither rest nor tranquility in America until the Negro is granted his citizenship rights. The whirlwinds of revolt will continue to shake the foundations of our nation until the bright day of justice emerges.

But there is something that I must say to my people who stand on the warm threshold which leads into the palace of justice. In the process of gaining our rightful place, we must not be guilty of wrongful deeds. Let us not seek to satisfy our thirst for freedom by drinking from the cup of bitterness and hatred.

We must forever conduct our struggle on the high plane of dignity and discipline. We must not allow our creative protest to degenerate into physical violence. Again and again, we must rise to the majestic heights of meeting physical force with soul force. The marvelous new militancy which has engulfed the Negro community must not lead us to a distrust of all white people, for many of our white brothers, as evidenced by their presence here today, have come to realize that their destiny is tied up with our destiny.

And they have come to realize that their freedom is inextricably bound to our freedom. We cannot walk alone. And as we walk, we must make the pledge that we shall always march ahead. We cannot turn back.

There are those who are asking the devotees of civil rights, when will you be satisfied? We can never be satisfied as long as the Negro is the victim of the unspeakable horrors of police brutality. We can never be satisfied as long as our bodies, heavy with the fatigue of travel, cannot gain lodging in the motels of the highways and the hotels of the cities.

We cannot be satisfied as long as the Negro's basic mobility is from a smaller ghetto to a larger one. We can never be satisfied as long as our children are stripped of their selfhood and robbed of their dignity by signs stating: for whites only.

We cannot be satisfied as long as a Negro in Mississippi cannot vote and a Negro in New York believes he has nothing for which to vote.

No, no, we are not satisfied, and we will not be satisfied until justice rolls down like waters, and righteousness like a mighty stream.

I am not unmindful that some of you have come here out of great trials and tribulations. Some of you have come fresh from narrow jail cells. Some of you have come from areas where your quest for

freedom left you battered by the storms of persecution and staggered by the winds of police brutality. You have been the veterans of creative suffering. Continue to work with the faith that unearned suffering is redemptive. Go back to Mississippi, go back to Alabama, go back to South Carolina, go back to Georgia, go back to Louisiana, go back to the slums and ghettos of our Northern cities, knowing that somehow this situation can and will be changed.

Let us not wallow in the valley of despair, I say to you today, my friends.

So even though we face the difficulties of today and tomorrow, I still have a dream. It is a dream deeply rooted in the American dream. I have a dream that one day this nation will rise up and live out the true meaning of its creed: We hold these truths to be self-evident, that all men are created equal. I have a dream that one day on the red hills of Georgia, the sons of former slaves and the sons of former slave owners will be able to sit down together at the table of brotherhood.

I have a dream that one day even the state of Mississippi, a state sweltering with the heat of injustice, sweltering with the heat of oppression will be transformed into an oasis of freedom and justice.

I have a dream that my four little children will one day live in a nation where they will not be judged by the color of their skin but by the content of their character. I have a dream today. I have a dream that one day down in Alabama with its vicious racists, with its governor having his lips dripping with the words of interposition and nullification, one day right down in Alabama little black boys and black girls will be able to join hands with little white boys and white girls as sisters and brothers. I have a dream today.

I have a dream that one day every valley shall be exalted, every hill and mountain shall be made low, the rough places will be made plain, and the crooked places will be made straight, and the glory of the Lord shall be revealed, and all flesh shall see it together.

This is our hope. This is the faith that I go back to the South with. With this faith, we will be able to hew out of the mountain of despair a stone of hope. With this faith we will be able to transform the jangling discords of our nation into a beautiful symphony of brotherhood. With this faith we will be able to work together, to pray together, to struggle together, to go to jail together, to stand up for freedom together, knowing that we will be free one day.

This will be the day when all of God's children will be able to sing with new meaning: My country, 'tis of thee, sweet land of liberty, of thee I sing. Land where my fathers died, land of the pilgrims' pride, from every mountainside, let freedom ring.

And if America is to be a great nation, this must become true. And so let freedom ring from the prodigious hilltops of New Hampshire. Let freedom ring from the mighty mountains of New York. Let freedom ring from the heightening Alleghenies of Pennsylvania. Let freedom ring from the snowcapped Rockies of Colorado. Let freedom ring from the curvaceous slopes of California. But not only that, let freedom ring from Stone Mountain of Georgia. Let freedom ring from Lookout Mountain of Tennessee. Let freedom ring from every hill and molehill of Mississippi. From every mountainside, let freedom ring.

And when this happens, and when we allow freedom ring, when we let it ring from every village and every hamlet, from every state and every city, we will be able to speed up that day when all of God's children, black men and white men, Jews and Gentiles, Protestants and Catholics, will be able to join hands and sing in the words of the old Negro spiritual: Free at last. Free at last. Thank God almighty, we are free at last."

## Sudden Medical Emergency... Cont.

and analyze the driver's medical records, testimony from expert witnesses, and even the results of independent medical examinations.

It is not uncommon for there to be a medical history that leads to a conclusion that the at-fault driver knew or should have known the medical emergency was going to happen. When we can make this argument in your accident case the insurance company often will re-evaluate the liability denial and sometimes choose to settle the case instead of putting its customer through the lawsuit process.

### DO I NEED A LAWYER IF THE INSURANCE COMPANY CLAIMS SUDDEN MEDICAL EMERGENCY?

Yes, these claims are not for the novice or unrepresented person to handle. The sad reality is that without an attorney you will not be able to convince the insurance company to change its denial of liability based on sudden medical emergency. You must be able to make a creditable threat that a lawsuit will be filed and its customer will have to answer some hard questions. The insurance company only accepts this when you have an attorney who represents you and that attorney has a long track record of filing lawsuits - like Max Meyers Law does! 😊

If the driver who caused your car accident claims he suffered a sudden loss of consciousness, you need a car accident attorney who understands how to fight this defense. We have the experience to counter this type of defense and recover the compensation you deserve. Call our office today at **425-276-7804** to schedule a time to meet with Max or Naomi to discuss your accident case.

## HAPPY BIRTHDAY!

February is a big birthday month at MML!

Shelly's birthday is February 1st,  
Max's is February 15th and  
Richard's is February 21st.

**Happy Birthday to Max, Shelly and Richard!!**



## Shelly's RECIPE CORNER

### Amish Meatloaf

THIS MEATLOAF RECIPE IS  
ONE OF MAX'S FAVORITES... ENJOY!

#### Ingredients:

2 lbs. ground beef	1 cup ketchup
2 ½ cups crushed butter-flavored crackers	2 tablespoons vinegar
1 small onion, chopped	¾ teaspoon salt, or to taste
2 eggs	2 tablespoons prepared yellow mustard
¾ cup ketchup	½ cup brown sugar
¼ cup brown sugar	
2 slices bacon	

#### Directions:

Preheat the oven to 350 degrees. In a medium bowl, mix together ground beef, crushed crackers, onion, eggs, ¾ cup ketchup, and ¼ cup brown sugar until well blended. Press into a 9x5 inch loaf pan. Lay the two slices of bacon over the top.

Bake for 1 hour in the preheated oven, or until cooked through. While the loaf bakes, mix together the remaining 1 cup ketchup, vinegar, salt, mustard and ½ cup brown sugar.

Spread over the top of the meat loaf for the last 15 minutes of baking.



Recipe courtesy of allrecipes.com

# FEBRUARY

## VALENTINE'S CONCERT IN BURIE FEB 8

Northwest Symphony Orchestra: Valentine's Concert features romantic music by Beethoven, Vaughan Williams, Howard Hanson, and Lauren Wells at Highline Performing Arts Center in Burien.

Visit [www.brownpapertickets.com/event/3560367c](http://www.brownpapertickets.com/event/3560367c) for more details.

## CHINESE NEW YEAR FEB 9

Join the Lunar New Year Celebration in the International District, which includes lion and dragon dances, drumming, Hawaiian & Thai dancing, a children's parade, a costume contest, arts & crafts, and \$3 food items. Free.

Visit <http://cidbia.org/events/lunar-new-year/> for details.

## ICE RACING FEB 16

Watch motorcycles go from zero to 60 mph in three seconds over a slippery ice surface at Xtreme International Ice Racing as drivers compete to earn points at Angel of the Winds Arena in Everett.

Visit [http://angelofthewindsarena.com/Events/GeneralEvents.ashx?p=1154&70\\_evntdt=1933&70\\_evnt=1386](http://angelofthewindsarena.com/Events/GeneralEvents.ashx?p=1154&70_evntdt=1933&70_evnt=1386) for details and schedule.

## BIKE SHOW FEB 16 - 17

Check out vendors of bikes, bike gear, travel accessories, and fitness equipment at the Seattle Bike & Outdoor Show at CenturyLink Field Event Center. Free for children age 12 and younger.

For details and information [www.seattlebikeshow.com](http://www.seattlebikeshow.com).

## GOLF SHOW FEB 16 - 17

The Seattle Golf Show has more than 200 exhibitors at CenturyLink Field Event Center. Free for children age 12 and younger.

Visit [www.seattlegolfshow.com](http://www.seattlegolfshow.com) for details.

## WINE & CHOCOLATE IN YAKIMA FEB 16 - 18

Bring a glass to taste wine & chocolate pairings at dozens of wineries in the Yakima Valley at Red Wine & Chocolate. Pay at each winery or buy a Premiere Pass.

Details at [www.facebook.com/events/147947402577375/](http://www.facebook.com/events/147947402577375/).

## FLOWER & GARDEN SHOW FEB 20 - 24

February is a great time to be indoors at the Northwest Flower & Garden Show. Show gardens, seminars, and 300 vendors fill the Washington State Convention Center in Seattle. The opening-night party supports the Washington Park Arboretum.

Details can be found at [www.gardenshow.com/](http://www.gardenshow.com/).

## BAINBRIDGE BIKE RIDE FEB 24

Bicycling Magazine called Chilly Hilly one of four classic American rides. Take your bike on the ferry, hit the hills of Bainbridge Island, and then buy a hot meal at the finish line.

Visit [cascade.org/rides-and-events-major-rides/chilly-hilly](http://cascade.org/rides-and-events-major-rides/chilly-hilly).



MAX MEYERS LAW<sup>PLLC</sup>

Where Accident Victims Get Help



Happy VALENTINE'S Day

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Becoming a Minimalist

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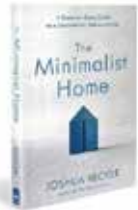


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Becoming a Minimalist: 3 Tips for Beginners

by Dawn Husmoe



Well folks... we made it through the holidays and I hope you all enjoyed the time spent with family and friends. This time of year, I find myself looking at all of the new toys, clothes, gadgets and THINGS that are now taking up space in my home and I start

to get a little stressed about how much STUFF has accumulated and where to put it all!

I recently started following a blog called **Becoming Minimalist** by Joshua Becker. He just released a new book called *The Minimalist Home*, which I enthusiastically read from beginning to end.

This book is a helpful guide of sorts that walks you through each room in your home, showing you how to decide what to get rid of and what to keep. Decluttering your home and your life is the goal!

Below are just 3 of my favorite helpful tips from the book. My hope is that these tips will help

those of you (like me) who are looking to speed up the decluttering process and make room for the things in life that are important and meaningful to you.

**1 Get your head straight about what matters, and what in your home is distracting you from what matters.**

For most of us, our excessive physical possessions are not making us happy. Even worse, they are taking us away from the things that do. Once we let go of the things that don't matter, we are free to pursue all the things that really do matter. And sometimes, minimizing physical possessions means an old dream must die. But this is not always a bad thing. Because sometimes, it takes (mentally and emotionally) giving up the person we wanted to be in order to fully appreciate the person we can actually become.

**2 Remove decorations that no longer inspire you.** Just because something made you happy in the past doesn't

mean you have to keep it forever. Your life has moved on - maybe it's time for the decoration to do the same. Remove the knick-knacks and pictures that no longer inspire you. Or the decoration you bought that one time because it was on clearance. Keeping just the items that mean the most to you will help them to shine.

**3 Distinguish between simplifying (or minimizing) and tidying up.** Just because a room is tidy doesn't necessarily mean it's uncluttered or serves its purpose. Well-organized clutter is still clutter. Never organize what you don't even use and can easily donate to someone who will.

Good luck, and to find out more about Joshua Becker and his book *The Minimalist Home*, visit his website at **becomingminimalist.com**.



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