

## FREQUENTLY ASKED QUESTIONS

### **What is a wrongful death?**

A wrongful death is a death that is caused by the negligence or misconduct of an individual or company.

### **Who are considered survivors of a victim of wrongful death?**

The survivors of a wrongful death victim varies from state to state, but usually includes the spouse and minor children.

### **What compensation can be claimed in a wrongful death case?**

In general the law provides for expenses incurred by the death of the victim such as funeral and medical expenses; loss of future earnings anticipated over the lifetime of the victim; benefits lost due to the victims death such as medical insurance, pension, 401K; survivors pain, suffering and mental anguish caused by the victims death; companionship or consortium; and general and punitive damages.

### **When must a wrongful death lawsuit be filed?**

Every state has its own 'statute of limitation', which is the maximum allowable time in which to file a claim for the wrongful death of a loved one. After this time a claim may be forever barred or denied. In Kentucky, you have one year from the date of death to file a claim. It is important that you call me as soon as possible to protect your rights.

### **Who can file a wrongful death claim?**

This depends on state law, but in general this includes immediate family members such as spouses, children and parents named by the Court to represent your loved ones' estate.

## WRONGFUL DEATH



**270-885-2222**



Michael L. Burman  
Attorney at Law

*BURMAN* *Law*

## WRONGFUL DEATH

Wrongful death is a term used when someone's negligence causes the death of another person. The death may be caused by someone's actions or by their failure to act. Wrongful death is a civil action rather than a criminal action, and is very complex. Since the person killed cannot make a claim or file suit and/or collect damages, it is the family or representatives of the estate that must do so. Wrongful death lawsuits can result from motor vehicle wrecks, medical malpractice, defective products and nursing home negligence claims.

A person can only be held responsible for a wrongful death if it can be proved that their conduct was the cause of the death. It must be proved that the death would not have occurred if not for the negligence of another person. The time between the defendant's action and the death of the decedent is not a factor as long as it can be proved that the negligent action was the cause of death.

In a case of wrongful death, damages are assessed to compensate family members for their loss. Damages can be calculated and may be awarded in a number of areas, such as the actual bills occasioned by medical and death expenses. You can also be awarded damages for the loss of future earnings and benefits, as well as the loss of companionship, or consortium. These damages can be difficult to calculate and include anticipating the lifespan and earnings of the decedent, as well as the relationship to remaining family members. Loss of companionship is very difficult to calculate. It is a measure of the emotional pain and suffering experienced by the survivors.

A final area of damages is punitive damages, an amount awarded to punish the person who caused the death, rather than to compensate for a specific loss. Normally, it can only be awarded when the action of the defendant was intentional or grossly negligent.

When a loved one dies in a wrongful death, it is often difficult for the family to deal with grief as well as the details of the insurance claims.

If the reckless actions of others caused the wrongful death of a loved one, do you want just any attorney?

Helping injured people and their families is all I do. I'll take the time and the resources to know you and your lost loved one and I'll work hard to right the wrong that you and your family have suffered. As your personal lawyer, I'll be with you every step of the way. The first consultation is always free. Call me and give me the opportunity to go to work for you.

**KY: (270) 885-2222**

**TN: (931) 472-0422**

**Cell (270) 348-1472**

You do not need to pay any money to hire me. Fees are on a contingency fee basis, which means we get paid for our services only if there is a monetary recovery of funds. In many cases a lawsuit must be filed before the statute of limitations, so do not delay in contacting me.