



CASE STUDY #3

Ellen Smith drives a seven-year-old Honda. One day when Ellen is returning home from work, she encounters a large object in the roadway ahead of her. Since it is dusk, visibility is limited, and not knowing exactly what the object is, Ellen swerves to avoid contact.

Her car hits some loose gravel on the side of the road, the vehicle skids, hits a fence, and comes to rest against a tree. The driver-side window is shattered and there is extensive damage to Ellen's car door. She hits her head on the steering wheel and suffers facial injuries and has cuts from the broken glass.

Another motorist sees Ellen hit the tree and calls 911. Since the door is badly damaged, the fire department is dispatched to use the "jaws of life" to rescue Ellen from the vehicle. She is taken by ambulance to a local hospital, where she is released later that evening.

When she is interviewed by a police officer taking a report of the accident, Ellen remembers having seen a gravel truck ahead of her just prior to the accident. The skid marks show that she may have been exceeding the posted speed limit at the time of the accident.

Ellen had purchased a Personal Auto Policy from Upstate Mutual Insurance Company. The policy includes liability, medical payments, uninsured motorists, collision and other than collision coverage.

QUESTIONS

- **Is Ellen legally responsible for the accident? Why OR why not?**
- **What's the extent of the bodily injuries and property damage involved in the loss?**
- **What coverage is available to Ellen under her automobile insurance policy? Why?**
- **Is there anyone else who may be legally responsible? Why?**
- **Does uninsured motorist's coverage apply to this accident?**
- **What options does Upstate Mutual have in handling this claim?**