

PERSONAL INJURY Q & A



By Lance J. Wogalter, Esq.

(Lance J. Wogalter, Esq. is a practicing attorney in Hollywood and is licensed in both Florida and New Jersey)

Here are answers to some frequent questions about personal injury matters.

Q. About 10 months ago, I was hurt when I slipped on a wet floor in a supermarket. Is it too late to make a claim?

A. No. The time limits (called "statutes of limitations") for bringing personal injury claims vary from state to state. In no state is it less than one year, and in many states it is two or more years. If you are hurt in an accident, seek legal assistance promptly, when the event is fresh in your mind and the minds of witnesses. However, even if an accident happened long ago, you should still check whether there is still time to make a claim. The law has technical rules that may give you more time.

Q. I tripped on a cracked floor at a government building. Is the government liable for my injuries?

A. Possibly. Under an old rule called "sovereign immunity," people could not sue the government. Sovereign immunity still shields the government from liability in some cases, but now there are many times when people can collect from the government for their injuries. Government entities are required to keep their buildings safe. Thus, you may have a good case if the floor was not properly maintained. It is important to note that rules for recovering money from the government differ from rules for trying to recover money from a private person. Before suing a government entity, a claim must be filed with the right agency. There are strict time limits for making a claim and for filing a lawsuit if a claim is denied. Thus, people with claims against a government entity should quickly get legal help to make sure the claim is not lost by delay or by not following proper procedures.

Q. I was hurt in a softball game when another player knocked me down. Is that person liable?

A. It depends on the circumstances of the incident. People injured while playing sports generally cannot recover damages if the event causing the injury was a natural part of the game. Thus, if the other player was simply trying hard, you probably cannot recover damages. But if the incident was not to be expected - for example, if the other player intentionally tried to hurt you - he or she is liable for your injuries.