



Court - Not Caught Out!

In pursuing your losses in accident recovery claims, there will be instances where in order to enforce your right of recovery, court action will be necessary.

This is not to say that every case where proceedings are issued will mean a visit before our friendly Magistrate, as data shows that most cases where proceedings issue settle.

Going to court initially means documents are prepared that start the ball rolling. Those documents then need to be served on the other side.

To issue proceedings is really a matter that calls for expert judgment, but there are certainly times when it is necessary, if you have any hope of recovering.

You might issue proceedings in court in these instances:

- The other side (especially if it is an insurer) is denying liability, when the facts show that you are in the right;
- The other party has insurance, but refuses to make a claim;
- The other party was drunk, and won't settle with you;
- The other side has got their 'head in the sand' and refuse to respond at all;
- The other side is trying to delay resolving the claim;
- The other side is going to disappear and no recovery may occur (remember, the "Quick and the Dead...");
- Where the only way to secure payment is to affect the other party's credit rating.

This is not intended to be an exhaustive list, however. There may be other instances where there is an important precedent (like e.g. with demurrage claims) that needs to be set.

It is important to remember that only a solicitor can issue proceedings in the court.

Whilst there may be some extra cost in this method, our aim is not to protract or add unnecessary cost to the matter. The aim should be to get the best result possible for you in the shortest time.

So next time you reach an impasse in pursuing recovery, remember the above. As the only other option is to let go of your losses, it really pays to be on the ball when it comes to the courts.

For further information about any of the above, please contact *Robert Bakker*,

For a Better Result.....

**298 Oxley Avenue
MARGATE QLD
4019**

3883 3700

www.rblawyers.com.au