

From Jerry Maschka



If you're hurt in a car crash talk to a lawyer. When you are injured in a car crash it is important to understand the interaction between your own health insurance, no-fault coverage and worker's compensation if you are on the job at the time. It is your no-fault medical coverage (usually \$20,000) which applies first before your health

insurance is required to pay. If at the time of the crash you are at work and have worker's compensation coverage, it is the worker's compensation coverage which applies first. Once your no-fault coverage is exhausted, your health insurance takes over payment of the bills. One important difference between no-fault coverage and health insurance or worker's compensation coverage is that both the health insurer and the provider of worker's compensation will want some or all of their money back from the liability carrier for the person who was at fault. Management and negotiation of this expected repayment can be a complex matter. Also, once you are involved in a crash, it is important to understand those benefits to which you may be entitled under your no-fault coverage or your worker's compensation coverage, depending on which applies. The benefits available under worker's compensation and no-fault are not identical. Also your station in life and whether you are a primary homemaker and/or earning a regular weekly salary may entitle you to benefits other than just a percentage of your loss of income.

You can benefit greatly from speaking with a lawyer familiar with personal injury law and usually there is no charge for providing this assistance.

About Maschka, Riedy & Ries

Complex Civil Litigation

The work of this firm focuses on cases that require complex civil litigation or mediation. Our team of 9 lawyers and 15 support staff work for clients who have suffered personal injury, wrongful death, or loss in a construction dispute or other civil issue. Our firm's full legal resources are a formidable force for balance and justice when a wrong has been suffered.

Compassionate Client Service

People and the healthy continuation of their lives are the reason for our work. Our clients, jarred by an unexpected event, deserve the compassion, respect, clear communication and direction we provide. We are united in our commitment to help them navigate troubled times and resolve issues so life can be resumed with self-respect intact.

Professional Achievement

Together, our attorneys bring 198 years of legal experience to client cases. This depth of experience, specialized knowledge and a collaborative approach produce consistently successful client outcomes. Publicly, Maschka, Riedy & Ries has earned the highest rating available from Martindale-Hubbell. Partner Jerry Maschka is among Minnesota's "Top 40 Personal Injury Lawyers" (MN Law & Politics), and for the 15th consecutive year is counted among

Best Lawyers in America, a Best Lawyers® referral guide respected for stringent peer-review selection.



Complex case? Ask us to lead.

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MANKATO, MN
PERMIT NO. 88

Union Square Business Center, Suite 200
201 North Broad Street | P.O. Box 7
Mankato, Minnesota 56002-0007



CURRENT OCCUPANT OR RESIDENT

Jerry Maschka

John M. (Jack) Riedy

Charles W. Ries

John Chuck Peterson

Marcus J. Christianson

Renee C. Rubish

James D. Fleming

Jorun Groe Meierding

Jennifer G. Lurken

Nicholas J. Maxwell

Office 507-625-6600

Fax 507-625-4002

Website mrr-law.com

Maschka, Riedy & Ries News

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Timely Decisions Benefit Client

Frustrated by many wrong turns, a woman pulled her car to the curb and stepped out to ask for directions. Noticing a leashed Rottweiler near the man she planned to talk to, the woman asked if it was safe to come closer. He wasn't sure, so she stayed several yards away on the sidewalk. As the two discussed a route



to the local FedEx office, the dog circled behind the woman without warning and jumped on her back. The man yanked the leash, and the dog grabbed her arm. He pulled the leash again and the dog bit down, shaking her arm as if capturing prey. When freed, the woman was rushed to a hospital where MRR Partner Renee Rubish met her three days later.

Turning to a Lawyer

This client was not sure if she needed a lawyer. She asked for a consultation, but had a low opinion of trial lawyers and hoped to represent herself as she had in a prior injury case. But after contacting the dog owner's insurance company and receiving no response, she called Maschka, Riedy & Ries again to ask for help.

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Union Square Business Center, Suite 200
201 North Broad Street | P.O. Box 7
Mankato, Minnesota 56002-0007
Phone 507-625-6600 | Fax 507-625-4002

www.mrr-law.com
Email mrr-law@mrr-law.com

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Injury's Long-Term Effects Impact Settlement

MRR as Liaison With Insurers

While our client received proper medical attention, we made contact with the insurance company about medical payments and supplemental income to cover her earnings loss. She followed doctors' instructions, tended to the large wound on her forearm and exercised to regain motion. We reported her medical progress regularly to insurers. When the company asked for statements and photographs, we arranged meetings.

Reality Drives Settlement

MRR This client was eager to settle her case and put the incident behind her, but we encouraged her to let us monitor the scar and consequences of the injury as it healed.

Doctors found nerve damage and numbness, and medication was prescribed for pain. Tingling, hypersensitivity and spasms persisted near the large scar and throughout our client's arm. Motion was restricted and a weakened grip limited work, daily tasks and hobbies.

With these persistent issues clear, Rubish approached the insurance company for a settlement. No dispute existed about responsibility for the injury, so the question was the value of the loss. To best represent her client, Rubish drew on her own experience and consulted with MRR colleagues to name the settlement value: \$85,000.



tip If you are a dog owner in Minnesota, you are held accountable by law for keeping your dog under control at all times. If your dog injures someone who is going about his or her business and is not trespassing on private property, you are liable for full damages of the injury.

Other Areas of Expertise: Criminal law

Need Title

In late September 2009, MRR Partner Jim Fleming was asked by the 8th Judicial District chief public defender to become lead trial counsel for an Appleton, Minnesota, man charged with first and second-degree murder. Fleming received 5,000 pages of discovery and prepared intensively for a case that went to trial on February 11, 2010.



The State of Minnesota was represented in the case by the assistant attorney general. Drawing from 20 years of trial experience, Fleming dismantled the State's expert and developed a case that led to a reduced charge of manslaughter for his client.

"Experience allowed me to prepare in a short period of time and to navigate a one-month trial of 16-hour days," Fleming said.

James D. Fleming, J.D.

Jim Fleming brings more than 22 years of experience as a prosecutor and public defender, 6 of those as Chief Public Defender. His background along with his extensive trial experience serves Maschka, Riedy & Ries clients who have been accused of a crime. A 1987 graduate of William Mitchell College of Law, He is a member of the National and Minnesota Association of Criminal Defense Lawyers and the Minnesota Association for Justice. Jim's practice focuses on Criminal Law, Family Law, and Personal Injury.



**MRR: Partnering
with outside
attorneys**

**Complex problem?
We litigate, mediate.**

If your client is faced with a personal injury case that requires mediation or complex litigation, we are ready to assist. As partners, we respectfully, purposefully move your client from crisis to justice and resolution. Call Jerry Maschka to discuss specific case details and client needs.
507.625.6600

complex problems resolved

Chuck Ries was named Super Lawyer, Corporate Counsel in the area of Bankruptcy & Creditor/Debtor Rights in 2009.

Marc Christianson has been selected for inclusion in the Super Lawyer, Corporate Counsel Edition for Personal Injury Defense: General..

Marc Christianson continues to represent clients in Southwestern Minnesota despite the sale of our satellite office building, which was located in Minneota. Marc continues to make regular trips to the Cottonwood, Minneota & Marshall area.

Renee Rubish was asked to be part of a panel and presented at William Mitchell's Legal Education Seminar entitled: **Secrets of Successful Solo/Small Firm Women** on Tuesday, April 13th, 2010.

Jennifer Lurken was selected to be the American Bar Association Young Lawyer Division District Representative for Minnesota and Wisconsin. She will serve a two year term beginning August 2010.