



You've been injured. Now what? How to file a personal injury claim after you've been injured while driving a motorcycle.

Get full settlement with the help of
our motorcycle accident attorneys.

When injured in a motorcycle accident, your injuries are more likely to be severe and life-threatening because of the disparity between vehicle sizes. As you recover, you need the reassurance that you are backed by a trusted law firm who will help you get the compensation you need to get through this difficult time.



www.hennessandhaight.com



Free Consultation: (702) 805-HELP

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Chapter 01

After You've Been Injured in a Motorcycle Accident



If you have been injured, or believe you have been injured because of someone else's negligence it is critical to get medical attention right away.

Las Vegas, Nevada, is a motorcyclist's paradise. Good weather and a long riding season make our streets attractive for bikers. Our motorcycle accident lawyer, Mark Henness is an avid motorcycle enthusiast and intimately understands the dangers motorcyclists face on the road. You need a lawyer after a motorcycle accident, but first, get help for your injuries and then call us.

When you've been in a motorcycle accident, call 911 immediately and get medical attention. Even if adrenalin has taken over, and you don't feel injured in the immediate aftermath of the accident, it's likely that you've suffered some type of injury that should be looked at and cared for by a medical professional. Minor injuries can escalate into chronic conditions without medical attention, so be sure to get yourself checked out.



Motorcycle accident victims often suffer high rates of lower extremity, chest, and abdominal injuries, including serious injuries to thoracic and abdominal organs."

Because motorcyclists often suffer internal injuries that are not immediately noticed, including rib fractures and organ injuries, it's critical that you be seen quickly and without hesitation. Don't try to tough out a motorcycle accident. Get yourself seen and document all medical procedures and tests.

My doctor says they won't treat my injuries. Why not?

It often surprises people to find out their primary care physician won't treat their injuries from a motorcycle accident. This is because many physicians are not equipped with the manpower needed to provide the extensive documentation that is required by insurance companies following an accident.

In addition, acute injuries resulting from motorcycle accidents often need the intervention of specialists. It's likely that you'll need comprehensive medical care, which is more than emergent care. Post-traumatic medical care following motorcycle accidents includes chiropractors and physical therapists who routinely treat motorcycle accident victims.

Following your motorcycle accident, your medical care will likely be provided by an entire network of specialists. In addition to the chiropractors or physical therapists, you may need help from orthopedic physicians, neurologists, internists, or pain management clinics. Our network of trusted medical specialists can help you get the care you need, including X-rays and other diagnostic imaging when necessary.



Why is my doctor asking if I have a motorcycle accident attorney?

When contacting medical specialists to set up your appointments, most offices will ask if you have a motorcycle accident attorney. This is because the providers who treat motorcycle-accident-related injuries prefer to do so on what is called a lien.



Treating on a 'lien' allows you to receive the care you need related to the accident while waiting for your motorcycle accident personal injury case to resolve to pay for your medical treatment.

Specialists who treat your motorcycle accident-related injuries will require a patient to have a motorcycle accident attorney before they will treat you on a lien. Otherwise, you will be asked to use your health insurance or pay cash for your care. If you decide not to hire an attorney, you run the risk of being liable for your health care costs due to someone else's negligence.

Regardless of whether you hire a motorcycle accident attorney or not, be sure to seek care for your injuries right away from a medical provider who specializes in treating the type of injuries you suffered.



Chapter 02

What to Do When You've Been Injured in a Motorcycle Accident



Nevada is ranked as the deadliest state for motorcycle accidents, with motorcycle accidents accounting for 22.6% of all motor vehicle deaths.

According to [Zero Fatalities](#), there were 56 motorcyclist fatalities in 2019. If you are in a motorcycle accident, there is an 8 in 10 chance that your crash will result in injury or death.

Motorcyclists are less visible to other drivers because they are smaller than other vehicles on the road. In addition, they are less stable, the driver and passenger are more exposed, and they are more vulnerable to bad weather or road conditions.



Nationwide, over 84,000 people were injured in motorcycle accidents, and of those, 45% resulted in more than just a minor injury, according to the [Insurance Information Institute](#).

What things you should do after a motorcycle accident.

If you were one of the unfortunate victims injured in a motorcycle accident in Nevada that wasn't your fault, you need to hire a motorcycle accident attorney.

When you've been injured, it may be difficult to remember what you should and shouldn't do. Here is a quick overview of what to do when you've been injured in a motorcycle accident:



What To Do

- **Get medical treatment**
 - Immediate medical treatment during the acute phase of your injury is critical.
- **Stay at the scene**
 - You must stay on the scene of an accident until emergency responders and the police arrive
- **Take photographs**
 - Take photographs of any property damage, the surrounding area, any debris or obstructions that may have caused the accident, road signs, and any injuries
- **Exchange insurance information**
- **Call Henness & Haight at (702) 805-HELP**
 - Your consultation is free and confidential
- **Get names and contact information of all witnesses**
- **Get any property damages assessed**
- **Keep your helmet, clothing, or bike as is**
- **Track medical treatment**
- **Notify your insurance company (with the help of your attorney)**

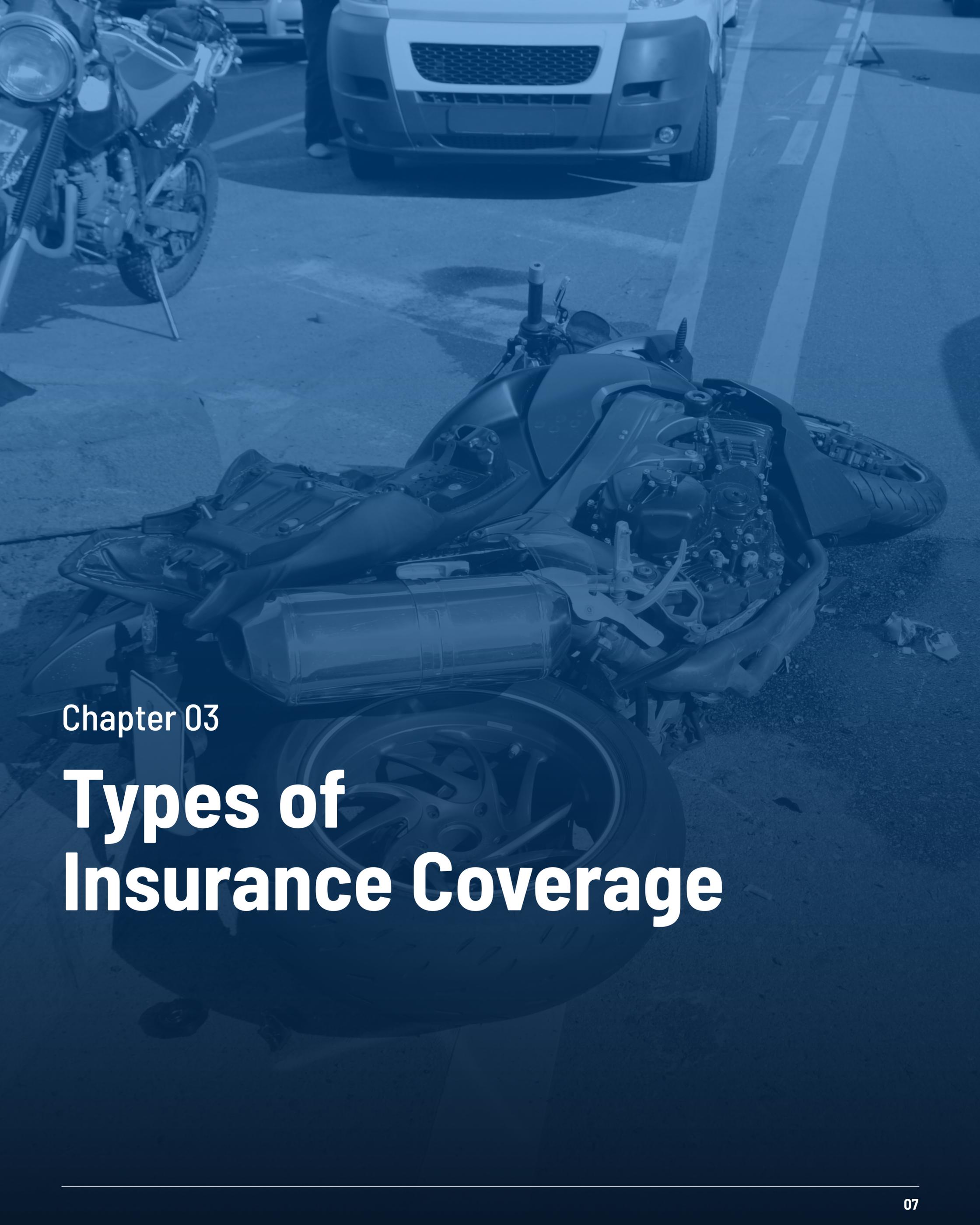


What NOT To Do

- **Don't leave the scene**
 - Leaving the scene of an accident is a crime in Nevada
- **Don't get into physical altercations or an argument**
 - Anything you say or do at the scene, including apologizing, could damage your case
- **Don't move vehicles, evidence, or injured people**
- **Don't alter your helmet, clothing, or bike until an expert examines and photographs them**
 - This may help to prove that you were wearing a helmet at the time of the accident and defeats the argument that you weren't.
- **Don't admit fault**
- **Don't lie to police or investigators**
- **Don't file a claim or talk to insurance adjusters without your attorney**
- **Don't put up information on social media**
- **Don't refuse or postpone medical treatment if you need it**
- **Don't accept a settlement before your injuries are fully resolved or assessed**
- **Don't wait to file a claim**

Fast Facts

- Individuals with acute whiplash injury who waited more than 28 days after their injury to consult a physiotherapist reported greater healthcare use compared with those who consulted a physiotherapist within 28 days of their injury.
- Many motorcycle accident victims cause irreparable harm to their claim because they decide to deal with an insurance company directly before obtaining legal
- Admitting fault at the scene of the accident or in your statement to police may invalidate your insurance policy. Always let police and investigators determine who is liable.
- Nevada has a statute of limitations on motorcycle personal injury claims of two years from the date of injury or two years from the date of death for wrongful death claims.



Chapter 03

Types of Insurance Coverage



Motorcycle owners are required to have the same coverage as automobile owners. To operate a motorcycle in the state of Nevada, you must have at least the following motorcycle insurance coverage:



Bodily Injury Liability Coverage

\$25,000 per person
\$50,000 per accident



Property Damage Liability Coverage

\$50,000



Uninsured Motorist Coverage

\$25,000 per person
\$50,000 per accident

What is bodily injury liability?

Bodily injury liability covers other people's injuries, loss of wages, legal fees and more. Keep in mind that this coverage only applies to injuries caused to other people. This insurance coverage will not respond to your injuries or injuries sustained by your passenger. If you are injured in a motorcycle accident, and the other driver carries bodily injury liability insurance, their insurance company will respond to your personal injury claim.

What is property damage liability?

Property damage is the part of your motor vehicle coverage that responds when you have damaged another person's property such as their car, a fence, or a home. Again, this coverage only covers property damage caused by you due to your negligence and will not cover damage to your bike. If the other driver has liability insurance, their company will respond to your claim.

What is uninsured motorist coverage?

Uninsured motorist coverage protects you when the other driver is at fault for the accident but does not have enough liability coverage, isn't insured, or leaves the scene. Since most vehicle insurance policies do not have enough coverage for extensive damages or injuries, your uninsured motorist coverage can respond after the other parties insurance responds to cover the gap in order to protect your finances.



Chapter 04

What to Do if the Other Driver Isn't Insured



No-Fault and Traditional Negligence states

In the unfortunate event where you have been injured by a driver who is not insured, you may have to turn to your own insurance policy to recover damages and then pursue a lawsuit against the other driver.

There is a no-fault car insurance rule in some states that means that each driver is responsible for their own injuries or damages regardless of who is at fault. In a no-fault state, you are typically restricted from suing unless there are serious injuries or damages over a certain amount.



Nevada is a traditional negligence state where you are allowed to sue the other driver for damages and win a judgement."



Chapter 05

The Most Common Causes for Motorcycle Accidents



Special Conditions for Motorcyclists

Speeding, lane splitting, and alcohol use are among the most common reasons motorcyclists crash. Motorcyclists must follow the same rules of the road as other drivers, with additional special conditions.

These conditions include:

- Carrying a Class M Nevada drivers license
- You must wear a helmet
- If your motorcycle does not have a windshield or screen, face shields or goggles are also required
- Lane splitting is illegal in Nevada, even if the vehicles are stopped
- With consent, motorcyclists may ride two abreast in a single lane; however, a staggered formation is recommended. Without the consent of the other driver, you may not ride side by side
- Your motorcycle must have the proper equipment as defined by the [Nevada DMV handbook](#)



Personal Injury Claim Compensation

Violations of Nevada law could reduce your personal injury claim compensation. Under Nevada's comparative negligence laws, if you were partly at fault in causing your motorcycle crash, such as not wearing your helmet, you may still recover damages though you will face charges for violating Nevada helmet laws, and your damages will be reduced by the amount of negligence that you caused. So long as the other party was at least 50% at fault, you may have a valid legal claim.

Here are the top types of motorcycle accidents in Nevada:

- **Head-on collisions:** These types of crashes are most often fatal for motorcyclists and are the cause of 56% of all motorcyclist fatalities
- **Rear-end collisions:** In contrast to head-on collisions, rear-end collisions only occur about 5% of the time
- **Cars Turning Left:** This is the most common reason for motorcycle accidents (nearly 42%). When cars turn left in front of motorcyclists, it's usually due to the other driver not paying attention or seeing the motorcyclist
- **Lane Splitting:** Lane splitting is illegal in Nevada. Since vehicles do not expect a motorcyclist to pass them, drivers don't anticipate having to look out when switching lanes in slowed or stalled traffic.
- **Fixed Objects:** In 25% of all collisions with fixed objects, motorcyclists are killed. These collisions often throw the rider from the bike
- **Driver Error:** Impaired or speeding drivers account for nearly 50% of all motorcycle accidents where the motorcyclist was at fault
- **Poor Road Conditions:** Unexpected objects in the road, gravel, potholes, or other unsafe road conditions can destabilize a motorcycle and cause a crash
- **Supersport Motorcycles:** Supersport and sport motorcycles account for a large majority of motorcycle accidents and deaths and are two times more likely to be involved in motorcycle accidents than conventional motorcycles. High rates of speed and driver risk-taking are often factors.



Chapter 06

Parties That May Be involved in Motorcycle Accident Claims

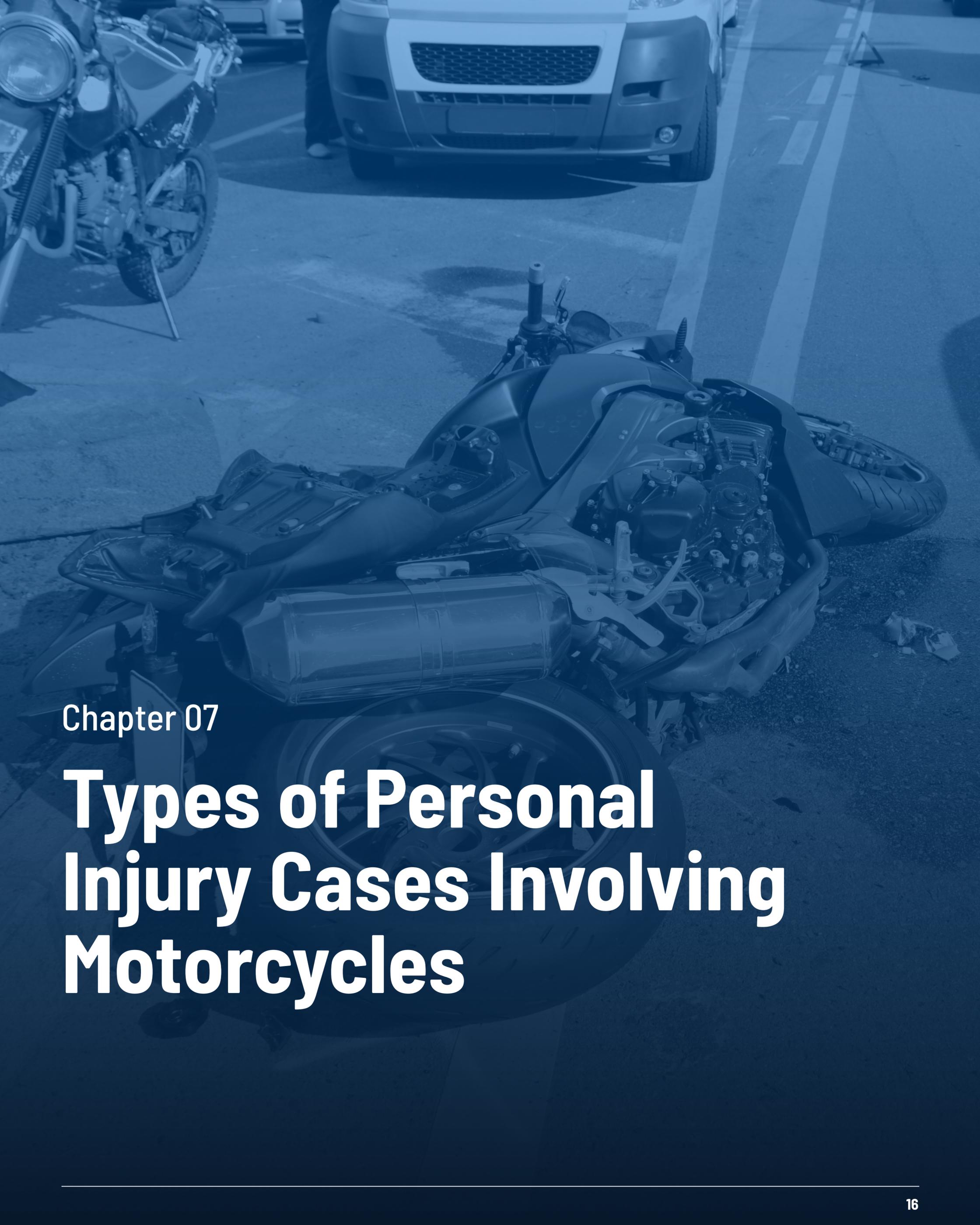


Liable Parties for Your Motorcycle Accident

Depending upon the cause of the accident, there may be one or more parties liable for your motorcycle accident. For example, if a faulty part on your bike made you crash, you may have grounds to sue the motorcycle manufacturer.

The following may be potential defendants in your motorcycle accident case:

- The other driver who caused the accident
- The motorcycle manufacturer (if there were defects)
- Your helmet manufacturer (if there were defects)
- Mechanics (if their work caused a defect or malfunction)
- Any city or county responsible for road maintenance if road conditions contributed to your accident
- An underage driver's parents, or anyone responsible for vicarious liability of the motorcycle
- Any other party that contributed to the accident



Chapter 07

Types of Personal Injury Cases Involving Motorcycles



The majority of motorcycle personal injury cases in Nevada involve traffic violations, alcohol, and speed.

Additional motorcycle personal injury cases may be filed as premises liability cases (poor road conditions without proper warning signs) or product liability cases (defective parts or mechanical error).

Traffic violations that cause many motorcycle accidents are:

- Speeding
- DUI
- Texting while driving
- Running red lights or stop signs
- Unsafe passing or lane splitting
- Failure to signal
- Reckless driving
- Failure to use headlights
- Making an improper turn

When you have been injured, or your property has been damaged in a motorcycle accident due to the carelessness or negligence of another person, you have the right to bring a personal injury claim against an individual, business, corporation, the government, or any other entity that harmed you.



If you have questions about whether your case has merit or if you need a free consultation on a potential personal injury case, call our offices at (702) 805-HELP. We can assess your situation and let you know what course of action to take. Consultations are free and confidential. Don't try to assess your motorcycle accident personal injury case on your own. Let our team of legal experts help you understand who is at fault and what to do next."

Our team will determine if there was a breached duty of care in your situation, and we'll work to understand the context in which you were injured. After an assessment of your motorcycle accident, we'll let you know if we agree to take your case.

What are the types of breached duty of care?

For a successful outcome for your case, we must prove there was a breached duty of care. In Nevada, we only have to prove negligence in order to hold a person or company responsible for the injuries and damages you have suffered.

In some cases, the breached duty of care may go beyond ordinary negligence and into gross negligence or intentional misconduct. Depending upon the person's conduct and mens rea (mental state) or intent, and depending upon the level of liability that person holds, the person responsible for your injuries could be held liable for damages that go beyond recovery of general damages.

Negligence

For many motorcycle accident personal injury cases, you must prove negligence before holding a person or company responsible for your injuries and losses. When you file a claim, you will need to provide evidence that negligence occurred.

Negligence occurs when someone acts carelessly and causes injury to another person's body or property. There are four elements of a negligence claim:

1. **Duty:** The plaintiff was owed a legal duty by the defendant
2. **Breach:** That legal duty was breached when the defendant acted or failed to act in a certain way
3. **Causation:** The defendant's actions or lack of action actually caused the plaintiff's injury; and
4. **Damages:** The plaintiff suffered bodily injury, property damage, or was harmed as a result of the defendant's actions.

Gross Negligence

Gross negligence is defined as indifference and blatant violation of a legal duty with respect to the rights of others. It's a conscious and voluntary disregard of the need to use reasonable care to avoid causing a grave injury or harm to people or property.

It exceeds ordinary negligence, which is a failure to exercise reasonable care. Gross negligence is a combination of negligence along with the defendant's conduct that causes injury.

Gross negligence and ordinary negligence differ from "willful and wanton conduct." A court finding of willful and wanton conduct usually results in recovering punitive damages for our client, where a finding of gross negligence only does not.

For example, if somebody runs a red light and hits you, they may be found liable for ordinary negligence. However, if that person sped up to hit you intentionally, the charge is elevated to gross negligence.

Strict Liability

Strict liability or absolute liability is one of five possible "mentes reae" or mental states that a defendant may have when committing a crime. The defendant's lack of awareness of what he is doing would not negate a strict liability case.

For example, if there was a fault or flaw in the motorcycle because of poor manufacturing. In that case, the manufacturer may be held liable rather than the driver.

Another situation where strict liability may apply is if a mechanic damaged or caused a situation where the motorcycle was unsafe to operate or created a defect, you might be able to sue based upon the strict liability standard.

To prove a strict liability case, you do not have to show that the defendant acted with disregard or negligence, only that harm was caused. Strict liability cases involving motorcycle accidents are not uncommon, but because they are often brought against large motorcycle manufacturing companies such as Honda or Kawasaki that have the legal and financial resources to defend them, you must have an experienced, aggressive, and qualified motorcycle accident attorney on your side.

Reckless Conduct

Reckless conduct is an act that is so rash or careless that it meets the definition of failing to meet the standard of care that a reasonable person would take. A person behaving with reckless conduct is knowingly taking a risk that will put others in danger. Even if a person doesn't intend to act recklessly, if their behavior deviates far enough from reasonable behavior, they will be found guilty of reckless conduct.

Drunk driving is often charged as a reckless conduct action and, depending upon the seriousness of the accident, may be either a misdemeanor or a felony. If you were injured by a drunk driver, this might be the charge leveled against the other driver. The choice to drive after drinking elevates a motorcycle accident from negligence to reckless conduct.

Intentional violations of the rules of the road may also be considered reckless conduct. If there is an extreme gross disregard for human life, reckless conduct can be charged as a felony.

Intentional Misconduct

Intentional misconduct is found when the defendant had knowledge of the wrongfulness of the conduct and the probability that injury or property damage could result, and despite that knowledge, continued to act and caused injury or damage.

This type of personal injury case can be found when a driver uses their vehicle to cause injury. For example, if there is a road rage incident and the driver uses their vehicle to run a motorcyclist off the road or into oncoming traffic.

What About Vicarious Liability

Vicarious liability is a legal doctrine that states that although a person may not be the one who personally commits an illegal act, they may still be held responsible for injuries caused by another.

A few of the contexts where vicarious liability might be imposed are:

- **Parent/Child:** Nevada law holds parents responsible when their child engages in willful misconduct. People injured by someone's child can collect up to \$10,000 so long as the conduct by the child was intentional.
- **Principal/Agent**
- **Employer/Employee:** In some cases, Nevada law holds employers responsible for the wrongful acts of their employees. These circumstances may include *respondeat superior*; or the negligent hiring, retention, or supervision of an employee.

Under *respondeat superior*, a Nevada employer is responsible for the wrongful acts of their employees when:

- The employee is under the defendant's control, and
- The employee was acting under the scope of their employment

Under the negligent hiring, retention, or supervision of an employee, a Nevada employer is responsible for the wrongful acts of their employees when:

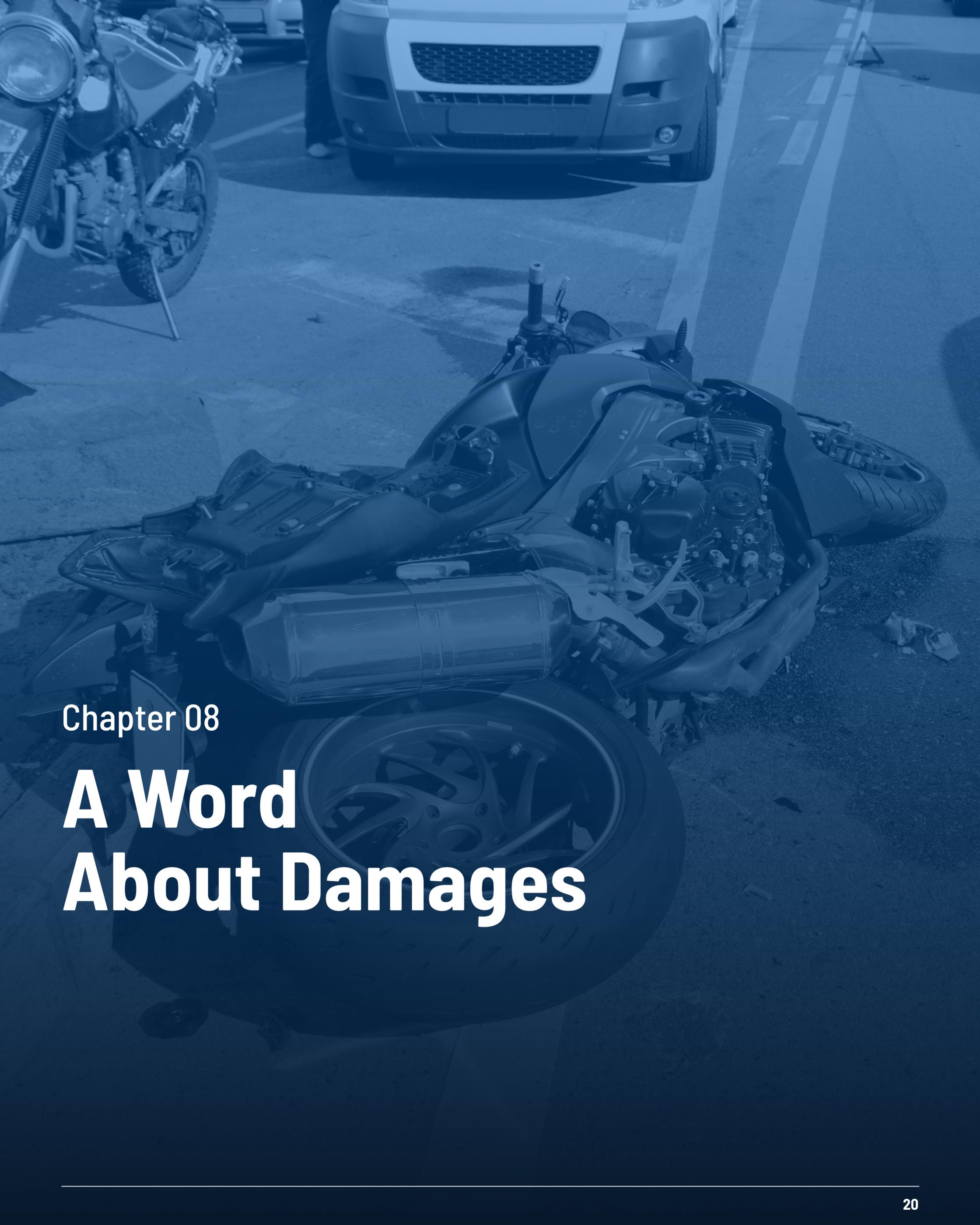
- The employer failed to conduct a reasonable background check to ensure that the employee was fit for the position, or
- The employer hired the employee although the employer knew or should have known the employee had dangerous propensities, or
- The employer retained an employee the employer learned was dangerous, or
- The employer failed to adequately supervise an employee doing a job that could potentially harm others

Negligent Entrustment

Vicarious liability may also be imposed in cases of "negligent entrustment." You may be able to recover damages in a lawsuit when the following applies:

1. A potentially dangerous object, such as a motorcycle or vehicle, was left in the care of another person; and
2. That person knew or should have known that the person entrusted with the care of that motorcycle or vehicle was too inexperienced and/or incompetent to use it safely; and
3. The person entrusted with the motorcycle or vehicle uses it negligently and harms you; and
4. As a result of the negligent actions, you suffer damages

Not only can you sue the person who harmed you, but also the person who entrusted the vehicle or motorcycle to the person who harmed you. An example of this may be if someone loans a vehicle to a person who is under the influence.



Chapter 08

A Word About Damages



The value of your personal injury case depends upon several variables, including property damage, medical bills, lost wages, and other factors.

Our clients often seek representation in order to receive restorative justice which means they only want to be compensated for the actual damages they incurred, such as medical care or wages lost.

Some people avoid hiring a personal injury attorney because they don't want to appear "sue happy" or because they feel sympathy for the defendant and don't want to cause financial harm to another person.

However, seeking restorative justice is warranted when you have suffered losses due to the negligence or actions of another person. You may need medical care for chronic issues that last for years due to your truck accident. Or, you may lose your job and need financial support while you recover. In some catastrophic injury cases, you may be permanently disabled and must find a way to be supported for the rest of your life. A personal injury attorney can help you recover these losses from various sources including insurance companies and those responsible for your injuries.

The first question many people ask when hiring a personal injury attorney is 'How much is my truck accident case worth?'

Our team will assess your case for the above breached duties of care and we'll calculate what losses you have incurred to determine what recovery is possible.

Rest assured, that if you do not recover damages, you will not owe legal fees for the services we provided or the costs we advance on your behalf. We provide all legal services on a contingency fee basis which means we only get paid if you get paid. And we never take more than you have been awarded. In addition, your initial consultation with us is always free.

What are the three types of damages?

Determining damages can be difficult, especially when you've experienced losses that do not have a direct monetary value. Any type of compensation requires that you establish negligence, and you must prove that the other party has a duty of care to you and that their failure to use reasonable care was the reason you suffered losses.

There are three types of damages that you may receive in a settlement or as part of a court verdict:

01 Economic Damages

Economic damages are specific damages that can be calculated and are based upon the fair market price at the time of the accident.

Examples of economic damages may include:

- Loss of wages
- Medical costs
- Property damage
- Living expenses associated with a disability
- Funeral costs in the case of a wrongful death
- Personal care costs

To provide evidence of your concrete monetary losses, you will want to collect and track the following items for your attorney. It is crucial to keep all receipts and to document all the bills you paid for during your injury so that you can receive complete reimbursement:

- Any medical bills (emergency room bills, follow-up doctor visits, physical therapy, diagnostic tests, X-rays, blood tests, physical therapy aids, mobility aids, occupational therapy, travel costs to medical appointments, and prescription costs including over the counter costs)
- Psychological treatment and other mental health costs
- Lost wages due to actual, sustained, and real loss of income including tips and bonuses
- Future lost earning capacity
- Property damage assessments including repair or replacement costs
- Household services including maids, gardeners, child care, or driving costs where you have to now hire outside services for activities you once did yourself

There is no limit to economic costs that you can recover.

02 Non-Economic or General Damages

Non-economic damages are often immeasurable, such as pain and suffering, emotional distress, loss of enjoyment of life, and loss of consortium. While you can't collect hard evidence such as receipts or bills for these damages, there is a way to collect evidence to prove your losses in these areas.

To prove emotional distress, you may need written evidence from a mental health professional. If you enjoyed certain outdoor activities when able-bodied but can no longer participate in the hobbies you once enjoyed, you may be able to document past experiences and activities and provide written medical notes from doctors that show that you are medically prohibited or no longer capable of enjoying those activities.

And if you experience severe injuries and can no longer care for your children or if the accident hurt your marital relationship, these can be shown to have caused loss of consortium.

Disfigurement and disability, both short and long-term, are other types of non-economic damages.

03 Punitive Damages

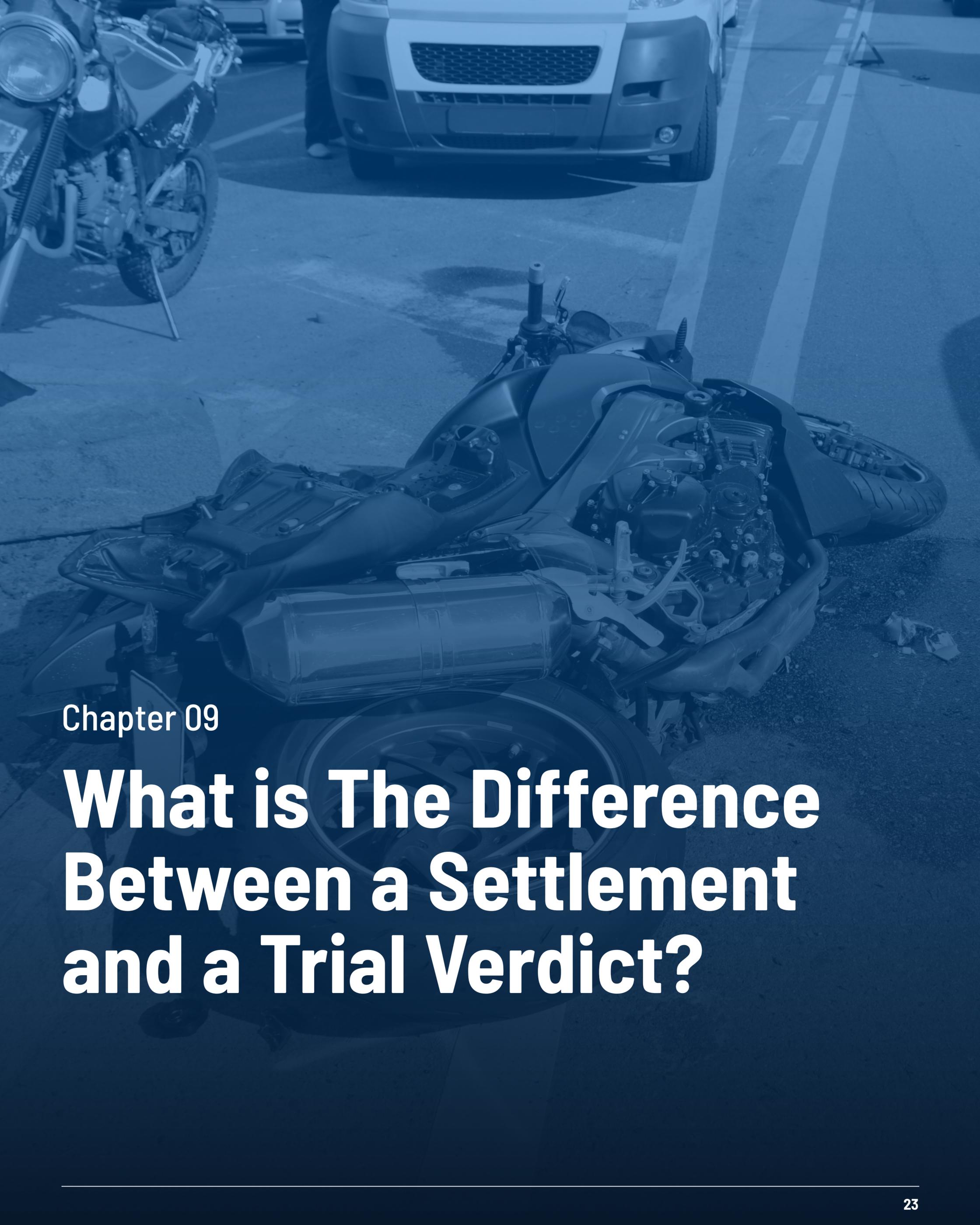
When we can prove misconduct that goes beyond the standard of negligence, you may be awarded punitive damages that are an extra financial settlement amount on top of your compensatory damages awarded.

According to Nevada law, NRS 42.001, you may receive an award of punitive damages when the defendant's conduct consists of "fraud," "malice," or "oppression."

- **Fraud:** The intentional misrepresentation, deception or concealment of a material fact known to the defendant and made with the intent to deprive you of your rights or property or to otherwise injure you.
- **Malice:** Conduct which is intended to injure you, or despicable conduct which is engaged in with a conscious disregard of the rights of safety of others.
- **Oppression:** Despicable conduct that subjects you to cruel and unjust hardship with conscious disregard of your rights.
- **Conscious disregard:** The knowledge of the probably harmful consequences of a wrongful act and a willful and deliberate failure to act to avoid those consequences

In Nevada, punitive damage awards are generally capped at \$300,000 if the amount of compensatory damages awarded to the plaintiff is less than \$100,000, or three times the amount of compensatory damages awarded to the plaintiff if the amount of compensatory damages is \$100,000 or more.

There is NO limit on the amount of punitive damages if your case involves a defective product, and insurer that acts in bad faith to provide insurance coverage, a person who violates FHA regulations, damages caused by the emission, disposal or spilling of a toxic, radioactive or hazardous material or waste, defamation, or a motor vehicle accident caused by a driver who willfully consumed alcohol and/or drugs.



Chapter 09

What is The Difference Between a Settlement and a Trial Verdict?



The difference between a settlement and trial verdict

A settlement is an agreement between both parties outside of court. In most cases, Henness & Haight Injury Law successfully negotiates a settlement on behalf of our clients though we will go to court to aggressively defend your rights.

A trial verdict involves a jury trial where the court of law provides a ruling.

This is important because Henness & Haight attorneys are committed to getting you fair results. If an insurance company or other defendants are unwilling to settle for maximum value, we take an aggressive approach. Over and over, we have proven that we win when we take our cases to trial, and due to our stellar reputation, many defendants are unwilling to go to court and choose instead to settle for the maximum value of your case.



How to Hire a Truck Accident Attorney

The attorneys at Hennessy & Haight Injury Law have been helping clients recover damages and file personal injury claims for more than two decades. To hire us, your initial consultation is free.

Contact our expert legal team today.

[Schedule Your FREE Consultation Now](#)

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