



GINGERY HAMMER
& ASSOCIATES LLP

CALIFORNIA

Personal Injury Guide

What To Do. What You're Up Against. How We Help.

BUILT FOR TRIAL. DRIVEN BY RESULTS.

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GotInjury.net

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IMMEDIATE ACTION GUIDE

What To Do Immediately After an Accident

The moments and days following an accident are critical. The actions you take — or fail to take — can significantly affect both your health and the strength of your legal claim. Follow these steps to protect yourself and your right to full compensation.

1

Call 911 Immediately

Even if injuries seem minor, call 911. A police report creates an official record of the accident and is one of the most important documents in your case. Never leave the scene before law enforcement arrives.

2

Seek Medical Attention Right Away

Get examined by a doctor as soon as possible — even if you feel fine. Many serious injuries (concussions, spinal damage, internal bleeding) have delayed symptoms. Gaps in medical care are used by insurance companies to minimize your claim.

3

Document Everything at the Scene

If you are physically able, photograph the scene, vehicles, road conditions, visible injuries, and any contributing hazards. Capture license plates, street signs, and business names. Evidence disappears quickly.

4

Get Witness Information

Collect names and phone numbers from anyone who witnessed the accident. Independent witness accounts can be decisive when fault is disputed.

5

Do Not Admit Fault

Do not apologize, speculate about what happened, or make any statements that could be interpreted as admitting responsibility — even casually. Anything you say can be used against you.

6

Report the Accident to Your Insurance

Notify your own insurance company promptly. However, do not give a recorded statement to the other party's insurance adjuster without first speaking to an attorney. Adjusters are trained to minimize payouts.

7

Preserve All Evidence

Keep damaged clothing, broken equipment, or any physical evidence. Do not repair your vehicle until it has been documented. Save all medical bills, receipts, and records related to the accident.

8

Contact a Personal Injury Attorney

Consult an attorney before accepting any settlement offer. Insurance companies make fast, low offers hoping you will accept before knowing the true value of your claim. A free consultation costs you nothing and can make a significant difference.

Time is critical. Evidence fades, witnesses forget, and California's statute of limitations means waiting too long can eliminate your right to compensation entirely.



TYPES OF CLAIMS

Common Types of Personal Injuries

California personal injury law covers a broad range of accidents and incidents. Understanding which category your situation falls into is the first step toward building a strong claim.

Bicycle Accident

All bicycle accidents should be taken seriously because injuries can be severe. If you were injured in a preventable crash, our attorneys will help you pursue the full settlement you deserve.

Car Accident

If you've been injured in a car accident by a drunk, speeding, or negligent driver, you deserve full compensation. We're dedicated to making sure every client gets justice.

Catastrophic Injury

A catastrophic injury may result in blindness, paralysis, or permanent disability. We pursue lifetime care costs, lost earnings, and every dollar the law provides.

Motorcycle Accident

Nearly half of all motorcycle accidents result in serious injury. If you've been hurt by a reckless driver, we'll fight to hold them accountable and secure your recovery.

Pedestrian Injury

Every day, people are seriously injured by negligent drivers in pedestrian areas. If you've been hurt, contact us to find out if you're eligible for compensation.

Premises Liability

If you're injured on someone else's property, the owner can and should be held accountable. We handle your lawsuit and make sure you are fully compensated.

Truck Accident

Commercial truck drivers are held to a higher liability standard. If you've been injured in a collision with a big-rig or commercial vehicle, call us right away.

Wrongful Death

A wrongful death settlement helps grieving families and provides financial support for dependents' futures. Let us seek justice for the loss of your loved one.

ESTABLISHING YOUR CLAIM

Do I Have a Case?

Simply being injured is not enough to file a lawsuit. Under California law, you must establish that another party's negligence caused your injury and that the injury resulted in compensable harm. Three elements must be proven:

1. Duty of Care

The responsible party had a legal obligation to keep you safe. Drivers owe a duty of care to others on the road; property owners must maintain safe premises; physicians must meet the standard of care expected of their profession.

2. Breach of Duty

The defendant's conduct fell below the required standard. This could be a driver running a red light, a store owner ignoring a wet floor, or a doctor failing to diagnose a condition that a competent physician would have caught.

3. Causation & Damages

The breach directly caused your injury, and the injury resulted in measurable harm — medical bills, lost wages, pain and suffering, or other losses. Both physical and emotional harm are recognized under California law.

KNOW YOUR OPPONENT

What Am I Up Against?

When you file a personal injury claim in California, you are not just dealing with the person who hurt you — you are up against their insurance company, and insurance companies are powerful, well-funded adversaries whose primary goal is to pay you as little as possible.

Insurance Adjusters

Adjusters are trained negotiators whose job is to minimize payouts. They will contact you quickly — often before you understand the full extent of your injuries — hoping to get a recorded statement or a fast, low settlement. Do not speak to them without an attorney.

Recorded Statements

Anything you say to an insurance adjuster can be used to reduce or deny your claim. Seemingly innocent statements like 'I'm feeling okay' or 'I didn't see it coming' can be weaponized against you. You are not required to give a recorded statement.

Comparative Fault Arguments

California follows a pure comparative negligence rule. Insurance companies will often argue that you were partially at fault for the accident to reduce what they owe. Even if you were 20% at fault, you can still recover 80% of your damages.

Delay Tactics

Insurance companies sometimes delay processing claims hoping you will become desperate and accept a lower offer, or that the statute of limitations will expire. An attorney keeps the pressure on and ensures deadlines are met.

CASE VALUATION

How Much Is My Case Worth?

Many factors affect the value of a personal injury case in California. Early in the process, it may be difficult to predict the full amount of lost wages, total cost of medical care, or the long-term impact of your injury. Every case is different.

Compensatory Damages	Punitive Damages
Awarded for actual financial losses including medical bills, future medical treatment, current and future lost wages, pain and suffering, disfigurement, loss of consortium, and future caretaking expenses.	Intended to punish the wrongdoer for especially reprehensible conduct. Examples include a company knowingly selling defective products or a doctor deliberately performing the wrong procedure. Both types have statutory limits.

California's Pure Comparative Negligence Rule

California follows a pure comparative negligence standard. This means that even if you were partially at fault for the accident, you can still recover damages — your award is simply reduced by your percentage of fault. For example, if you were found 20% at fault and your damages total \$100,000, you would still recover \$80,000.

The damages awarded depend on not only the physical severity of the injury, but also on how seriously it affects your life — your career, your relationships, and your future.

Factors That Affect Your Case Value

Severity of Injury	More serious injuries — especially permanent disabilities or disfigurement — command higher damages.
Medical Expenses	All past and future medical costs, including rehabilitation, therapy, and long-term care.
Lost Income	Wages lost during recovery, plus future earning capacity if the injury affects your ability to work.
Pain & Suffering	California allows recovery for physical pain and emotional distress caused by the accident.
Liability Clarity	Cases where fault is clear-cut typically settle faster and for more than disputed-liability cases.
Insurance Policy Limits	The at-fault party's coverage limits can affect the maximum recoverable amount.

CALIFORNIA FILING DEADLINES

How Long Do I Have to File?

In California, the law sets strict deadlines called statutes of limitations for filing personal injury claims. Missing these deadlines almost always means losing your right to compensation forever, regardless of how strong your case is.

California's general statute of limitations for personal injury is 2 years from the date of injury — but important exceptions apply.

California Deadlines by Claim Type

Claim Type	Deadline	Key Notes
General Personal Injury	2 Years	From date of injury or discovery of injury.
Medical Malpractice	3 Years / 1 Year	3 years from injury OR 1 year from discovery — whichever comes first.
Government Entity / Public Property	6 Months	Must file a government tort claim within 6 months of the incident.
Wrongful Death	2 Years	From the date of the deceased person's death.
Minors (Under 18)	2 Years After 18th Birthday	The clock generally does not start until the minor turns 18.
Product Liability	2 Years	From date of injury caused by the defective product.

Why You Should Act Quickly

Even if you have time remaining on your statute of limitations, acting quickly is always in your best interest. Evidence is freshest immediately after the accident — surveillance footage gets overwritten, witnesses' memories fade, and physical evidence disappears. The sooner your attorney can begin investigating, the stronger your case.

1	Seek medical care immediately — Creates a medical record linking your injury to the accident.
2	Document everything — Photos, police reports, and witness info are most available right after the accident.
3	Consult an attorney early — Early legal guidance prevents costly mistakes and preserves your options.
4	Do not delay treatment — Gaps in medical care are used by insurers to argue your injuries are not serious.

TAKING ACTION

I've Decided to File — Now What?

Once you decide to take legal action, your attorney will guide you through every step of the process. Here is what to expect from a well-prepared personal injury case.

95%

of personal injury lawsuits settle before going to trial. Most cases never see a courtroom — but the threat of a trial-ready attorney is what drives fair settlements.

The Personal Injury Process

1	Free Consultation	Speak with a trial attorney at no cost. We evaluate your case, explain your options, and tell you honestly what your claim may be worth.
2	Case Investigation	We investigate the accident, gather evidence, obtain police and medical records, interview witnesses, and document the full extent of your injuries.
3	Demand Letter	Once your treatment is complete or your condition is stable, we send a formal demand to the insurance company outlining your damages and our position.
4	Negotiation	We negotiate aggressively from a position of strength. Insurance companies know that our attorneys are prepared to go to trial — which produces better settlements.
5	Settlement or Trial	Most cases settle at this stage. If the insurance company refuses to offer fair compensation, we take the case to trial and let a jury decide.
6	Recovery	You receive your compensation. Our contingency fee means you pay nothing unless we win — there is no financial risk to pursuing your case.

Get a Free Consultation Today

Roseville: (916) 999-9093 | Sacramento: (916) 767-0807

No fee unless we win. GotInjury.net



YOUR LEGAL TEAM

Meet Our Attorneys

When you retain Gingery Hammer & Associates, LLP, you work directly with the trial attorneys handling your case. Every attorney below has recovered six and seven-figure results for injured clients throughout California.



Justin M. Gingery

Partner Trial Attorney
Justin@GingeryLaw.com

California Bar 1999. Personal injury, wrongful death, product liability, civil rights, and premises liability. Direct attorney access — calls returned same day.

Education

J.D., McGeorge School of Law, 1999

Focus Areas

Personal Injury · Wrongful Death · Civil Rights



Jeffrey T. Hammer

Managing Partner Trial Attorney
Jeffrey@GingeryLaw.com

1,000+ personal injury cases. Local and national news coverage. Six and seven-figure settlements and verdicts. McGeorge School of Law, Great Distinction.

Education

J.D., McGeorge School of Law, 2015

Focus Areas

Motor Vehicle · Wrongful Death · Premises Liability



Thomas J. Gray

Trial Attorney
Thomas@GingeryLaw.com

Hundreds of PI cases resulting in six to seven-figure verdicts and settlements. Constant client communication. Will never pressure a client to accept an unfair offer.

Education

J.D., McGeorge School of Law, 2015

Focus Areas

Motor Vehicle · Wrongful Death · Product Liability



Jeff Hinrichsen

Trial Attorney
j.hinrichsen@gingerylaw.com

State, federal, and administrative courts since 1999. Top 15% McGeorge. Catastrophic injury specialist. Also a MLB Players Association Certified General Agent.

Education

J.D., McGeorge School of Law, 1999 (Top 15%)

Focus Areas

Catastrophic Injury · Trial Litigation



GINGERY HAMMER & ASSOCIATES LLP

BUILT FOR TRIAL. DRIVEN BY RESULTS.

\$15,000,000

Wrongful Death

Judgment in Alameda County against the stepmother convicted of murdering our client's father.

\$7,500,000

Premises Liability

Settlement for a client who suffered a catastrophic spinal injury at a local food bank.

\$2,000,000

Wrongful Death

Settlement for the family of a construction worker killed due to inadequate safety measures.

No attorney-client relationship is created by reading this document. For informational purposes only. Not legal advice. Contact a licensed California attorney for advice on your specific situation.

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