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Know Your Rights if Texty Timmy Crashes Your Summer Road Trip

by Yoon-Woo Nam and Jeffrey R. A. Edwards

Everyone loves summer because it means summer vacations, and you're excited about that road trip to Palm Springs you've had planned for months. However, between Sacramento and pool party paradise is 500 miles of highway, replete with potential hazards: SUVs, long-haul trucks, tour buses, odoriferous cattle and ubiquitous speeding motorists.

Undoubtedly you are a safe driver who never sends texts messages or looks at your friends' Instagram accounts from behind the wheel, but there are many who do and they cause car accidents.

If the misfortune of a collision befalls you on the trip and it is caused by the negligence of another, the excitement of a summer road trip may be over for you, but luckily you live in California where you and your domestic partner or spouse are protected under the law.

In the event you fall prey to a negligent driver, you have the right to recover against the motorist for your physical and emotional injuries, property damage, loss of wages, and pain and suffering. You may even be able to recover against your own automobile insurance policy if you purchased adequate uninsured/underinsured coverage.

In California, your partner or spouse may also have their own claim against the negligent driver for the injuries you sustained, and by extension, your spouse.

A loss of consortium claim exists when a non-injured partner or spouse suffers a loss of conjugal society, comfort, affection, moral support and the household services of their injured

partner or spouse due to the negligence of a third-party. California loss of consortium claims apply even if you and your partner are in a domestic partnership instead of a marriage.

So, if you find yourself laid up in bed with casted appendages because a texting teen smashed into you and your car, you can feel a little less badly that your spouse is out in the backyard tending the garden and digging the weeds in 100 degree heat that was your responsibility before the accident.

This is because your spouse may have a loss of consortium claim against Texty Timmy for the domestic havoc he has caused your spouse for the next six weeks, including making dinner every night, driving Junior to each and every one of his practices, missing out on Friday Date Nights or the annual couples' cruise to Baja with you.

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A photograph of a man and a woman, identified as Barb and Steve Peters, smiling. They are standing in what appears to be a home interior with plants in the background.

"Barb and Steve were dream clients. Their new home is a perfect fit for their lifestyle."

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