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Businessman Battles Insurance Cos. on Behalf of Elderly Aunt

INSURANCE: Video and Social Media Used to Make Case for Prompt Payments
By Emmet Pierce

Friday, February 28, 2014

Using the Internet and social media to publicize his struggle to end a protracted lawsuit, a San Diego businessman helped speed the payment of a nearly \$2.2 million judgment for his elderly aunt who was severely injured in a 2011 auto accident.

Dan Shea, the managing partner of two San Diego Donovan's restaurants, released a video in January chronicling his aunt's struggle to be compensated for her catastrophic injuries. He also has used the video to encourage state lawmakers nationwide to prohibit insurance companies from delaying the payment of legitimate claims.

"We need to get some legislation passed that holds them accountable," he said. "I want everyone on the planet to know that these practices are wrong and we need to change the law in every single state."

Shea believes insurers intentionally delayed the case in hopes that his aunt, who was 83 when the accident occurred, would settle for a lesser amount.

"They pressured me for a confidentiality agreement, for backing off the media blitz," he said. "After much going back and forth, they have paid the entire jury award. They were bullies. They were intimidating. At the end of the day, they got not one inch."

Katherine Shea was critically injured when a teenage driver crossed the centerline on a highway in Franklin County, Mo., hitting her car head-on. Dan Shea's video is called "The Iron Lady" in reference to the many metal plates she had placed in her body. She was forced to move in with relatives in Spokane, Wash., where she still requires help with her day-to-day needs. Her struggle with pain is ongoing.

Nationwide, one of the insurers involved, issued a brief statement following the agreement to pay the jury award: "This unfortunate accident involved complex litigation among several parties, but we are happy to report it has been resolved."

Farmers Insurance, the other company involved, issued a separate statement: "We have always sympathized with Mrs. Shea's circumstances and loss. Since the beginning, Farmers has worked diligently to reach a timely resolution. We offered the full amount allowable based on policy limits, and have been since last year. ... The money has been paid."

Running With Advice

The jury's decision in Katherine Shea's four-day trial, held in October 2013, was placed on hold when opposing attorneys requested a retrial, Dan Shea said. They had threatened to appeal the case if their request was denied, he said.



Page 1 of 2.

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Although few injury accident lawsuits are frivolous, insurance companies routinely treat them as if they are, he said. This delays recovery by the injured and encourages insurers to play “a waiting game,” he said. In some cases, elderly plaintiffs in lawsuits don’t live long enough to see their cases resolved.

Dan Shea credits San Diego attorney Mark Fabiani of Fabiani & Lehane with suggesting that he make a video and use social media to publicize his aunt’s plight. Shea hired producer Lucy Eagleson of Escondido to make the video.

“We give advice to a lot of clients, but not everyone has the guts to take the advice and run with it,” Fabiani said. Shea “could have just let it go and said it’s hopeless, but he took it on. The insurance companies behaved horribly throughout this whole matter.”

After the video was produced, Dan Shea sent Internet links to about 400 business associates and politicians he knew, and it got placed on national websites throughout the country, he said. The response was immediate.

“I sent the first email out on Feb. 1, and the insurance company coughed up the check” on Feb. 24, he said. “I am hoping it tells other people that you don’t have to take this kind of abuse without fighting back.”

Locally, TV channels 7 and 8 aired news stories about his aunt’s efforts, and the CBS affiliate in St. Louis sent a news team to Spokane to interview her.

The media blitz isn’t over. Dan Shea said he has received requests from around the country to link websites to the video or to use it. He has hired an organization to send links to 2.5 million email addresses. A legal group in Arizona and Nevada put out 151,000 emails, he said.

Goal to Educate Ongoing

Dan Shea testified during his aunt’s lawsuit about how she and his late uncle had worked hard all her lives to save for retirement by buying and selling homes.

“They bought their first and sold it a year later and made a \$2,000 profit,” he said. “Then they [bought and sold] 10 houses in a row. They had their [primary] home paid off. They did four more houses before they retired, just to put some money in the bank.”

When Katherine Shea’s husband died, she was able to remain financially independent and enjoy life, Dan Shea said, until the 2011 collision changed that. Doctors found she had sustained numerous injuries, including fractures to her hip, pelvis, ribs, ankles, feet, elbow, knee and hand.

She was confined to a hospital bed for the next five months, Dan Shea said. And her resulting medical bills exceeded \$800,000. Moreover, today, she has trouble walking and is dependent on relatives to attend to her daily needs.

Dan Shea said his ongoing goal is to educate the public and that he is hopeful state lawmakers around the country will take up his cause.


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