

NTC Obtains Successful Dismissal of Plaintiff's Claim Due to Fraud

01.25.2019

Plaintiff was injured in a motor vehicle accident and due to not being covered by any insurance policy of his own made a claim for benefits to the Michigan Assigned Claims Plan.

The claim was assigned to an insurer represented by Novara, Tesija & Catenacci attorney Frederick V. Livingston. Due to Plaintiff's history of questionable claims and injuries, surveillance was ordered of the Plaintiff. During the surveillance, Plaintiff was observed shopping, driving, carrying groceries and pumping gas. While Plaintiff's activities were somewhat inconsistent with the service calendars he submitted, at this early point, the discrepancies did not appear to rise to the level of fraud. However, Mr. Livingston's deposition of Plaintiff and his service cemented the fact that Plaintiff was offering false statements in support of a claim for insurance benefits.

Plaintiff testified that he was unable to shop, drive or carry anything on the date that surveillance was conducted. Plaintiff also alleged he required assistance with brushing and flossing his teeth because of weakness in his arms, and his service provider also testified that she spoon fed Plaintiff due to his extreme pain, yet Plaintiff was very clearly observed carrying groceries and fully extending his arms to close the hatch of an SUV on the same days she allegedly spoon fed him and flossed his teeth.

Due to the clear contradictions between the surveillance and the testimony of Plaintiff and his service provider, Mr. Livingston submitted a motion for summary disposition pursuant to MCL 500.3173a, which was granted by the Court, thus dismissing Plaintiff's claims and avoiding expenses for a valued client.

PROFESSIONALS

Frederick V. Livingston

PRACTICE AREAS

Insurance Defense