



CARPEY LAW



Stuart A. Carpey, Esquire

# THE CARPEY CHRONICLE

MAY, 2025  
VOLUME 18, ISSUE 5

CALL US TODAY  
610.834.6030

THE INFORMATION RESOURCE FOR ACCIDENT VICTIMS IN PENNSYLVANIA

## Myths About Getting Paid For Your Lost Wages In A Personal Injury Case

### “But my doctor wrote me a disability note!”

We hear this all the time from clients. As a matter of fact we obtain disability notes from our clients’ doctors. Unfortunately this is not the only requirement to getting your wages paid in a personal injury case.

Even if you have pain, and a medical diagnosis that relates the pain to your accident, there are strict rules to how disability is paid.

The other guys’ insurance company is not responsible for paying for your lost wages, at least not until the end of the case, as a result of the settlement or verdict. Wage loss is one of the items of damages you can sue for, along with pain and suffering, physical injuries, medical bills that you paid out of pocket, and similar losses. To prove your wage loss is related to the accident, as with all medical proofs, your doctor must use the magic language “within a reasonable degree of medical certainty” the wage loss that you relate to your injuries is in fact related, in his or her opinion. Your doctor must be prepared and willing to testify to this at the trial of your case. So, just because your doctor gave you a disability note it is not necessarily enough to prove this aspect of your case to the opposing insurance company, or to a jury.

Moreover, sometimes if your doctor is not particularly cooperative in writing the reports we need to prove your injuries and wage loss are related to an accident, we may need to hire an outside medical expert to examine you and to review your doctors’ records to in order to opine that the injuries and wage loss are related. This can take time, and is another reason wage loss is not paid at an early stage of the case.

We also need actual proof of time out of work from your employer. This can come in a variety of forms, for instance by your employer completing a wage and salary verification form or supplying proof of wage loss through payroll records. Your tax returns from the years preceding your injury can also be helpful.

If you have your own disability coverage, either for example through your auto insurance, or privately, or through your employer, you may be able to submit your wage loss claim to your insurance

company. We can help you with that. However, the same proofs are needed to show you are entitled to be compensated. That is, proof of actual wage loss from your employer and medical proof of actual disability.

How about if you had to switch jobs because of your injury? Do you have a wage loss claim? Generally the answer is no. This is particularly so if you are getting paid at your new job the same or more than your rate of pay at the job you had to leave. So, “I can’t do my job duties” doesn’t necessarily equate to getting paid for wage loss.

There are several other factors you have to consider when making a wage loss claim. First, you have a duty to mitigate your damages, even if you’ve been injured. So, if you can replace your wages in some way (by taking another job or by asking for accommodations from your employer, by way of example), it is your obligation to do so.

Second, the other side gets a vote. So, if the other side is your own insurance company to whom you are making a wage loss claim, or the defendant’s insurance company, they will test your proofs of wage loss. They will look into the documentation of your time out of work, and will scrutinize your tax returns.

They also have a right to have you medically evaluated. Insurance companies, including your own, have a structural conflict of interest. What that means is that the medical doctors who they ask to review your records and/ or examine you are biased and paid for by the insurance company. The opinions they render in the form of a report and testimony for the insurance company are generally not favorable to you. These opinions compete with your own medical experts’ opinions. Even if you have objective evidence of injury and sufficient proof of wage loss from your employer and your own doctor, the insurance company doctor does not have to agree. Insurance companies are in the business of making money. They have to answer to their shareholders. Even your own insurance company owes no particular duty or obligation to you to pay wage loss except to “fairly” evaluate your wage loss claim.

**If you have questions about your wage loss claim, give Carpey Law a call.**

## WE ARE COMMITTED

To providing exceptional legal services to each and every one of our clients.

**600 W. Germantown Pike, Suite 400  
Plymouth Meeting, PA 19462  
610.834.6030**

**1515 Market Street, Suite 1200  
Philadelphia, PA 19102  
215.563.8286**

**800.422.8286  
Fax: 610.825.7579  
E-mail: [scarpey@carpeylaw.com](mailto:scarpey@carpeylaw.com)**

## OUR 4 SATELLITE OFFICES

- **BALA CYNWYD**  
Two Bala Plaza  
Suite 300  
Bala Cynwyd, PA 19004
- **MALVERN**  
101 Lindenwood Drive,  
Suite 225  
Malvern, PA 19355
- **RADNOR**  
Radnor Financial Center  
150 N. Radnor Chester Rd.,  
Suite F 200  
Radnor, PA 19087
- **PHILADELPHIA**  
1500 Walnut Street  
Suite 500A  
Philadelphia, PA 19102

# BRINGING IN THE EXPERTS

In the course of litigation, opposing insurance companies and their lawyers attempt to discredit our client's injuries or what our client's say about how the accident happened. It happens all the time. Their job is to diminish the value of our client's case. How do we combat that? We not only do an exhaustive investigation, (for example, getting witness statements, photographs of the scene, medical reports on the injuries sustained), but in many cases we get specific experts to respond in writing to what the opposing side is trying to say about our client's case.

Here's an example. We recently settled a case for policy limits of \$100,000 where our client sustained a back injury. It was a rear end car accident case. Our client went to the emergency room, saw his doctor and was referred for a course of physical therapy. The case was litigated for over two years. State Farm insured the at fault driver. State Farm offered money to settle the case, but nowhere near the policy limits. Through the excellent efforts of our team, we were able to get our client seen by an orthopedic surgeon, and he wrote an expert narrative report outlining exactly what injuries our client sustained, what pain he could expect in the near term and long term future, and what treatment would be required going forward. Upon receiving the report, State Farm tendered their policy limits.

In addition, we were able to use that same report to get more compensation for our client through his own insurance company since he purchased Underinsured Motorist coverage on his own insurance policy.

For more information on UIM coverage and how it can help you, order our books direct from our office.



April 10, 2025

Stuart Carpey  
Carpey Law  
600 West Germantown Pike, Suite 400  
Plymouth Meeting, PA 19462

RE: Membership Invitation – The National Trial Lawyers Top 100 Civil Plaintiff Trial Lawyers

Dear Stuart,

Congratulations! You have been selected as one of the Top 100 Civil Plaintiff Trial Lawyers in Pennsylvania by The National Trial Lawyers. Only a select group of top attorneys from each state or region are invited to join this exclusive organization, regulated by objective and uniformly applied standards to uphold the highest level of excellence.

We are excited to welcome you to this distinguished community of legal professionals.

Sincerely,

The National Trial Lawyers Top 100

Douglas R. Beam  
President  
Melbourne, FL

## LAURA CARPEY'S RECIPE OF THE MONTH

# Classic Chicken Pot Pie

## INGREDIENTS

- 1 box Pillsbury™ refrigerated pie crusts, softened as directed on box
- 1/3 cup butter or margarine
- 1/3 cup chopped onion
- 1/3 cup all-purpose flour
- 1/2 teaspoon salt
- 1/4 teaspoon pepper
- 1 3/4 cups Progresso™ chicken broth (from 32-oz carton)
- 1/2 cup milk
- 2 1/2 cups shredded cooked chicken or turkey
- 2 cups frozen mixed vegetables, thawed

## INSTRUCTIONS

1. Heat oven to 425°F. Prepare pie crusts as directed on box for Two-Crust Pie using 9-inch glass pie pan.
2. In 2-quart saucepan, melt butter over medium heat. Add onion; cook 2 minutes, stirring frequently, until tender. Stir in flour, salt and pepper until well blended. Gradually stir in broth and milk, cooking and stirring until

- bubbly and thickened.
3. Stir in chicken and mixed vegetables. Remove from heat. Spoon chicken mixture into crust-lined pan. Top with second crust; seal edge and flute. Cut slits in several places in top crust.
4. Bake 30 to 40 minutes or until crust is golden brown. During last 15 to 20 minutes of baking, cover crust edge with strips of foil to prevent excessive browning. Let stand 5 minutes before serving.







Carpey Law is a small, boutique, client focused law firm. Our vision is to bring the highest quality legal representation to our clients, providing expertise and experience to every case. We offer our clients

regular information about the process of the personal injury case at every stage of their particular case as the case is being litigated. We specialize in all aspects of personal injury cases. With years of experience, we understand what it takes to maximize our client's settlement. We try cases to verdict. We utilize advanced IT. We have access to the best medical experts. If you, your family member, friend or neighbor are in need of legal assistance, reach out to us. We can help.

## *Disclaimer:*

Any results I achieve on behalf of one client in one matter does not necessarily indicate similar results can be obtained for other clients in any other case. In addition, results in cases obtained by other law firms have no connection with cases I handle. I am a Pennsylvania personal injury and trial lawyer, not a miracle worker. I evaluate every case on its own merits. I only accept a limited number of new cases each year based upon my evaluation of the liability, damages, and other aspects of the case.

*Stuart A. Carpey*

## Did You Know We Handle All of These Types of Cases?

- **Vehicle Accidents**
- **Bicycle Accidents**
- **Pedestrian Collisions**
- **Slip & Fall Accidents**
- **Wrongful Death**
- **Medical Malpractice**
- **Bus Accidents**
- **Truck Accidents**
- **Motorcycle Accidents**



## SPRING HOLIDAYS

**Cinco de Mayo: Monday, May 5**

**Mother's Day: Sunday, May 11**

**Memorial Day: Monday, May 26**

## *Reminder About Our Firm's Communication Policy*

About us: We perform very high quality legal work. We are highly competent and we have a highly competent support staff, but we are not perfect. We can make mistakes. We will correct a mistake if we find it or if you point it out.

It is our policy to return phone calls in the order they are received and based on the priority of the situation. If you leave a message, your call will be returned usually within 24 hours. Some clients feel that calling multiple times in a day will get their call answered faster, but that is not the case. Email is the quickest way to get a response from anyone in the office.

We work by appointment only. Without an appointment, it is unlikely Mr. Carpey would be able to meet with you.

Please utilize our support staff to answer your questions and to give you status reports. Our legal assistants and paralegals are very experienced and will often be able to respond to your requests.



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[www.carpeylaw.com](http://www.carpeylaw.com)



Did we provide you with  
**EXCEPTIONAL** service?  
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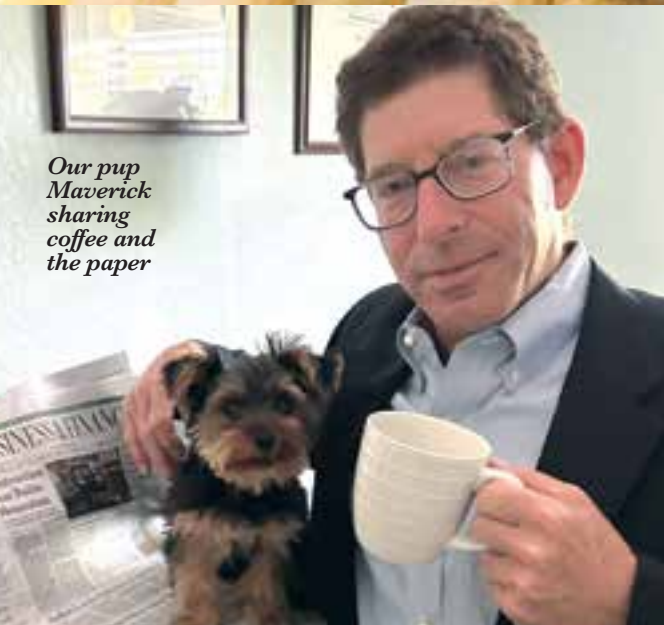
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*Our pup  
Maverick  
sharing  
coffee and  
the paper*



Call me with any legal questions about injuries from any accident or medical care.  
I promise to give you a straight forward answer.

That's my guarantee.

**610.834.6030**

## To Our Attorney Friends

Do you have a case outside your core practice area? Maybe you do not have the time or the resources to pursue the case on your own? Is the case outside of your geographic area? Stuart Carpey regularly handles cases referred from other attorneys, and also handles cases on a co-counsel basis. He's been doing this for almost 40 years. Reach out to Stuart directly if you've got a case he might be able to assist on or handle on your behalf.

