



What you should know about wrongful death claims.

by Joseph E. Pendergast, III

If your loved one is killed in an accident or dies as a result of injuries he or she sustained, you may have cause for a “wrongful death” claim. A wrongful death claim arises when an individual is killed due to the negligence or misconduct of another person, company or entity. A claim for wrongful death needs to be brought by the personal representative of the deceased person’s estate. This wrongful death claim is made on behalf of the statutory beneficiaries, which commonly include surviving spouses, children, and other immediate family members, which can include parents. Minors, children under the age of 18, will need an adult guardian to take a wrongful death lawsuit to court.

What are some typical wrongful death claims?

A potential wrongful death case could include any of the following:

- A negligent or careless act, such as a speeding or drunk driver.
- An auto or truck accident caused by a defective vehicle.
- A company’s negligence in the enforcement of safety regulations or the use of faulty vehicles.

Can I file both a personal injury and a wrongful death claim?

In addition to damages for wrongful death, you may be able to recover damages for the personal injury your loved one suffered. These claims are called “survival actions” and cover the decedent’s conscious pain and suffering and apprehension before death. Damages for a survival action belong to the decedent’s estate.

What damages can be recovered in a wrongful death claim?

You may be able to recover the following damages in a wrongful death case:

- Immediate expenses associated with the death, such as medical and funeral costs.
- Loss of victim’s wages and anticipated earnings in the future until time of retirement or death.
- Loss of benefits caused by the victim’s death, including pension or retirement plans, medical coverage, and other savings.
- Loss of love, affection, companionship and emotional support to the survivors.

How do I file a wrongful death or personal injury claim?

You should contact a personal injury lawyer and gather the following information:

- **Medical Expenses:** Document all medical costs related to the injury that caused your loved one’s death, including all hospital expenses.
- **Funeral Expenses:** Document all funeral and related expenses.
- **Lost Wages and Anticipated Earnings:** You will need to demonstrate the deceased’s established earnings history and anticipated future earnings potential.
- **Lost Benefits:** Detailed documentation of pension plans, coverages and the like.
- **Pain and Suffering:** Detail how the loss of your loved one has led to a loss of support and companionship for you and your family members.

IMPORTANT CONSUMER INFORMATION



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ABOUT HARDWICK & PENDERGAST

The personal injury law firm of Hardwick & Pendergast has been providing personal injury legal services to clients throughout Washington State for nearly 40 years. The firm has received the highest rating possible for legal ability and ethics from other attorneys and judges and is listed in the Bar Registry of Preeminent Attorneys.

Two highly respected attorneys lead the firm: Morton Hardwick and Joseph (J.P.) Pendergast, III. Mr. Hardwick is the former president of the South King County Bar Association and former chairman of the board of Valley Medical Center. Mr. Pendergast is a former King County Deputy prosecuting attorney and has extensive trial and appellate court experience.

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