

# WRONGFUL DEATH GUIDE

TRUSTED LEGAL ADVICE TO PROTECT YOUR RIGHTS



**BHL**  
BELAL HAMIDEH LAW

The loss of a loved one is always tragic. The passing of someone you love is one of life's most difficult challenges. This can be that much more challenging when their death was preventable, due to someone else's actions. You may be dealing with grief that's overwhelming, all while facing funeral expenses, medical bills, and more. It's natural to feel powerless, as if there is nothing you can do. But, that is not the case. **You may be eligible for a wrongful death claim.**

## WHAT IS WRONGFUL DEATH?

When someone's passing is caused by the negligence or recklessness of another person, that is a wrongful death. In this state, wrongful death is defined as a death that is caused by "the wrongful act or neglect of another (person or entity)."

So, you may have a wrongful death claim if your loved one's passing was due to someone else's actions or inaction. If you believe there is even a possibility their death was due to what someone else did or failed to do, it's worth it to contact a wrongful death attorney.

## WHY FILE A WRONGFUL DEATH CLAIM?

Obviously, no amount of compensation, in any form, can make up for the passing of a loved one. It's not even remotely possible. What a wrongful death claim can do, however, is to provide you with a foundation from which to transition into the next stage of your life. Instead of dealing with mounting debt, bills, and more, you can make this tragic time a bit easier on you and yours. That way, you don't have to worry about bills and can instead focus on what matters most.

## **DAMAGES YOU CAN RECOVER IN A WRONGFUL DEATH CLAIM**

There are many different kinds of damages that you may be able to claim in your wrongful death case. Your damages will depend on the facts of your case.

For example, the damages you may receive could come in the form of compensation for your loved one's estate in regards to losses that are associated with their wrongful death as well as those that should compensate for your personal losses.

### **Damages Associated With Losses for Your Loved One's Estate**

#### **Funeral Expenses**

**Medical Bills That They May Have Accrued That Are Related Directly to Their Wrongful Death**

#### **Burial Costs**

**Medical Transportation Fees (Ambulances, Lifeflight, and so forth)**

**Income Lost Due to Your Loved One's Hospitalization Before Their Passing**

**Income Your Loved One Would Have Made in the Future**

## DAMAGES YOU CAN RECOVER IN A WRONGFUL DEATH CLAIM

Those are just some of the ways that you could be compensated. There are many others. Many who die wrongfully incur significant medical bills before their passing. Additionally, many of our clients over the years have been surprised by just how expensive a funeral and burial can be. Typically, those can cost thousands of dollars on average. You may be able to receive compensation for all of this and more.



# **DAMAGES YOU CAN RECOVER FOR PERSONAL LOSSES RELATED TO YOUR LOVED ONE'S PASSING**

## **Your Pain and Your Suffering**

**Loss of Financial Support That You Expected  
to Receive From Your Loved One**

## **Loss of Consortium**

**The last can include the loss of your loved  
one's love, their affection, sexual relationship,  
community, guidance, training, and many  
other emotional losses.**

**For the most part, it is not possible to receive  
punitive damages in California wrongful  
death cases. The only exception: if it's  
possible to prove that the defendant  
committed felony murder.**

**If you have experienced any of these losses as  
a result of your loved one's passing, it's worth  
it to contact an experienced attorney.**

## WHO CAN FILE A WRONGFUL DEATH CLAIM?

In California, those with specific relationships to your loved one can file a wrongful death claim. In this state, you can file a wrongful death claim if you are:

**A Surviving Spouse**  
**Surviving Children**  
**Surviving Domestic Partner**

You may also be eligible to file a wrongful death claim if you can show that you were financially dependent upon the person who died wrongfully.

For example, you may be able to file a wrongful death claim if you can demonstrate that and you are:

**Parents of the Decedent**  
**Step-Children of the Decedent**  
**The “Putative” Spouse or Children of the Decedent**

In regards to the last, that’s someone who was not legally married to the deceased but cohabitated with them/had a good faith belief that they were essentially wed.

As you can see, these cases can become complicated very quickly. The other side would like nothing more than to say that you aren’t eligible for a wrongful death claim. If you believe that you fit any of these particulars, you may have a wrongful death case.

# WHAT CAUSES A WRONGFUL DEATH

## VEHICULAR ACCIDENTS

Tens of thousands of people die nationwide from vehicular accidents. In California alone, in the last year it was measured, as of this writing, over 4,200 people died in vehicular accidents. That number includes those who died in car crashes, yes, but also those who were on motorcycles, bicycles, on foot, in buses, and any other kind of vehicle.

## PRODUCT LIABILITY

Those who make and sell products have a legal responsibility that their products are safe if they are used as intended. Should those sellers and manufacturers fail that responsibility and it leads to the loss of someone you love, they could be liable. Belal Hamideh will conduct a thorough investigation to find the truth and then use it for your case.

Many different parties could be liable in a product liability wrongful death case. The retailers, yes, but also those who distribute the product, those who manufacture it, the designers of the product, and many others. Should there be a negligent/reckless act at any stage of the production chain, then they could be liable.



# WHAT CAUSES A WRONGFUL DEATH

## WORK ACCIDENTS

Employers can be legally liable for deaths that occur at work or even in the course of someone doing their job. They have a legal responsibility to ensure an environment for their employees that's safe and healthy. If they don't do that, then they could be liable.

It's natural to think this can only happen in certain work environments, but it can happen in any workplace. If an employer doesn't fix a railing, if they expose employees to dangerous substances, and so much more.

## CRIMINAL ACTS

If your loved one dies due to someone's criminal actions, you can still bring a civil lawsuit against them for damages related to your loved one's wrongful death. Belal Hamideh practices civil law, so he does not prosecute criminal acts. However, even if the person responsible for your loved one's death is subject to criminal penalties, you can still bring a case against them.

Should they be found not guilty, we still may be able to bring wrongful death charges against them.

**Those are just some of the causes of wrongful death. Nursing home abuse/neglect, slipping and falling on someone's property, dog bites, airplane accidents - there are far too many to name. It's worth it to contact an attorney if any of this could have caused your loved one's passing.**

## HOW LONG DO I HAVE TO FILE A WRONGFUL DEATH LAWSUIT?

Two years. That's the statute of limitations in the state of California for wrongful death lawsuits. You very well may lose your right to compensation for the wrongful passing of your loved one if you don't file a lawsuit in that period of time. The date could begin from the date of the act which caused your loved one's passing. As such, it's in your best interest to contact an experienced attorney as soon as possible so as to start the process.

Once you've done so, we help you to file a complaint or petition with the court. This will provide notice as well as the factual and legal grounds for your suit. Beyond that, you will also have to file a summons notifying the defendant that they are being sued.

The "service of process" legal procedure comes next. Through this, the court ensures that the defendant has been notified properly. Failure with any of this can result in the end of your suit and preclude you from receiving the compensation you deserve. Having an experienced attorney by your side can keep this from happening.

Belal Hamideh has guided many survivors through this process, helping them to receive maximum compensation for all that they and their loved ones have been through.

## HOW IS A WRONGFUL DEATH PROVEN?

Four separate elements must be proven in a wrongful death case. We have a track record of accomplishing this for our wrongful death clients.

**First**, we must prove that the defendant's wrongful act (their negligence, carelessness, recklessness, and so forth) caused the death of your loved one.

Remember: your loved one's death doesn't have to be caused solely by the defendant. They could be partially responsible, and many parties could be responsible.

**Secondly**, we must prove that the defendant had a duty they owed to your loved one and that, through their wrongful act, they violated that duty.

Examples of this include the nursing home attendant whose duty is to those in their care, the motorcyclist who has a duty to follow the rules of the road, the doctor whose duty is to heal their patient, etc.

**Third**, we have to be able to prove that it was this action, this wrongful act, that directly caused your loved one's death.

**Lastly**, we have to prove that your loved one's death generated damages that require compensation. These are the funeral costs, loss of income, medical bills, and so forth that we mentioned earlier.

The other side will do everything in their power to negate any or all of these. That way, they don't have to pay you and yours what you deserve. An experienced attorney on your side can help significantly.

## WHAT FACTORS DETERMINE WRONGFUL DEATH LAWSUIT COMPENSATION?

In California, there is no cap on damages. So, juries can award enormous sums in wrongful death cases. Many different factors can determine what compensation you could receive for the passing of your loved one.

These can include the age of your loved one when they passed, the circumstances of the accident that claimed their life, how much you/others depended on them for financial support, how many minor children your loved one left behind, the ages of those minor children, and others.

Those factors can significantly alter the settlement, increasing or reducing it. If your loved one had dependents who counted on them and bore little to no responsibility for the accident, then you could receive substantial compensation.

By that same token, if your loved one was elderly, bore significant fault for the accident that took their life, and had few that counted on them financially, then the compensation might not be as great. However, every case is different.

**During a free case evaluation with Belal Hamideh, he'll sit down with you and go over your case. There, he'll listen to you with compassion and discretion. Then, he'll draw upon his experience to let you know what your case could be worth as well as how he can help.**

## WHAT CAN A WRONGFUL DEATH ATTORNEY DO FOR YOU?



An attorney with experience gives you the best chance of receiving the maximum amount of compensation for all that you and yours have been through. In the wake of a loved one's passing, you will have so many responsibilities to deal with. Letting a professional handle basically all aspects of your case can take some of the burdens from your shoulders.

By working with an experienced attorney, you can put your focus on the grieving process, on honoring the memory of your loved one, and on healing.

Moreover, our professionals can conduct an investigation into your loved one's passing. We have a team of expert investigators. They can find out exactly what happened, discovering exactly who was liable and to what extent. From there, we can use that information to build the best, most compelling case on your behalf.