

Claims Management

PRESERVE EVIDENCE!

If there is a jobsite accident, the preservation and documentation of evidence is critical.

Why?

- **Lawsuits take time to develop** and process through the legal system – documenting and preserving evidence makes up for missing witnesses, unlocatable (or uncooperative) former employees, and the plain fact that memories fade over time.
- **Having the ability to exam and check ladders, scaffolds, tools and other equipment assists the insurer and defense counsel** with its investigation and could potentially result in avoiding or mitigating liability in the event of a lawsuit.
- Depending on the case facts, **a defendant can face an unfavorable ruling from a judge** if it is held that they intentionally or negligently destroyed or disposed of evidence.

Actions to Take

- **Photograph the equipment**, jobsite, and if the accident involved a fallen object, the object and the height from which it fell.
- **Preserve the equipment or other evidence** – such as tools, personal protective devices. Gramercy Risk will pay for reasonable expenses to safeguard the material.
- **Preserve logs, contracts, records of safety meetings, and work orders that may be related to the loss** – this includes electronic data as well as paper documents.
- After promptly reporting the loss to your insurance representative, **ask for advice** concerning the material being stored. It may be a question for defense counsel or the claims professional assigned to your case.
- **Verify the identity** of anyone claiming to be from your insurance company or defense counsel who wants to meet with you or any members of your staff.

The above actions can help to mitigate liability against you, and avoid unfavorable rulings in a lawsuit.