THE NICOTRA LAW FIRM RIDER SERIES

THE NEW YORK RIDER'S GUIDE TO MOTORCYCLE INJURY COMPENSATION

Presented by The Nicotra Law Firm, PC · Buffalo, New York

Member, National Academy of Motorcycle Injury Lawyers

WHAT'S INSIDE

CHAPTER 1

A MESSAGE TO BUFFALO'S RIDERS

The only thing worse than being seriously hurt in a motorcycle crash is not getting the compensation you deserve, or finding out later that an insurance company took advantage of you.

Insurance companies have every advantage. They aren't worried about medical bills, lost wages, or putting food on the table. Their adjusters are trained to diminish, devalue, and deny motorcycle claims, and behind them stands an army of lawyers whose only job is to pay you as little as possible.

Here's the truth: you don't have to face them alone. **Rick Nicotra** has been riding since he was 12 years old, still rides a 2007 Road King and a 1972 Shovel Head today, and through our membership in the **National Academy of Motorcycle Injury Lawyers (NAMIL)**, The Nicotra Law Firm, "Lawyers Who Ride," stands up for injured Buffalo riders. We know how insurers operate, and we don't back down.

If you've been hurt, don't wait. Every day that passes is another day the insurance company is working against you. Call **(716) 333-0043** for straight answers.

CHAPTER 2

THE FIRM IN YOUR CORNER

Richard "Rick" Nicotra

Founder, The Nicotra Law Firm, PC

Rick Nicotra is a graduate of the University of Toledo College of Law, Class of 1995. He founded The Nicotra Law Firm in 1996 and has concentrated his practice on personal injury ever since, with the firm's attorneys focused specifically on recovering maximum compensation for those injured in motorcycle crashes, car crashes, falls, construction incidents, and dog bites. A rider himself since age 12, he brings genuine firsthand understanding to every motorcycle case he takes on.

WHY RIDERS CAN TRUST THIS FIRM

- Admitted in **all New York State Courts**, including the Western New York Bankruptcy Court and Federal Court.
- Has won **multi-million dollar verdicts and settlements** for injured clients.
- Current **President of the New York State Trial Lawyers, Western Region Affiliate**.
- An actual rider, not just a rider's lawyer, currently riding a 2007 Road King and a 1972 Shovel Head.

FIRM COORDINATES

The Nicotra Law Firm, PC · 487 Main Street, Buffalo, NY 14203

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CHAPTER 3

DON'T GET PLAYED BY THE ADJUSTER

The first thing the other driver's insurer wants is a recorded statement and a signed release. Don't give either. Once they have your words on tape, they will twist them to deny or minimize your claim. If you think you can handle an adjuster alone, test them with these questions and watch the red flags appear.

11 QUESTIONS EVERY RIDER SHOULD ASK AN ADJUSTER

1. Will you put in writing that the crash was not my fault?
2. What are your insured's policy limits? Show me the declaration page.
3. Can I have a copy of your insured's recorded statement?
4. If you want my medical records, will you give me copies of everything you collect?
5. Will you share statements from other witnesses?
6. Does your insured have umbrella or secondary coverage? Put it in writing.
7. What personal or medical information have you gathered on me from databases?
8. Have you pulled my credit report or debt information?
9. Have you canvassed my neighbors or people I know?
10. Have you conducted surveillance on me? Show me the photos or video.
11. What reserve amount have you set on my case?

If the adjuster says "no" to any of these, that's a flashing warning sign they don't intend to treat you fairly.

CHAPTER 4

FIVE STRATEGIES THAT CAN GROW YOUR SETTLEMENT

These aren't tricks. They're proven habits that can significantly increase the value of your case if you start them early.

1. TAKE PHOTOS, LOTS OF THEM.

The scene, your injuries, your bike, the other vehicles, your recovery. Pictures tell a story words can't.

2. GET DIAGNOSED FOR EVERY INJURY.

Don't shrug off "minor" pain. If it isn't in your medical record, insurers will argue it came from something else.

3. FOLLOW DOCTOR'S ORDERS.

Every appointment, every therapy session. Skipping care is the easiest way to tank a claim.

4. BRING IN THE RIGHT EXPERTS.
Accident reconstructionists, medical life-care planners, and economists make your damages undeniable.

5. NEGOTIATE THE MEDICAL BILLS.
Even after you win, reducing outstanding bills keeps more money in your pocket. A good firm does this for you every day.

CHAPTER 5

FIVE MISTAKES THAT CAN RUIN YOUR CLAIM

- **Giving a recorded statement.** Never let the other driver's adjuster record you.
- **Believing the adjuster.** If they say you don't have a case or you're at fault, get a lawyer's opinion first.
- **Failing to capture evidence.** Skipping photos of the scene, vehicles, or injuries is a mistake you can't undo.
- **Missing medical appointments.** Every gap in treatment becomes ammunition that you "weren't really hurt."
- **Representing yourself.** You're too close and too untrained in the maneuvering. Your words can be used against you. A lawyer's can't.

CHAPTER 6

NEW YORK MOTORCYCLE INSURANCE ESSENTIALS

Most riders don't realize how little coverage New York law requires, and the state's minimums haven't kept pace with real medical costs.

NEW YORK MINIMUM COVERAGE

25 / 50 / 10

$25,000 bodily injury per person · $50,000 per crash (with an additional $50,000/$100,000 layer specifically for wrongful death) · $10,000 property damage. New York does not require Personal Injury Protection (PIP) for motorcycles the way it does for cars, so your own medical bills after a crash depend on health insurance or the at-fault driver's liability limits.

A single surgery can top $100,000. Rehab and lost wages pile on fast. If the driver who hits you carries only New York's minimum, you'll be left with pennies unless you protected yourself with your own coverage.

WHAT RIDERS SHOULD CARRY

- **Liability:** at least 100/300 if you can.
- **UM/UIM:** match your liability limits, this is your real lifeline in New York.
- **Medical Payments (MedPay):** optional but useful since motorcycle PIP isn't mandated.
- **Umbrella:** worth it if you own a home or assets.

CHAPTER 7

THE UM/UIM LIFESAVER: A REAL-NUMBERS STORY

Picture a rider hit by a driver who ran a red light on Main Street. Medical bills alone top $250,000. The problem: the at-fault driver carried only New York's minimum, $25,000 in liability.

Without protection, that rider is financially ruined. But say they carried **Underinsured Motorist coverage of $250,000**. When the at-fault driver's insurance runs out, their own UIM picks up the rest.

THE MATH

At-fault driver's insurance: $25,000
Your UIM coverage: $250,000
Total available: $275,000

Riders skip UM/UIM to save a few bucks. Don't. In New York it's the difference between recovery and ruin.

CHAPTER 8

WHAT IS MY CASE WORTH IN NEW YORK?

There's no magic calculator, but three factors drive most of it: **liability** (how clearly the other driver is at fault), **available insurance** (policy limits set the ceiling), and **your lawyer** (insurers track which firms actually try cases).

> **NEW YORK'S PURE COMPARATIVE NEGLIGENCE RULE (CPLR § 1411)**
>
> New York uses **pure comparative negligence**. Unlike most states, **there is no cutoff**, you can recover damages even if you were mostly at fault, reduced by your percentage of responsibility, even at 99% fault. One important wrinkle: New York's helmet law (VTL § 381) makes not wearing a helmet admissible on damages, meaning a jury can reduce the portion of your award tied to head or brain injuries if you weren't wearing one, even though it's not a full bar to recovery.

Other factors adjusters weigh: the severity and permanence of your injuries, current and future medical bills, lost wages and earning capacity, your credibility, and the at-fault driver's conduct (impaired? distracted?).

CHAPTER 9

TIMELINE: HOW LONG UNTIL IT SETTLES?

- **Never settle too soon.** Insurers dangle quick low offers before you know the full extent of your injuries.
- **Wait for Maximum Medical Improvement (MMI).** Settle before you've healed as much as you will, and you're gambling with your future care.
- **After treatment, expect 3–6 months** to gather bills, build a demand, and negotiate.

> **NEW YORK DEADLINE**

You generally have **three years from the date of injury** to file a personal-injury lawsuit in New York (CPLR § 214). Miss it and your claim is gone. Don't wait to get advice.

CHAPTER 10

DO I HAVE TO GO TO COURT?

"I'm not the suing type." We hear that a lot. The truth: **you're the boss**, and most cases settle before trial. But filing suit is sometimes how you make a stubborn insurer pay full value. It opens access to records, statements, and depositions, and it tells the insurer you're serious. Having a firm willing to try the case is often what makes the difference, even if you never see a courtroom.

CHAPTER 11

EVIDENCE WINS CASES: YOUR POST-CRASH PLAYBOOK

IMMEDIATELY AFTER A CRASH

- Photograph the scene, vehicles, your bike, your gear, and your injuries.
- Get witness names and numbers.
- Call police and get the crash report.
- Save your gear, don't toss the helmet, jacket, or gloves. They prove impact.

MEDICAL EVIDENCE IS EVERYTHING

- Report every symptom, even "small" ones. Undocumented means denied.
- Follow treatment. Keep a simple pain journal (pain, sleep, mobility).
- Helmet-cam or dash-cam footage can be a game-changer.

CHAPTER 12

BUFFALO & WESTERN NEW YORK RIDING RISKS

- **I-190 & the Skyway.** Elevated, wind-exposed roadways along the waterfront that get treacherous in Buffalo's notorious lake-effect gusts.

- **Main Street & downtown Buffalo.** Dense urban traffic with light-rail tracks that can catch a front tire if crossed at the wrong angle.
- **Niagara Falls corridor & Grand Island bridges.** Heavy tourist and commercial traffic, with bridge deck expansion joints that get slick in rain.
- **Rural Western NY roads & wine country.** Beautiful riding through the Southern Tier, but watch for loose gravel, deer crossings, and sudden lake-effect weather changes.
- **Short riding season, sudden weather.** Buffalo's compressed spring-to-fall riding window means many local drivers aren't watching for bikes; early and late-season temperature swings catch riders off guard too.

> **NEW YORK'S HELMET LAW**
>
> New York was the **first state in the nation** to require helmets, and its universal helmet law (VTL § 381) remains in effect today, every operator and passenger must wear a DOT-approved helmet, with no age exemption. As noted above, skipping one won't bar your claim, but it can reduce the damages tied to head and brain injuries.

CHAPTER 13

RIDE SAFER: PRO TIPS FOR NEW YORK RIDERS

BRAKING & CORNERING

- Finish braking before you enter a curve.
- Avoid hard braking on painted surfaces, light-rail tracks, and crosswalks.
- Practice emergency stops in a safe lot. Muscle memory saves lives.

LAKE-EFFECT WEATHER & WIND

- Watch for sudden crosswinds on the Skyway and open lakefront stretches.
- Double your following distance in rain, common with lake-effect systems.
- First rain after a dry spell is the most slippery. Ease off.

GEAR & VISIBILITY

- Bright jacket and reflective tape change whether drivers see you at intersections.
- Add auxiliary lights to grow your profile in city traffic.

- Check your tire date code (4-digit DOT) and replace tires every 5–6 years regardless of tread.

CHAPTER 14

RESULTS, REVIEWS & COMMUNITY

Rick Nicotra founded The Nicotra Law Firm in 1996 and has won multi-million dollar verdicts and settlements for injured clients throughout Western New York. He currently serves as President of the New York State Trial Lawyers, Western Region Affiliate, and, as a lifelong rider himself, brings a rider's perspective to every motorcycle case.

For Rick's approval before publishing: insert 2–3 real, firm-approved case results and a few verified client testimonials here. Per bar advertising rules and our own standard, we won't publish specific results or quotes that the firm hasn't reviewed and approved. Until then this section stays general.

Chapter 15

YOUR NEXT STEP: A FREE CASE REVIEW

If you've been hurt in a motorcycle crash, don't go it alone. The insurance company has a team of lawyers. So should you.

When you call The Nicotra Law Firm, you'll talk to a real person, get your questions answered, and learn your rights before you sign anything. No pressure, no obligation, and if we take your case, you don't pay unless we win.

(716) 333-0043

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APPENDIX

QUICK REFERENCE

A · NEW YORK INSURANCE CHEAT SHEET

- Minimum: 25/50/10 · No motorcycle PIP requirement in New York.
- Recommended: 100/300 liability + UM/UIM to match + MedPay.

B · AFTER-CRASH CHECKLIST

- Check for injuries, call 911.
- Photograph scene, vehicles, gear, injuries.
- Get witness info and the police report.
- Seek medical care the same day.
- Call The Nicotra Law Firm before giving any statement.

C · GLOSSARY

- **MMI:** Maximum Medical Improvement, when you've healed as much as you will.
- **UM/UIM:** Uninsured / Underinsured Motorist coverage.
- **MedPay:** Optional Medical Payments coverage that pays your own medical bills regardless of fault.
- **Pure comparative negligence:** New York's rule letting you recover damages reduced by your share of fault, with no cutoff percentage.

D · ABOUT NAMIL

The National Academy of Motorcycle Injury Lawyers is a nationwide network of attorneys dedicated to injured riders. Membership is limited to firms committed to bikers' rights. The Nicotra Law Firm is NAMIL's member firm for the Buffalo market.

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LAWYERS WHO RIDE

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advertising. Statutory references (VTL § 381, CPLR § 1411, CPLR § 214) are provided for general reference and should be verified.