

MY LEGAL RIGHTS

Q. About a year ago I was hit by a young kid who ran a stop sign. I was injured in the collision, and we both had insurance. Yesterday, I received a Notice that the kid filed for bankruptcy. I know that the bankruptcy laws have recently changed. Will I lose my claim now that this kid in bankruptcy?

A. You are correct that the bankruptcy laws have recently changed, and bankruptcy protection is much more complicated. Once a person files for bankruptcy, their creditors are prohibited from pursuing their claims against that person. Your right to recover against the other driver is stayed, or postponed, until his bankruptcy is resolved. Sometimes you can get permission from the court to pursue your claim while the other driver's bankruptcy is pending. This generally happens when there is insurance coverage, as in your case. As a creditor in the bankruptcy you must take quick specific action in response to the Notice. It is important that you seek legal advice from an attorney experienced in both personal injury and bankruptcy.

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