

Claiming Damages

Worksheet A

Area of law	Civil Law, Tort
Level	Pre-intermediate and higher
Language functions	Interviewing, giving advice, describing events, narration
Materials	A copy of worksheet A and B for each pair of students
Time	20 minutes

You were driving your car and you drove into a hole in the road which appeared when the snow melted and spring came after a severe winter.

Read the notes below and ask your lawyer for advice.

Your notes:

1. Describe exactly what/where/how the damage happened. How fast you were driving? Were there any sign warning about the bad condition of the road surface?
2. Describe the details of damage to the lawyer (flat tyre, damage to the rim, damage to the suspension, etc.)
3. Think what you did after the accident had happened. Did you call the police/take the picture of the hole/of the damage to your car? Where there any witnesses present whom you could contact to provide a statement.
4. Have you already repaired the car? Have you remembered to keep the receipts/invoices for the repair/purchase/assembly of the new parts?
5. Ask for advice who you should claim the damages from? Your insurer maybe?
6. Does it make any sense to claim the damages?

Your partner will start.

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Worksheet B

Area of law	Civil Law, Tort
Level	Pre-intermediate and higher
Language functions	Interviewing, giving advice, describing events, narration
Materials	A copy of worksheet A and B for each pair of students
Time	20 minutes

You are a **lawyer**. Your client Mr/s has damaged his/her car when s/he drove into a hole in the road/street.

Instruct your client that:

1. S/he is entitled to damages for the damage to his/her car that happened because s/he drove into a hole in the street/road;
2. S/he is not entitled to damages for the damage to his/her car that is the result of the regular use of the car;

Ask your client:

1. to describe the damage (flat tyre, damage to the rim, damage to the suspension, etc.)
2. if s/he collected evidence (took pictures of the hole/damaged car, called the police/city guards?)
3. If the police/city guards wrote down a report? (the report is a very important proof when claiming damages)
4. If there were any witnesses? If it is possible to contact them for a short statement?
5. If s/he has already repaired the car?
6. If s/he has any receipts or invoices for the repair/purchase/assembly of the new parts?

Whose liability?

1. National/express/motorway roads - General Directorate for National Roads and Motorways (GDDKiA)
2. District roads - District Office (Urząd Powiatu)
3. Local roads - Commune Office (Urząd Gminy)

Inform your client about any problems that may arise:

1. Speed limit signs?
2. Signs warning about the bad condition of the road surface?
3. Driving too fast/breach of the duty of care.

You will start.