What Does “Delay, Deny, Defend” Mean in a Personal Injury Claim?

Three Insurance Tactics That Wear Injured People Down, and the Georgia Rules That Push Back

“Delay, deny, defend” describes how an insurer can handle a Georgia personal injury claim it doesn’t want to pay in full. The carrier stalls, refuses or shrinks the claim, and fights hard if the injured person pushes back. The phrase is also the title of a book by Rutgers law professor Jay Feinman on insurance claims practices.

The strategy works because the insurer holds the money while the injured person waits. As Gary Martin Hays explained during a Power Hour segment on 97.1 The River, “The insurance companies know time and pressure. They’re going to wear people down.”

Our Georgia personal injury attorneys at Gary Martin Hays, LLC see these tactics from both sides. Gary worked for insurance companies before he began representing injured people. He knows how carriers decide when to stall, when to deny, and when to dig in for a fight.

What to Know Before You Settle

- **Delay Has a Purpose** – Stalling lets bills pile up and can push an injured person toward a quick, low settlement before the full extent of the injury is known.
- **A Denial Isn’t the Final Word** – A denial or lowball offer is a negotiating position, not a ruling, and it can be challenged with medical records and other evidence.
- **Georgia Bans Unfair Claim Practices** – State law bars insurers from unreasonably delaying investigation or payment, though the Insurance Commissioner enforces those rules, not private lawsuits.
- **The Release Language Matters** – Signing the wrong release can end claims against other parties or wipe out your own underinsured motorist claim.
- **Liens Follow the Settlement** – Hospitals and other providers can hold liens on the injury claim itself, so they have to be resolved before settlement money is paid out.

https://www.youtube.com/shorts/Prv2vxIlq9E

Where Did the Phrase “Delay, Deny, Defend” Come From?

Feinman argued that insurers shifted from simply paying what they owed toward managing claims to protect profits. He pointed to computer systems that calculate claim values, which he said “are subject to manipulation,” and to adjusters losing the discretion to pay fair amounts.

Many carriers still lean on automated claim valuation software today. These programs can undervalue injuries that don’t fit a formula. Pain that lingers for months and treatment that starts days after a crash are common examples.

What Does Each Part of the Strategy Look Like?

The three steps often overlap, and an insurer may use all of them on the same claim. Here’s how each one tends to show up for an injured person in Georgia.

- **Delay** – The adjuster asks for the same records twice, stops returning calls, or lets weeks pass between updates while the injured person's savings run down.
- **Deny** – The carrier disputes fault, blames the injury on something else, calls treatment unnecessary, or offers a figure far below the real cost of the harm.
- **Defend** – When the injured person won't accept a low offer, the insurer hires defense lawyers and makes the case as slow and expensive as it can.

Gary described the squeeze this creates: "Medical bills come in, but the injured victim is not getting their paychecks." Still, a denial doesn't have to end the claim. There are concrete steps to take when an insurer denies a claim.

Why Stalling Works Against Injured Georgians

Delay puts the financial weight on the person least able to carry it. Lost paychecks, copays, and collection notices make a low offer look better every week. That's exactly the pressure an insurer counts on.

Waiting also runs the clock. Most Georgia personal injury lawsuits must be filed within two years of the crash. Slow negotiations can drift close to that deadline, and once it passes, the insurer has little reason to pay at all.

Georgia Laws That Push Back on Stall Tactics and Lowball Offers

Georgia's Unfair Claims Settlement Practices Act, O.C.G.A. § 33-6-34, sets ground rules for insurers. They can't refuse to pay without a reasonable investigation or unreasonably delay investigation or payment. They also must promptly explain the basis for a denial or compromise offer.

The catch is that the act doesn't let an injured person sue over those violations. The Georgia Insurance Commissioner enforces it, which is why other legal tools usually matter more in an injury case.

In motor vehicle cases, one of those tools is a time-limited settlement demand under O.C.G.A. § 9-11-67.1. Lawmakers rewrote the statute in 2024 to spell out what the demand must include. An insurer that unreasonably rejects a proper demand within its limits can face liability beyond those limits.

Claims under your own policy carry separate protections. When a carrier refuses in bad faith to pay a covered loss after a proper demand, Georgia law can add penalties and attorney's fees.

Here's how common stall and denial tactics tend to show up, and what can answer them.

Insurer Tactic	How It Shows Up	What Can Push Back
Repeated records requests	The same documents are requested again while weeks pass	A complete records package and a written log of every request
Blaming another cause	Arguments about a preexisting condition or a gap in treatment	Treating doctors' opinions, imaging, and prompt treatment records

Insurer Tactic	How It Shows Up	What Can Push Back
Lowball first offer	An offer that covers the ER bill but not future care	A full damages calculation, including future treatment and lost earning capacity
Ignoring a demand	No response before the demand deadline	A properly made time-limited demand under O.C.G.A. § 9-11-67.1
Rushing a release	A release form arrives with the settlement check	A careful release review and lien resolution before anything is signed

The Settlement Questions Injured People Often Miss

Gary warned that "there are so many pitfalls out there that can trap you if you're not aware." Most people never ask who is being released or whether the release covers every party. They also may not check whether it covers bodily injury, property damage, or both.

Georgia law, O.C.G.A. § 33-24-41.1, lets an injured person take the at-fault driver's policy limits and sign a limited release that keeps a claim open under their own uninsured or underinsured motorist coverage. A general release signed by mistake can cut that claim off.

A property damage settlement for the car can also carry release language broad enough to reach injury claims. Even a quick check for vehicle repairs deserves a close read before it's signed.

Medical liens are another trap, since under O.C.G.A. § 44-14-470, a Georgia hospital, nursing home, or physician practice can hold a lien on the injury claim itself. Health insurers may also seek repayment through subrogation. Every lien needs to be identified before settlement money is divided.

Here's How the Strategy Can Play Out

Say a Gwinnett County warehouse worker is rear-ended on I-85 and needs months of physical therapy. The other driver's insurer asks for the same records twice. Then it offers enough to cover the emergency room visit and little else, while the worker misses shifts and the hospital files a lien.

A lawyer can answer the delay with a documented, time-limited demand. The lawyer can also check whether the driver's limits cover the full harm and make sure any release preserves an underinsured motorist claim. Those steps don't guarantee a result, but they can shift the pressure back onto the insurer.

Why Fighting the Insurer Alone Is Harder Than It Looks

Gary's advice to injured people is direct: "Don't try and fight the insurance company and their team of lawyers, especially when you're trying to heal." He added that the claims process "is a lot more technical than most people realize."

Adjusters handle claims every day and know which arguments reduce payouts. Changes to Georgia's tort laws have also handed carriers new arguments to use against injury victims. If a case goes to trial, jury verdicts work differently from settlements, and the defense knows it.

Putting the Pressure Back on the Insurance Company

Gary summed up what a lawyer brings to a stalled claim: "A good attorney is going to come in and help change those dynamics by making the insurance company behave and by protecting you." Our legal team has recovered more than $1 billion for injured clients since 1993.

If an insurance company is stalling, denying, or fighting your Georgia injury claim, contact our team today for a free consultation. With our No Fee Guarantee, you pay nothing unless we win.