

## **Wrongful Death Claim vs. Survival Action in South Carolina**

The death of a loved one is a traumatic experience that can make every day seem like a struggle. Beyond the depression, stress, and guilt, you might also be facing significant funeral expenses and loss of income. Fortunately, it may be possible to recover compensation for these losses by bringing a [wrongful death](#) claim. Depending on the circumstances, your family may also be able to bring a survival action.

Survival actions are usually filed at the same time as wrongful death claims; however, these two causes of action differ in several key ways. We've outlined those differences below:

### **1. The Circumstances When the Action Can Be Brought**

A survival action can only be brought if the deceased survived for a period of time after the negligent act that caused the death. A wrongful death claim can be brought even if the deceased died immediately.

### **2. The Purpose of the Action**

A survival action is brought to seek damages the deceased incurred between the negligent act and the passing of the deceased. A wrongful death claim is brought to compensate surviving loved ones for the losses they suffer as a result of the death.

### **3. The Damages That Might Be Available**

In a survival action, potentially recoverable damages include medical bills, lost income, property damage, and the pain and suffering endured by the deceased as a result of the fatal accident. If the defendant acted with recklessness, willfulness, or malice, punitive damages may also be awarded depending on the type of at-fault party. If funeral and burial costs are not part of a wrongful death claim, they may be included in the survival action, as well.

In a wrongful death claim, depending on the type of defendant, recoverable damages may include:

- Medical costs,
- Funeral and burial costs,
- Lost income including future earnings and benefits,
- Pain and suffering,
- Mental anguish,
- Loss of companionship or support, and
- Punitive damages.

### **Who Can Bring a Wrongful Death Claim and Survival Action?**

Both a wrongful death claim and survival action must be brought by, or in the name of, the executor or administrator of the deceased's estate. As previously mentioned, both actions are usually brought to court together.

### **Discuss Your Case with a Wrongful Death Lawyer in Spartanburg**

Wrongful death cases tend to involve significant damages since it is often necessary to account for many decades of lost income in addition to steep medical bills and funeral costs. The insurance company may go to great lengths to seek to minimize the amount of compensation your family is able to recover.

Our lawyers will aggressively fight on behalf of you and your loved ones to pursue the highest possible recovery through verdict or settlement. Our [wrongful death attorneys in Spartanburg](#) have extensive litigation experience and will relish the opportunity to take your case all the way to trial if necessary.

The consultation is free, and no attorneys' fees will be charged unless we win. [Send us a message](#) or call xxx-xxx-xxxx to speak with a member of our team.

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