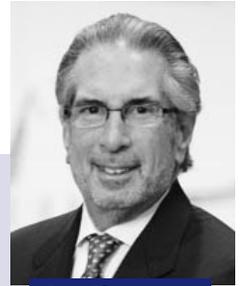


CHAIKIN  
SHERMAN  
CAMMARATA  
SIEGEL P.C.

*Attorneys at Law*

## Message from the Managing Partner “Passages”



**Ira Sherman**

This newsletter will arrive at a time of passages. The summer will have turned to fall. Many of us have children who have begun a new grade or a new school, or have graduated and begun a new career. Indeed, many of us have “reinvented ourselves” in this very difficult economy to be able to support ourselves and those we love. As Managing Partner, not a day goes by that I do not remember the passing of Donald Chaikin, a dear friend and mentor.

It is also a time for thanksgiving and the beginning of the holiday season, which ends with the passage of 2012 and the beginning of 2013.

Passages are the experiences of life and new beginnings. We at CSCS see the struggles that people go through on a daily basis, sometimes as a result of being injured through the fault of others. We take pride in being able to assist our clients and friends through this passage. Travels through life sometimes bring difficult passages but, we hope, result in a new beginning. We like to think we can do it alone, but it is not always easy or possible. That is why we do our best to always be there for our clients.

We wish each and every one of you a happy holiday season. Our strong desire is to always be there for you and with you through all of your life’s passages.

## Partners Ira Sherman, Joseph Cammarata, and Allan M. Siegel appear on front cover of *Washington D.C. and Baltimore’s Top-Rated Lawyers* magazine

Partners **Ira Sherman**, **Joseph Cammarata**, and **Allan M. Siegel** were selected to be included in American Lawyer Media’s publication *Washington D.C. and Baltimore’s Top-Rated Lawyers*. The magazine was distributed in the *Washington Post* on September 28, 2012. American Lawyer Media, a leading provider of news and information to the legal industry, teamed with Martindale-Hubbell™ to create and distribute the magazine. Only lawyers who have achieved an AV® Preeminent™ Peer Review rating—the highest Peer Review rating available by the *Martindale-Hubbell™* legal directory—were eligible to be included in the magazine. The AV® rating, and inclusion in the magazine, is a special honor because the ratings are based on evaluations by other lawyers and judges who are randomly and anonymously asked to rate our general ethical standards and legal ability.

In addition, the partners were featured on the magazine’s cover, and the magazine did a special feature article about the partners and the firm. If you did not have an opportunity to see the article, stop by the office and pick up a copy.

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## VERDICTS, VERDICTS, VERDICTS

Partner **Allan M. Siegel** had a busy spring and summer fighting the insurance companies' unreasonable offers in court. We are proud to report that justice prevailed, and he obtained three verdicts totaling \$275,000.

In April 2012, a District of Columbia jury returned a verdict in our client's favor for \$75,000. Our client was driving with the right of way when another vehicle ran a stop sign and struck her vehicle. Our client suffered neck injuries. She had preexisting arthritis in her neck, but had not had any significant symptoms before the accident. The wrongdoer was insured with State Farm Insurance Company. State Farm hired a doctor to testify that the injury was not caused by the accident, but rather the client's neck pain was a result of her preexisting arthritis. The insurance company only offered \$20,000, even though the client had approximately \$20,000 in medical expenses. The jury found the plaintiff was injured by the accident and awarded a verdict more than three times State Farm's last offer.

Apparently, State Farm did not learn its lesson. A month later, State Farm offered one of our client's \$23,000, even though she had \$18,000 in medical expenses and lost wages, and had fractured her hip in three places. In other words, they only offered her \$5,000 for pain and suffering. While she was able to return to most of her pre-injury activities, she continued to have periodic pain and limitations.

Our client was riding her bicycle when the wrongdoer opened his door into her path without looking. The wrongdoer denied responsibility for the collision, claiming that he looked and that our client was not there, inferring that our client somehow swerved into his door from another lane. State Farm, again, hired a doctor who came into court and testified that our client's continued complaints were not caused by the accident, but rather by her years of running. (Our client was an avid runner.)

The jury did not buy the wrongdoer's and State Farm's attempts to avoid responsibility and awarded our client \$175,000. This was particularly significant because the wrongdoer only had a \$100,000 insurance policy. Accordingly, the insurance company could be subject to another lawsuit for "bad faith" since it failed to protect its insured from personal liability. Rather than risk a finding that it acted in bad faith and a potential award for punitive damages (damages intended to punish bad behavior), State Farm paid our client the entire \$175,000 verdict, even though it exceeded their insurance policy limits by \$75,000.

Lastly, in July 2012, Allstate Insurance Company only offered our client \$19,000, which was only a few thousand dollars more than the client's medical bills. Our client's car was struck in the rear by the other driver. Our client suffered neck and back injuries. The Allstate lawyer argued that since there was only minor property damage, our client could not have been injured. A Prince George's County jury disagreed with Allstate and awarded our client \$50,000.

## Partner Joseph Cammarata files suit against D.C. United for early return-to-play decision, ending career of soccer star

Partner **Joseph Cammarata** filed a \$12 million lawsuit in the Superior Court for the District of Columbia on behalf of a professional soccer star, Bryan Namoff, against his former team, D.C. United, for the team's decision to return him to play before his concussion had resolved. That decision ended his career as a professional soccer player.

On September 9, 2009, Mr. Namoff, a professional soccer player, sustained a concussion while playing in a soccer match. He was not treated and remained in the game. He was cleared to play in the next soccer game, which was three days later, although neither the team nor its doctors assessed or evaluated him for any ongoing concussion symptoms.

That game was the first time Mr. Namoff physically exerted himself since the September 9 concussion. During the game he experienced and exhibited postconcussive symptoms, which became worse by the end of the game.

As a result of the decision to return Mr. Namoff to play prematurely, he suffered persistent and permanent cognitive deficits, headaches, fatigue, and visual motion hypersensitivity.

Mr. Namoff began playing for D.C. United in 2001, as part of the back line. He played 195 games, recording over 16,000 minutes of play and notching 4 goals and 16 assists. Mr. Namoff was a vital part of the team. Mr. Namoff's doctors have told him he will never return to play professional soccer again.

Partner Joseph Cammarata, as president of the Brain Injury Association of D.C., drafted legislation enacted in 2011 to protect youth athletes who are believed to have sustained a concussion by establishing return-to-play guidelines.

# Maryland court considers changing contributory negligence law

In Maryland, Washington, D.C., and Virginia, the law provides that if you are partially to blame for your injuries, you cannot receive any compensation. This is a harsh law which prevents injured victims from being compensated even though the defendant was negligent. For example, if you are 1 percent negligent and the defendant is 99 percent negligent, you would lose under this law.

This is not the law in 46 other states, which allow a jury to weigh the fault of the parties and reduce the award proportionally to the percentage of fault attributed to the person bringing the lawsuit. For example, in these other states, if your case was worth \$100,000 and you were 25 percent at fault, your recovery would be reduced by 25 percent, meaning you would receive \$75,000.

On September 10, 2012, the Maryland Court of Appeals heard arguments in a case that could change this unfair law. This has not been considered by the court in 30 years, when the Court of Appeals reaffirmed its 165-year-old ruling that established the law. We will keep you posted as to what happens.

## CSCS Day at the California Grill

Many of you have seen our newsletter articles regarding our involvement in the local Washington, D.C., community. We have had articles about our appearances at churches (we are available to speak at your church or community organization, and we bring the refreshments!), our support of the Marlboro Cheer Team (we have posted their special CSCS cheer on our YouTube channel), our sponsorship of local YMCA activities, and the Ethiopian Heritage College Scholarship program. Hopefully, you will recall the *Washingtonian Magazine* article featuring Joe Cammarata and Ira Sherman assisting the neighborhood frankfurter vendor in maintaining her spot on the sidewalk when the landlord of the building attempted to have her removed.

We now bring you "CSCS Day at the California Grill." The California Grill is a local restaurant on Rhode Island Avenue that serves breakfast and lunch. You will frequently find Ira Sherman, Joe Cammarata, and the rest of our staff ordering lunch "to go" from the fine folks at the grill. We have established relationships with many of the local merchants, and we not only support them by being loyal customers, we also have personal relationships and a good time when we interact. The owners and employees of the California Grill were more than happy to put on our CSCS T-shirts and show the world that they recommend CSCS.

We hope you enjoy the photos, and next time you are in the office, please ask for a T-shirt so that you too can show the world that you recommend the law firm that "fights for those you love!"



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## Ethiopian Heritage College Scholarship

On August 10, 2012, CSCS awarded its fourth Ethiopian Heritage College Scholarship to **Kalkidan Alemayehu**. Ms. Alemayehu is attending Christopher Newport University. The awards ceremony was also attended by Ms. Alemayehu's father. Her father was not only grateful for the award of money, but was also extraordinarily proud of his daughter having beaten the competition for this scholarship. The photograph shows that our very first recipient, a University of Maryland senior, **Ida Daniel**, was also in attendance. We are certain that she and all of our awardees are destined for distinguished careers. We are pleased to continue to be able to award this annual scholarship, which will pay out a total of \$4,000 to each qualified recipient over the course of their college career.

**Applications for the scholarship are open to all and will be accepted in the spring of 2013.** If you have a child, relative, or friend who is a high school senior, please encourage them to check our website for scholarship details so that each and every eligible candidate has an opportunity to win the CSCS Ethiopian Heritage College Scholarship.



*Left to right:* Allan M. Siegel, Ida Daniel, Ira Sherman, Kalkidan Alemayehu, Aseged Yimer, Joseph Cammarata