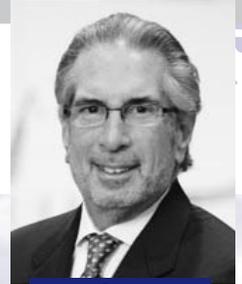


CHAIKIN  
SHERMAN  
CAMMARATA  
SIEGEL P.C.

*Attorneys at Law*

## Happy Holidays from CSCS

*A message from Managing Partner Ira Sherman*



Ira Sherman

It is always a pleasure to write a message wishing all of our clients, their families, and our friends a happy holiday season and a prosperous and healthy new year. This year also contained an unusual celebration. It was the first time since 1818 that Thanksgiving and the Jewish holiday of Hanukkah were on exactly the same date. Those who celebrate Hanukkah have jokingly referred to this one-of-a-kind coincidence by combining the two holiday names into Thanksgivukah. I hope everyone who celebrates Hanukkah had a wonderful Thanksgivukah, and for everyone else I wish you all a wonderful Christmas holiday season to share with your families and friends. We at Chaikin, Sherman, Cammarata & Siegel, P.C., are grateful every day of the year for having the privilege of representing clients who have placed their trust in us at a time of need, and for having the unique experience of getting to know them and their families.

*Wishing you all a happy and safe holiday, and all the best in 2014!*

## Washingtonian Magazine names partners Joseph Cammarata and Allan M. Siegel two of "Washington's Best Lawyers"—again

The December 2013 issue of *Washingtonian Magazine* has named Partners **Joseph Cammarata** and **Allan M. Siegel** two of "Washington's Best Lawyers." The magazine compiles the list by initially sending surveys to thousands of lawyers and asking them who they deem best among their peers, and then following up with layers of research and reporting to come up with its very elite list. It is a special honor to be included on the list when you consider that the Washington metropolitan area is home to more than 80,000 lawyers.

Mr. Cammarata has been recognized by the magazine as one of "Washington's Best" every year the magazine has done the survey since 1997. Mr. Siegel has been recognized every year the magazine has done the survey since 2004. The magazine identifies the "best lawyers" in 30 different areas of the law. The magazine is a great resource for consumers who are looking for an attorney. Both Mr. Cammarata and Mr. Siegel are named in the category for personal injury.

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Attorneys available  
24 hours a day, 7 days  
a week.

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## LAW FIRM WINS \$1.9 MILLION SETTLEMENT IN DISTRACTED DRIVING CASE

The law firm was retained by the family of a man who was killed by a distracted driver. The wrongdoer was at a nightclub the evening before the incident. She did not go to sleep until 2:50 a.m. the morning of the incident. She woke up at 10:58 a.m. and was expected at work by 11:00 a.m. As she was driving to work, she decided to call her employer to let them know that she was running late. However, when she went to make this call, she realized that her cell phone was almost dead. She looked away from the roadway to connect her car charger when she lost control of her car, ran off the roadway, and struck our client, who was walking on the grass. Our client was survived by a wife, two young children, and his mother and father, who all brought suit against the wrongdoer.



While the wrongdoer's insurance company did not dispute that their insured was responsible for causing our client's death, they did dispute the value of the claim. Unfortunately, Maryland law limits the amount that a decedent's family can collect for non-economic damages in a wrongful death case. (The cap is arbitrary and allows wrongdoers to escape the consequences of their actions, but that is the subject for another article.) At the time of this accident, the maximum non-economic award that could have been obtained in a wrongful death case was \$1,132,500. The Maryland wrongful death statute also provides that the decedent's dependents are entitled to make a claim for the wages that the decedent would have earned over his lifetime. The insurance company argued that the family would not receive the maximum non-economic damage award, and tried to minimize the amount the decedent would have earned over his lifetime.

Partner **Allan M. Siegel** litigated the case for approximately two years before it settled at mediation. While no amount of money will ever replace a loved one, we are proud that we were able to secure a settlement that will provide the family with financial security in the future.

## Client wins \$400,000 settlement from Greyhound

Our wheelchair-bound client was boarding a Greyhound bus through the use of a wheelchair lift operated by the bus driver. The bus driver placed our client's wheelchair on the lift with our client facing the interior of the bus.

The driver raised the wheelchair lift to the bus entrance level, and while he was standing on the ground pushed our client's wheelchair forward to move our client off the lift. The wheels of the wheelchair got caught on the lip of the bus entrance, causing our client to fall forward and forcibly land on the floor of the bus.

As a result of the fall, our client, age 33, suffered a herniated disk in her neck with radiating pain and a shoulder injury.

Our client has been wheelchair bound since approximately age 15 due to a condition called Friedrich's ataxia, which is a disease that causes damage to the nervous system. Despite her disability, our client was married at the age of 23 and has a 7-year-old daughter.

Our client underwent physical therapy and had injections in her neck. Despite this treatment, our client's problems continued. Her doctor told her she was a candidate for surgery

to her neck but that there was a risk that it could worsen her Friedrich's ataxia. She chose not to have the surgery.

Before the fall, our client was functionally limited due to the Friedrich's ataxia. As a result of the fall, our client suffered a significant functional decline, including the ability to feed and care for herself and to exist independently. The fall also worsened her preexisting depression.

Before hiring a lawyer, our client asked Greyhound to pay her medical bills. Greyhound refused and claimed that our client was injured because her husband was responsible for her injuries. Greyhound claimed her husband picked her up off the wheelchair, placed her in a bus seat, and then she fell out of the bus seat.

Partner **Joseph Cammarata** brought a lawsuit against Greyhound in the D.C. Superior Court. After Mr. Cammarata developed the facts, Greyhound requested to go to mediation. Our client's medical bills totaled \$17,000, and she made a claim for future medical expenses. At mediation, Greyhound agreed to pay our client \$400,000.

## \$783,644 verdict against Metro—*UPDATE*

Many of you may recall that in our spring newsletter we reported that Partner **Allan M. Siegel** and Associate **Matthew Tievsky** obtained a verdict against Metro for \$783,644. Our client suffered a herniated disk in his low back as a result of being rear-ended by a Metrobus on Georgia Avenue in Washington D.C. The jury awarded our client his medical bills and lost wages in the amount of \$18,019.55 and \$765,625 in pain and suffering.

There is a procedure in the law that allows a defendant to ask the court to “remit” the verdict, or reduce it if the defendant feels that it is too much. In order for a court to “remit” a verdict, it must find that the verdict is so high that it is beyond reason and “shocks the conscience.”

Metro filed a Motion for Remittitur in April and asked the trial judge for a new trial or, as an alternative, to reduce the verdict. Mr. Siegel and Mr. Tievsky argued that this was not an unreasonable verdict when you consider that our client had approximately 35 years to live and would have to suffer the rest of his life with back pain. Unfortunately, the trial judge disagreed with us and reduced the award by \$200,000 to 583,644.55. Our client had a choice to either accept this reduced award or go to trial again. Our client agreed to accept the reduced award.

We strongly believe that the judge should not have interfered with the jury’s decision. Our founding fathers created the jury system so that we could be judged by our peers. The concept is that the people in the community are in the best position to apply their own common experiences and resolve disputes between citizens. There are safeguards built into the system, including the fact that a jury verdict must be unanimous. In a civil case in Washington, D.C., eight jurors will deliberate. In other words, in this case eight jurors deliberated and unanimously concluded that \$783,644.55 was a fair amount to compensate our client for a lifetime of pain and suffering. A single judge expressed her opinion and overturned the decision of eight unanimous jurors. Do you think that is right? Let us know how you feel. Log on to our Facebook page, and post a note with your opinion.

Even though the judge reduced the verdict, we are proud that our advocacy was able to produce a result that at least the judge thought “shocked the conscience.” We are also happy that our client was ultimately satisfied and obtained a jury verdict which far exceeded what he likely would have accepted had Metro behaved reasonably during settlement discussions.

### Whatz-up? Who’s my lawyer?

We thought it would be helpful to answer a question that some of you ask to eliminate any confusion that may exist. **Chaikin, Sherman, Cammarata & Siegel, P.C.**, has an outstanding reputation in part because a new client will always meet with a lawyer, usually one of the partners: **Ira Sherman, Joseph Cammarata** or **Allan M. Siegel**. Because we work as a team, every new client is also assigned to one of our claims managers, **Rand Chatman** or **Erik McConnell**. Although Rand and Erik are not attorneys, they have decades of experience in dealing with matters relating to insurance—for example, property damage. Rand and Erik also assure that their team accumulates all records relating to the incident and medical care. Each case continues to be supervised by one of the

partners—Ira Sherman, Joseph Cammarata, or Allan M. Siegel—until we win a settlement or a lawsuit has to be filed. We want all of our clients to know how proud we are that when you hire us, you meet with a lawyer and a lawyer is always responsible for the successful conclusion of the case. As always, we welcome each of you to call your claims manager or any of the partners if you ever have a question about your case.



# Join the crowd—900 “Likes” and growing

If you have not found us on Facebook yet, you are missing out! There is not a weekday that goes by that there is not something new, interesting, or fun posted on the page. We provide important consumer information, updates about the firm and the lawyers, and insight regarding injuries and personal injury law. And **NOTHING** beats trivia Wednesday, where we have a trivia question, and the first person with the right answer wins a Starbucks gift card.

We have also had two campaigns where we agreed to donate to charities for every new “like” we got. Over the summer we agreed to donate \$1 per “like” to the local YMCA (which is next door to us) to help send kids to summer camp. We recently finished a campaign in which we agreed to donate \$5 per new “like” to the Brain Injury Association of America. Both campaigns were a huge success.

We also have had two contests in which every new “like” got entered to win a prize. Over the summer we gave away two box seats to a Washington Nationals game. We also just finished a contest where every new “like” was entered into a drawing where the prize was two floor seats to Beyonce’s December 18, 2013, concert at the Verizon Center. So have we convinced you yet that Chaikin, Sherman, Cammarata & Siegel’s Facebook page is the place to be! **LIKE US TODAY!**



## We are your law firm

We want you to think of us as your law firm.

If you have legal matters that need attention, please let us know. If we cannot handle the matter, we will refer you to a competent firm that can.

Please feel free to refer us to your family, friends, and neighbors for their legal needs. We welcome the opportunity to help.

**Call us. You’re going to feel a whole lot better about things.**

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## CLIENT CORNER

### Big Keith’s Down Home Cooking

Our client **Keith Robinson** owns a business called **Big Keith’s Down Home Cooking**. He provides catering services for weddings, banquets, private parties, and company functions. If anyone has an event or party, big or small, call Keith. He can be reached at **202-702-6414**.

### Partner Allan M. Siegel speaks at DC-TLA Seminar

As many of you know from reading the newsletter, Mr. Siegel has had a string of very successful verdicts in 2013. He was recently invited to speak to the Trial Lawyers Association of Metropolitan Washington, D.C. in October to share some of his secrets to success. He made a presentation regarding creating effective video depositions for trial.