



THE LAW OFFICES OF
CHAIKIN & SHERMAN, P.C.

WINTER 2005/06

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Happy holidays

A message from Donald J. Chaikin

This has been a difficult year for so many people. Our hearts go out to all our family and friends in the Gulf Coast region who have been affected by the destruction caused by hurricanes Katrina, Rita, and Wilma. I look forward to the upcoming year with renewed hope, and I wish everyone who has been affected by these recent disasters the strength and courage to rebuild.

We also are thankful that another year has passed without big businesses and insurance companies stripping ordinary citizens of their rights. As our previous newsletters have addressed, and you have undoubtedly seen and heard on television and in the news, there has been an aggressive effort to limit individuals'

rights to full justice when they are injured by the negligence of others. All of us must stay unified in this fight in the years to come to ensure that the rights guaranteed to us by the Constitution are not eroded by corporate greed.

I also would like to take this opportunity, on behalf of the entire **Chaikin & Sherman** family, to wish all our clients a joyous holiday season and a new year filled with health, happiness, and peace. Thank you for all your support and your continued confidence in us. Thank you for not only trusting us with your own legal needs, but also for showing your faith in us by continuing to refer your friends and family.

Car-crash victim receives \$3 million settlement

In June 2004, our client, age 72, was driving to the post office when a utility truck crossed over the double-yellow center line and hit our client's car head-on. After being cut out of her car, our client spent the next eight months in hospitals and rehabilitation centers being treated for multiple fractures and other injuries she sustained from the collision. Those fractures included a broken left hip requiring a full hip replacement, fractures to her right leg and ankle, and a crushed heel. In the end, our client's right leg had to be amputated. In February 2005, she was fitted for a prosthesis and had to learn how to walk again. It was not until eight months after the collision that she was able to return home for the first time since the day of the collision.

Once vibrant and independent, our client is now dependent on her husband to assist her throughout the day in her life's activities. She is also fearful of what the future holds, especially

if her husband is no longer able to care for her.

Partners **Joseph Cammarata** and **Ira Sherman** filed suit on behalf of our client against the utility truck driver and his employer in the Fairfax County Circuit Court. Our client's past medical expenses and future care needs totaled approximately \$1 million. The defendants—the utility truck driver and his employer—expressed a willingness to settle the case.

On July 29, 2005, the parties met for a mediation before Judge Robert L. Harris. The defendants paid \$3 million to our client to settle the case.

We recognize that no amount of money can compensate our client for the injuries and damages she suffered. However, this settlement reflects a recognition by the defendants of the seriousness of the harm they caused to our client.

We take your family's safety and security personally.



Red-light cameras: A threat to your rights and safety

Over the last six years, red-light cameras have become a common sight at intersections around the region. The District of Columbia, Prince George's County, Montgomery County, and northern Virginia have all installed the devices with the goal of making roads safer. However, the practice has not lived up to its goals.

Red-light cameras take pictures of the license plates of cars in the intersection while the light is red. After the District of Columbia installed its red-light cameras, **Chaikin & Sherman Partner Allan M. Siegel** discovered that the District was applying criminal penalties such as driver's license points to the registered owners of cars photographed by these cameras. Such penalties were unwarranted because the District could not prove who was driving the automobile photographed going through the red light. Mr. Siegel brought this violation of automobile owners' civil rights to the attention of WJLA-TV's "Seven on Your Side" and was featured in the broadcast report. Shortly after this story, the District of Columbia eliminated criminal penalties for those captured on film by these red-light cameras. Similar civil rights concerns led the Virginia General Assembly to ban all red-light cameras in the commonwealth earlier this year.

A recent study adds to the mounting evidence that red-light cameras actually make intersections more dangerous. In early October, the *Washington Post* published an analysis of crash statistics at the District of Columbia's 45 intersections with red-light cameras. The *Post* analysis shows that crashes at intersections with cameras more than doubled from 1998 through 2004. While noncamera intersections also saw an increase in crashes over the same period, the increase was much smaller than at intersections with cameras.

Continuing Chaikin & Sherman's almost 40-year commitment to protecting its clients' safety and civil rights, we are publishing in two parts the names of each intersection with red-light cameras in the District of Columbia. This information is publicly available on the Metropolitan Police Department's Web site: <http://mpd.dc.gov>. Our first list includes intersections in police districts 1 through 3:

- 14th St. & C St., SW
- Constitution Ave. & 12th St., SW
- Constitution Ave. & 15th St., NW
- Independence Ave. & 3rd St., SW
- Independence Ave. & Washington Ave., SW
- New York Ave. & 4th St., NW
- New York Ave. & Florida Ave., NE (two cameras)
- New York Ave. & New Jersey Ave., NW
- New York Ave. & N. Capitol St., NE
- N. Capitol St. & H St., NW
- South Capitol St. & I St., SW
- Connecticut Ave. & Calvert St., NW
- Connecticut Ave. & Military Rd., NW
- Connecticut Ave. & Nebraska Ave., NW
- K St. & 25th St., NW
- K St. & 27th St., NW
- Nebraska Ave. & Fessenden St., NW
- Whitehurst Freeway & Canal, NW
- Wisconsin Ave. & Brandywine St., NW
- 14th St. & U St., NW
- 16th St. & Irving St., NW
- Connecticut Ave. & Calvert St., NW
- New York Ave. & 4th St., NW

Local grocery store pays \$100,000 to woman injured in store

Partner **Allan M. Siegel** recently negotiated a \$100,000 settlement on behalf of a woman who slipped on mouthwash in a local grocery store. A store clerk had been stocking boxes of mouthwash, when one of the boxes fell, causing multiple bottles to spill on the floor. The clerk picked up the bottles. However, he left the mouthwash, which was virtually invisible, on the floor as he left to get a mop. Our client proceeded down the aisle, unaware of the hazard, and fell, breaking her wrist and suffering a head injury.

The case would likely have proceeded to trial in December of 2005. Instead, the parties agreed to attempt to settle the case at mediation. The case settled for \$100,000 at mediation.

Widow obtains large recovery for the death of her husband

Chaikin & Sherman, P.C., represented the widow and family of a man who was employed as a maintenance worker for a federal agency. One day, while assisting coworkers in readjusting a 2,000-pound cover to an industrial air conditioner, the cover fell and struck the man's foot. He suffered multiple fractures to his foot in the accident. He unexpectedly died two months later of a pulmonary embolism. A pulmonary embolism is a blood clot that sometimes occurs with severe injuries to the lower extremities. Such an embolism is often fatal if it travels to the lungs or heart.

Partner **Allan M. Siegel** and Attorney **Steven Kaminski** sued the manufacturers and installers, as well as the maintenance company that worked on this air conditioner, alleging they were negligent and careless in their design and/or maintenance of the equipment in that they allowed this heavy cover to become unstable and fall, causing the man's injuries. After undergoing discovery, the defendants offered a substantial sum of money to resolve the case. This money will certainly never replace our client's husband or the family's father, but will provide for their care in the future.

Another group home death case settled against the District of Columbia

We report on another group home case in which we obtained a settlement against the District of Columbia.

After being raised by his father until the age of 22, Roger, a developmentally disabled individual, had to be placed into the care and custody of the District of Columbia because his father could no longer control Roger's unpredictable, explosive behavior.

The District of Columbia accepted responsibility for Roger's health and well-being and put him in a group home. The District of Columbia became aware that Roger needed more assistance than could be provided to him at the group home, and the District of Columbia agreed to find Roger a more suitable residential setting. Remarkably, the District of Columbia failed to act in a timely fashion, and within four months of Roger's placement in the group home, Roger died due to toxic levels of a psychotropic medicine in his system.

Partners **Ira Sherman** and **Joseph Cammarata** sued the District of Columbia, on behalf of Roger's estate, for the pain and suffering Roger endured while in the District's care for four months, claiming that the District of Columbia was negligent in its care of Roger and violated his civil rights.

After extensive litigation, the District of Columbia settled the case.



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Client Corner

Extraordinary efforts by extraordinary people

The Scripture Cathedral in the District of Columbia and the Masters Touch Praise Ministry in Oxon Hill, Maryland, had collected literally tons of supplies to assist those whose lives were devastated by the hurricanes on the Gulf Coast. The problem was, they did not have any way of getting the supplies to the victims who needed them.

That is when our client, Jeanne Davis, and her husband, Minister John Davis, intervened. First they rented a 15-foot truck and personally drove the supplies to Mississippi. However, that barely put a dent in the needs of the evacuees. So Jeanne and Minister Davis spearheaded an effort to collect more supplies, and then obtained an 18-wheeler and a driver so the supplies could be delivered to the people who needed them. Jeanne and Minister Davis flew down to Mississippi to meet the driver and ensure that the supplies were distributed. We wanted to acknowledge the efforts of our client Jeanne Davis and Minister Davis, who are truly extraordinary people.

Christopher Timi celebrates 10 years as a CPA

We are proud to recognize our client Christopher Timi's ten-year anniversary as a Certified Public Accountant. Christopher operates his own business—Christopher Timi & Associates, P.C. He does accounting and audit services, tax preparation and planning, as well as small business and church management consulting. If anyone needs the services of a highly qualified accountant, call Christopher at (202) 291-1980.

In this section, we acknowledge the achievements, events, special recognitions, honors, awards, and promotions of our clients. If you would like to be part of our newsletter, please contact us; we will put you in the next edition.