

CHAIKIN
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Attorneys at Law

Working for Justice

Winter 2019

Happy Holidays from CSCS 2018 REFLECTIONS

A message from Managing Partner Ira Sherman



Ira Sherman

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It is hard to believe that 2018 is approaching an end! During this time of the year, I tend to reflect on achievements and challenges. I must say that my biggest disappointment this year is the increase in hate crimes, particularly violent crimes. On November 13, 2018, the Federal Bureau of Investigation (FBI) released the 2017 Hate Crime Statistics report. The report indicated that hate crimes have increased for the third consecutive year. The 2017 report indicated a 17-percent increase from the previous year. Just this year, I have been exposed to many news reports of hate crimes that were simply heartbreaking. Hate crimes represent an attack on a nation's state of peace. Regardless of race, religion, color, or gender, an attack on peace-loving people is an attack within the heart of all humanity.

The staff at Chaikin, Sherman, Cammarata & Siegel, P.C. (CSCS) are passionately committed to seeking justice for all individuals. For over 45 years, the firm has fought to protect the rights of the injured and the wronged. It is more important than ever to continue our fight in seeking justice.

I also reflect on the accomplishments in 2018 that have made me especially proud of what has been achieved.

In 2018, each partner of the law firm again received the highest Preeminent AV rating from *Martindale-Hubbell*. This is very significant to us because it is our peers that awarded each partner, as well as the law firm, the highest level of professional excellence for legal knowledge, communication skills, and ethical standards.

Washingtonian Magazine published a "Top Lawyers" list in December 2018. The "Top Lawyers" list of attorneys who focus on personal injury law is a trusted attorney rating directory that recognizes local-area attorneys who have demonstrated high professional standards. For even one lawyer of a firm to be named as a "Top Lawyer" is a moment of pride for any law firm. I am proud to report that all three active partners—Ira Sherman, Joseph Cammarata, and Allan M. Siegel—were selected to the 2018 "Top Lawyers" list. WOW! Now that is something special to be proud of!

As many of you know, all three partners were also listed as "Super Lawyers." The "Super Lawyers" list is intended to identify the top 5 percent of lawyers in various practice areas. All three partners have been listed as Super Lawyers for EIGHT years in a row!

We are particularly proud of these accomplishments because we strive to serve our clients with the highest level of excellence. The continued support of our clients and friends along with the frequent expression of confidence in our work is gratifying. I want to assure you that you are each very important and much appreciated. Know that we are ever so grateful for the pleasure of serving you and meeting your legal needs.

I wish you a joyous holiday filled with peace and blessings. I also wish you all the very best for the new year ahead.

COURT APPROVES \$14.25 MILLION CLASS-ACTION SETTLEMENT

We are proud to announce that the Superior Court of the District of Columbia approved a \$14,250,000 settlement in connection with a class-action lawsuit brought by Chaikin, Sherman, Cammarata & Siegel, P.C. on behalf of women who used a religious bath at the National Capital Mikvah.

Many of you may remember the story in the news back in October 2014, when Rabbi Barry Freundel was accused of videotaping women, in the nude, while they were participating in a religious bathing (cleansing) ritual in a small bath or pool called a "mikvah." This cleansing ritual is observed by Jewish women to spiritually purify and cleanse themselves before their marriage and after their menstrual cycle. Freundel was arrested, charged, and ultimately pled guilty to 52 counts of voyeurism. He was sentenced to 6½ years in prison.

Partners Ira Sherman, Joseph Cammarata, Allan M. Siegel, and associate Matthew Tievsky have been closely involved in the pending litigation since shortly after Freundel's arrest. CSCS filed

a class-action lawsuit on behalf of victims and co-counseled with class counsel.

There was a dispute as to which team of lawyers would be best suited to represent the class of women. We were honored when the judge concluded that the CSCS team, which included appointed class counsel Sanford Heisler, LLC, was best suited to lead the class. Judge Holeman, in discussing the efforts of the lawyers in the case, suggested that other lawyers in other class-action lawsuits should "contact the lawyers in this case to get a feel for how, in [his] view, a class-actions matter should be handled."

The class includes women who were confirmed videotaped, as well as women who used the Mikvah and

suffered emotional distress as a result of believing they were videotaped. While the settlement cannot erase the horrendous acts committed by Freundel, we are happy that we were able to achieve justice on behalf of these women.



AGED TIRE RESULTS IN \$525,000 SETTLEMENT

We represented a husband and wife who were on a road trip with friends. Our clients were passengers in a van that was travelling on a highway, when the rear tire failed, causing a sudden and rapid loss of inflation. The tire failure caused the vehicle to spin out of control, travel across the center line of the road, roll over, flip twice, and violently crash to a stop in the median of said roadway.

Prior to this trip, the owner of the van had taken it to an auto shop to have it inspected. At the time of the vehicle inspection, the rear tires on the van were approximately 9 years old and were dry rotted and cracked. The excessive age and deteriorated condition of the tires should have been readily apparent to auto shop technicians. The tires were not suitable for continued operation, and certainly not a long road trip, during which high miles would be travelled at highway speeds.

Partner Allan M. Siegel filed suit against the auto shop for failing to do a proper inspection and notify the owner of the vehicle of the dangerous condition before the road trip. The auto shop claimed they were not responsible, since approximately 2,500 miles had been driven since the inspection, and there was no way the plaintiff could prove the condition of the tires at the time of the inspection. They also claimed that the owner of the van was responsible since she also should have seen the dry-rotted tires and known that they were not fit for a long road trip.

The clients suffered serious injuries but made good recoveries. The wife suffered, among other things, multiple rib fractures, multiple spine fractures, as well as a shoulder separation. The husband suffered a clavicle fracture.

The case settled at mediation for \$525,000. The important safety tip to take away from this case is that old tires are dangerous. They can dry rot and become a hazard. If you have older tires, you should ensure they are periodically inspected, and replaced if they are showing signs of age.



CSCS WELCOMES TWO NEW ASSOCIATES: DAN HAUSMAN AND STEPHEN OLLAR

Dan Hausman and Stephen Ollar recently joined **Chaikin, Sherman, Cammarata & Siegel, P.C.** as associate attorneys.

Mr. Hausman has extensive experience advocating for the rights of injured persons and has resolved many claims against large corporate and government entities. His practice areas include motor vehicle collisions, premises liability, medical malpractice, and other tort claims. Prior to joining the law firm, he worked for a prominent personal injury firm in Chicago that represented individuals injured by asbestos.



Dan Hausman

Mr. Hausman received his J.D. from the University of Virginia School of Law in 2012. As a law student, he worked on behalf of developmentally disabled children to get educational services they desperately needed. Prior to attending law school, attorney Hausman worked as a high school social studies teacher in Fairfax County, Virginia. He was born and raised here in the DMV and is very happy to be back home after his time in Chicago.

Mr. Ollar's legal experience covers all aspects of litigation, with a particular focus in personal injury and criminal defense. His practice areas include automobile collisions, premises liability, medical malpractice, and general tort claims. Prior to joining the law firm, he clerked for Chief Judge Eric T. Washington of the District of Columbia Court of Appeals.

Mr. Ollar received his J.D. from American University Washington College of Law in 2016, where he graduated magna cum laude. In law school, he represented juvenile and adult criminal defendants as part of the school's Criminal Justice Clinic. He also participated in his law school's Mock Trial Honor Society, winning the 2015 *Peter James Johnson National Civil Rights Trial Competition*. Mr. Ollar served for six years in the United States Army as an airborne infantryman. He was born and raised in Texas, but has made the DMV his new home with his family.



Stephen Ollar

NEW MARYLAND STATUTE PROVIDES ADDITIONAL INSURANCE BENEFITS

On July 1, 2018, a Maryland statute went into effect that requires automobile insurance providers in Maryland to offer "enhanced" underinsured motorist coverage (EUIM). The purpose of the change in the law is so that motorists who are injured by someone who does not carry enough insurance to fairly compensate them for their injuries will receive additional compensation.

Under previous law, any amount of compensation a motorist received under their own underinsured motorist coverage would be subject to an offset based on the insurance of the other driver(s) at fault. Under the new law, there is no offset.

For example, under the old law, in a situation where an injured motorist has underinsured motorist coverage with a \$100,000 limit and the at-fault driver's insurance has a \$50,000 limit, the injured motorist could receive a maximum of \$50,000 from the at-fault driver's insurance carrier, and \$50,000 from their own carrier for a total of \$100,000 in compensation. Under the new law, the injured motorist would receive compensation of \$50,000 from the at-fault driver's insurance carrier and \$100,000 from their own carrier for a total of \$150,000 in compensation.

Insurance carriers must offer EUIM coverage for any new policy and for any renewal or extension of coverage of an existing policy. **However, it is very important to note that individuals must elect this new coverage in writing.** We highly recommend to all of our Maryland clients that they explore this additional coverage with their agent or insurance company, since it protects you and your family. You can elect this on renewal or you can call your insurance company or agent and direct them to add EUIM coverage to your existing automobile insurance policy.

PARTNER JOSEPH CAMMARATA WINS SETTLEMENT IN EXCESS OF \$1,000,000

Partner Joseph Cammarata was successful in obtaining justice for a client severely injured in an automobile collision.

Our client was proceeding on Route 140 when the wrongdoer, driving his truck in the opposite direction, negligently attempted to turn left. In doing so, the wrongdoer caused a collision with our client.

Our client suffered extensive injuries and damages, including brain damage and multiple body fractures. He underwent long and painful treatment in an effort to recover from his injuries.

Despite making progress, our client was left with permanent injuries that affected his ability to work in the construction

industry. He was forced to seek alternative employment and in the process suffered a decrease in his earning capacity.

In addition, Mr. Cammarata brought a claim on behalf of our client's wife, who suffered a "loss of consortium"—a negative impact on her relationship with her husband.

Mr. Cammarata consulted with our client's doctors and other experts to develop and present the past and future damages suffered by our client to ensure our client received full compensation and complete justice.

The case was eventually settled at mediation for an amount in excess of \$1,000,000.

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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COSBY CASE UPDATE

Following his conviction for aggravated indecent assault, Mr. Bill Cosby was sentenced to prison for a term of 3 to 10 years.

As has been reported in earlier newsletters, partner Joseph Cammarata and other attorneys of the firm have filed a lawsuit against Mr. Cosby on behalf of seven women who were defamed by Mr. Cosby when he publicly branded them "liars" as a result of their publicly describing their allegations of sexual assault and abuse by Mr. Cosby.

Due to the pending criminal case, the defamation case was "stayed" (put on hold) pending the resolution of the criminal case. Now that Mr. Cosby has been sentenced, we expect the court will "lift the stay" and allow the defamation case to proceed.

The court has set this matter for a status conference on the case for February 2019.