

CHAIKIN SHERMAN CAMMARATA SIEGEL P.C.

Personal Injury Lawyers

WINTER | 2023/2024

Happy Holidays from CSCS!

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

Your Personal Injury Advocates

- Free consultation
- Home appointments
- No recovery, No fee.
We do not get paid
unless you do.



'Tis the season to be jolly!

A message from Managing Partner Ira Sherman

It is the time of year when we celebrate holidays—Christmas, Hanukkah and Kwanza—and rejoice in the concept of “Joy to the World” and “Peace on Earth.” These holidays could not be more perfectly timed. We are all ready to celebrate with family and friends. The last few years feel like we have all traveled through a gauntlet of stressors. We had the COVID pandemic during which many of us lost family members and friends. Many of us also know people who were hospitalized, ventilated and needed life-saving measures to survive. While we are no longer fearing death from COVID, the shadow of it hangs over everyday life along with the threat of RSV and the flu.

Trial lawyers are combatants. Many of you know that one of the law firm's catch phrases is “the courtroom is our battleground.” Each of us prides ourselves in being creative and aggressive in our effort to obtain full and complete justice for our clients. This is the war we fight on a daily basis for each and every individual injured as a result of the carelessness of others.

However, we are experiencing wars on real battlegrounds all around the world where people are getting injured and dying. There is war in Ukraine. There are wars in Nigeria and other African countries where terrorists like Boko Haram kill and/or kidnap entire villages in their effort to overthrow the government. There is the war in the middle east that began when the terrorist organization, Hamas, crossed the border between Gaza, a Palestinian territory, and the State of Israel. After crossing the border, Hamas terrorists killed more than 1,200 civilians who were either attending a musical festival celebrating peace and/or residents of Israel.

In my lifetime, there has been no time like the present for the need of the message for peace and goodwill to be spread among all mankind. I hope, as I'm sure all of you do, that this desire for peace materializes quickly to avoid further loss of life.

On behalf of all of us at Chaikin, Sherman, Cammarata & Siegel, P.C., we wish you a happy and health holiday season and New Year.

Law Firm named a “Best Law Firm” for the Fifth Consecutive year, and All Partners are Named “Top Lawyers” by Northern Virginia Magazine



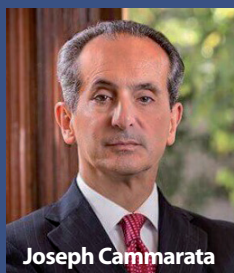
We are proud to announce that for the fifth consecutive year, Chaikin, Sherman, Cammarata & Siegel, P.C. was named a “Best Law Firm” by Best Lawyers®, the oldest and most respected Purely Peer Review® research and accolades company in the legal profession. This is the first year that Best Lawyers has released the bellweather listings independent of US News and World Report. The firm was named a “Best Firm” in the field of Personal Injury and Medical Malpractice for the Washington DC Metropolitan Region.

In addition, Northern Virginia Magazine recently named Partners **Ira Sherman**, **Joseph Cammarata** and **Allan M. Siegel** as “Top Lawyers” in their December 2023 edition, which is on newsstands now. Northern Virginia Magazine compiles this list by sending surveys to Northern Virginia and DC lawyers, asking them who they would refer friends and families to in different areas of specialties in the DC Metro area. The lawyers with the most votes are included in this elite list.

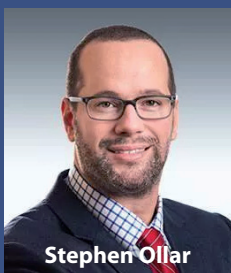
We are truly honored to be consistently named by Best Lawyers® and Northern Virginia Magazine, year after year.

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Partner Joseph Cammarata and Stephen Ollar Win a Settlement of \$2,500,000



Joseph Cammarata



Stephen Ollar

Our 68-year-old client was a pedestrian crossing in a crosswalk at a local shopping center when she was violently struck by a vehicle whose driver was proceeding at a high rate of speed. The driver claimed she could not see our client because the sun was in her eyes. As a result of the collision, our client suffered, among other things, a right femur fracture requiring surgery, multiple rib fracture and a traumatic brain injury.

Before the collision, our client lived in her own home and was able to engage in regular daily life activities. As a result of her injuries from the collision, our client had to leave her home, is now confined to an assisted living facility, and is dependent upon others' care for her wellbeing. The law firm sued the driver, seeking compensation for our client. Mr. Cammarata and Mr. Ollar, during the course of the litigation, extensively documented and presented the nature and extent of our client's injuries and damages. This resulted in Mr. Cammarata and Mr. Ollar winning a settlement of the case in the amount of \$2,500,000.

Partner Allan M. Siegel Wins \$539,462 Arbitration Award in Slip & Fall Case

This case involved a slip and fall on an icy stairwell. Our client rented a basement apartment in a residential house in Alexandria, Virginia. The stairwell did not have a handrail in violation of Virginia Code. On the morning in question, there was black ice on the stairwell. The landlord failed to take any reasonable action to remove the black ice or make the stairwell safe. As our client walked down the stairwell, he slipped on the ice. He tried to catch himself but was unable to do so because there was no handrail. As a result, he fell tearing the rotator cuff in his right shoulder.

He had surgery to repair the torn rotator cuff. Unfortunately, the surgery was not successful and he continued to have pain in his shoulder. It was recommended that he have a second surgery. The insurance company claimed that the second surgery was not related to the original injury, even though he had never had shoulder problems before. The insurance company refused to pay for the costs of the second surgery or a fair amount for our client's pain and suffering.

Partner **Allan M. Siegel** filed a lawsuit in the Circuit Court for Alexandria, Virginia, alleging that the homeowner was negligent for not maintaining her stairwell in a safe condition and not having a handrail, as required by Virginia law. Ultimately, the homeowner admitted she was at fault, but refused to take responsibility for the full extent of our client's injuries.

The parties ultimately agreed to submit the case to binding arbitration to resolve their remaining differences. Binding arbitration is a proceeding where the parties submit all the evidence to a mutually selected neutral party, who then decides the contested issues. The arbitrator's decision is binding, and neither party is allowed to appeal.

The parties presented evidence at the arbitration including medical testimony from two different orthopedic surgeons. Our client's treating orthopedic surgeon testified that our client needed the second surgery. The insurance company hired an orthopedic surgeon who testified that our client did not need surgery, and even if he did, it was not caused by the incident. After a cross examination of the insurance doctor by Mr. Siegel, the arbitrator concluded that our client's doctor was more credible and awarded our client \$539,462.



Allan M. Siegel

Partner Allan M. Siegel Lectures Across the Country On How to Win Cases Involving Brain Injuries

Partner **Allan M. Siegel** was invited by the Michigan Association of Justice to speak to their members on how to handle brain injury cases. He was asked to discuss how to effectively prove brain injury cases at trial in light of the fact that these injuries are often "invisible injuries." In other words, the victim of a brain injury often looks normal and there are often no visible signs of a brain injury on any diagnostic tests. In fact, one of the most common brain injuries suffered by our clients is a concussion, which cannot be diagnosed by a standard MRI or CT Scan.

The presentation was so well received, Mr. Siegel was invited to make the same presentation to a different group of personal injury lawyers in Las Vegas, Nevada.

Mr. Siegel has been handling cases involving brain injuries for over 25 years. He was recently elected to serve on the Executive Committee of the American Association for Justice's Brain Injury Litigation Group.

CHAIKIN
SHERMAN
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Personal Injury Lawyers

*We care about you
and those you love!*

A Double Victory: CSCS Achieves Two Appellate Triumphs

It is with immense pride that we announce two recent victories in cases on appeal. The first victory came in the matter of Tami Browne v. State Farm Mutual Automobile Insurance Co. The Court of Appeals of Maryland aligned with our firm's interpretation of a Maryland statute, establishing a precedent that significantly enhances clients' rights in insurance-related matters. Under Maryland law, when an insurance company fails to act in good faith in deciding an uninsured or underinsured motorist claim an individual can ask the Maryland Insurance Administration to intervene. If the Insurance Administration fails to take action to correct the insurer's misconduct, an individual has the option to seek additional review by the Maryland Office of Administrative Hearings and by the Maryland Court. In this case, State Farm argued that only one review is available by either the Office of Administrative Hearings or by the courts, but not by both.

The Court of Appeals ruled otherwise, holding that an individual is still eligible to bring a civil action with the courts against his/her insurance carrier, regardless of whether the individual also sought review from the Office of Administrative Hearings. This ruling expands the administrative remedies available to individuals, without depriving them of their right to a jury trial. This ruling is a crucial victory for the citizens of Maryland, fortifying their legal standing in insurance-related matters.

The second victory came in the matter of Tiruwork Wendemu v. Birihan Tesema. The District of Columbia Court of Appeals affirmed a lower court's award of sanctions against a defense attorney from State Farm, who repeatedly instructed the at-fault driver to not answer questions during her deposition, in clear violation of the court's rules of procedure. Attorney **Stephen Ollar** refused to allow such misconduct to go unchecked and asked the Court to require the at-fault driver to appear for a second deposition to answer the questions she was instructed not to answer. Mr. Ollar also requested that the trial court impose monetary sanctions against the offending attorney for forcing our firm to expend considerable time and expense just to require the defense lawyer to follow the rules. The trial court found that the defense attorney had indeed acted inappropriately during the deposition and required that he pay our attorney's fees in the amount of \$6,433.76.

The defense attorney appealed the trial court's award of sanctions to the DC Court of Appeals. The Court of Appeals, however, was not persuaded. The Court of Appeals held that Attorney Ollar's questions during the deposition were valid, that the defense attorney was wrong to instruct his client to not answer questions and that the trial court's award of sanctions was appropriate.

We are proud that these two victories not only ensure justice for our clients, but also shape legal principles that influence future cases that will help other injured parties.



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Virginia Expands Underinsured Motorist Coverage

Recent changes to Virginia's Underinsured Motorist statute (Code of Virginia § 38.2-2206) have gone into effect that should directly increase your peace of mind while driving. Underinsured motorist coverage is designed to protect you in the unfortunate event of a collision where the at-fault driver does not have enough insurance coverage to fully compensate for your injuries and damages.

For any automobile insurance policy that was purchased or renewed in Virginia on or after July 1, 2023, the underinsured motorist ("UIM") coverage will no longer receive a credit for payments from an at-

fault driver's liability coverage. This means that you can now recover the full amount of your UIM benefits in addition to the liability coverage from the at-fault driver, greatly increasing the overall amount of coverage available to you in a motor vehicle collision.

For example, under the old law, if the at-fault driver had \$50,000 in liability coverage and you had \$50,000 in UIM coverage, your maximum recovery would be limited to only \$50,000, because your UIM policy receives a credit from the at-fault driver's policy. The new statute eliminates that credit, meaning your maximum recovery now becomes \$100,000.

All insurance companies providing automobile insurance coverage in Virginia are required to automatically provide this expanded coverage when your policy renews, unless you elect to opt-out of the expanded coverage. Opting-out of this expanded coverage would be a mistake. As demonstrated in the example above, a few dollars saved in premiums effectively cuts your available benefits in half.

If you have any questions about this or any other insurance issue, your attorneys at Chaikin, Sherman, Cammarata & Siegel, P.C., are here to answer them.

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A referral is the greatest professional compliment we can receive. If you have a friend, neighbor, or family member who is in need of legal representation, please consider referring them to our firm. We will do our best to provide the highest possible level of service and deliver winning results.



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The information included in this newsletter is not intended as a substitute for professional legal advice. For your specific situation, please call the appropriate legal professional.



Employee Spotlight: Misty Bateman

Misty is one of our extraordinary Claims Assistants. She helps our clients in the beginning of their cases, which is one of the most difficult and stressful times. She is always a source of comfort and makes sure that everything goes smoothly and efficiently.

Misty started her career in the U.S. Air Force on the Security Forces Team. While in the military she earned a Paralegal Associate Degree and obtained her Paralegal Certificate. Since leaving the military she has worked in the personal injury field and has been helping Chaikin, Sherman, Cammartata & Siegel clients for 12 years.

Misty is a proud grandmother of two grandchildren and has another one on the way. When she is not working, she loves working out and hiking. She also has a snake rescue and is taking care of 15 snakes.

She is always available to help clients, so do not hesitate to call her if you ever need assistance.