

# THE LAW OFFICE OF KENNETH E. BERGER, LLC

Safety First,  
Justice Always

JULY 2020 NEWSLETTER

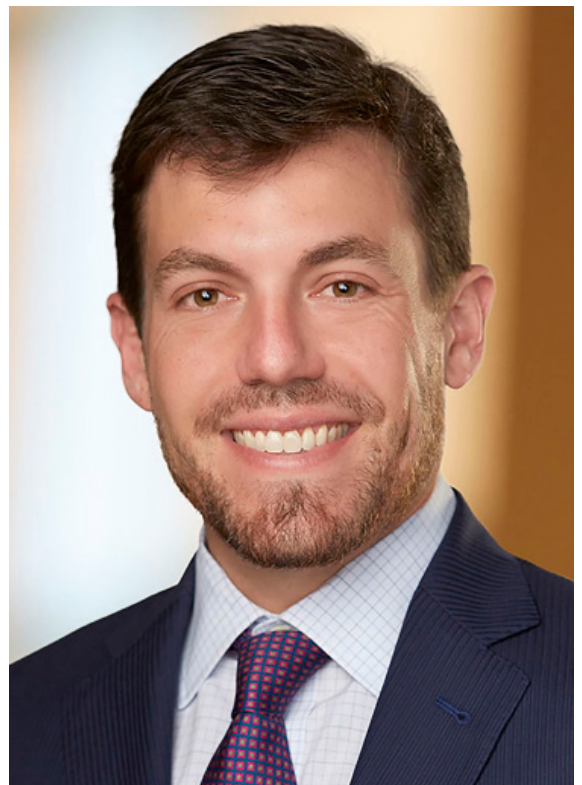
## “And Yet...”

Holocaust survivor Elie Wiesel is best known for writing “Night,” his account of death, survival, godlessness, and faith inside the gates of Auschwitz. The book was published in 1956. Thirty years later, Wiesel won the Nobel Peace Prize. He has many enduring quotes rooted in his Holocaust experience, among them: “We must always take sides. Neutrality helps the oppressor, never the victim. Silence encourages the tormentor, never the tormented.”

It is one of his more common sayings which serves as the title of this article, however. “And yet,” can be found numerous times throughout Wiesel’s other books, including his awe-inspiring autobiography, “All Rivers Run to the Sea,” which I encourage everyone to read. “And yet” encapsulates the good, the bad, the ugly, and the silver lining. The saying far outdates Elie Wiesel and even books themselves. It is a refrain I have returned to many times over recent months, and which I apply as the lens through which to see many moments from my past. From home runs to heartbreak, these vague, ingenious two words tell so many stories. They also keep the story moving without true beginning or end. Use them if you choose, leave them if you want.

Elie Wiesel lost his parents to the Nazis, and yet he survived. He kept his life, and yet he was alone. He had little family, and yet found a community of brothers that would change history. He received perhaps the highest honor known to man, and yet knew the work would never be complete.

Each of us is living at a time of old wounds and new challenges, and yet...



A stylized, handwritten signature in blue ink, consisting of a large, sweeping initial 'K' followed by a series of connected loops and a long horizontal stroke at the end.

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Disclaimer: Any result I may achieve on behalf of one client in one matter does not necessarily indicate similar results can be obtained for other clients. In addition, some of these results were obtained in connection with other firms. I am a South Carolina injury lawyer, not a miracle worker. I evaluate every case on its own merits and only accept a limited number of new cases every year.

## For Referring Attorneys

If you are one of our many referring attorneys, we want to thank you for allowing us to serve. Your trust means a great deal.

We seek to strengthen your relationship with the client by providing him/her with a great experience, as well as a great result. Additionally, we always make it a point to emphasize that you are truly the person to thank, as it was your good judgment that allowed us to take part in their representation.

If questions arise in the coming month concerning a life-changing injury or wrongful death case, we are here to help. From simply answering your questions to being associated on or referred the case, please let us know what we can do to benefit you and the client. Likewise, if you have a potential client call us directly, be sure to have him/her say who made the referral so we know who to thank.

To discuss anything from litigation tactics to our core values, call us at (803) 790-2800 or email [kberger@bergerlawsc.com](mailto:kberger@bergerlawsc.com).

## Best Among Us



Travis Johnson  
Lynchburg, SC

Travis Johnson is this month's Best Among Us and also one of the recipients of the 2020 Kenneth Berger Lawyers Against Distracted Driving Scholarship. By the time you finish reading this, you'll have no doubt why. Travis is a resident of Lynchburg, SC, and a 2020 graduate from Crestwood High School, where he was the salutatorian. Not only has Travis excelled academically, he has a resume that reflects maturity, talent, and dedication beyond his years.

This year Travis served concurrently as the South Carolina and national president for Future Business Leaders of America (FBLA), a premiere student business organization that teaches teens about leadership and business. Travis was also named a Ron Brown Scholar, a mentorship program for African American students that is accompanied by a \$40,000 scholarship that Travis will put toward his education at Harvard University this fall. Travis was also the vice president of his senior class, an Honors graduate, and a recipient of the Principal's Award.

Beyond his impressive high school career, the true reason Travis is the Best Among Us is because of his admirable attitude. Travis said, "I grew up in a very rural area, but ever since I was young, my parents have told me that the only limitations we have are the ones we put on ourselves. They also said, 'Dream big, and if you fail, you fail.' I believe I can do anything I put my mind to with faith, perseverance, dedication, and hard work."

## Firm Snapshot

### Welcome Attorney Elizabeth “Liz” Dalzell

We are pleased to welcome attorney Elizabeth “Liz” Dalzell to our firm’s Columbia office.

Liz has been a resident of Columbia for 20 years and has worked as an attorney in the areas of insurance defense, employment law, and now catastrophic injury. For the past 13 years, she also taught legal writing at the University of South Carolina School of Law. Liz decided to join our firm because of her desire to practice law again and help people who are truly in need. We know she’ll be a wonderful addition to the LOKB team!



## Case Results

### Insurance Company Pays \$300,000 Over the Policy Limits

In January 2019, a medical doctor ran into the back of another very nice lady named Ms. Lewis. There was no punitive aspect, no evidence of texting or excessive speed. It was exactly the thing insurance is there for, or at least it should have been.

Roughly 10 years before this accident, Ms. Lewis suffered a brain injury playing softball. The injury caused debilitating headaches and forced Ms. Lewis to undergo a procedure whereby a neurostimulator was implanted. The good news is the procedure worked, and Ms. Lewis’ headaches were well-controlled.

That changed when she got hit from behind. Almost immediately, Ms. Lewis felt the old, throbbing sensation pulsating through her head. An MRI showed one of the “leads” on her neurostimulator had been broken. Ms. Lewis was forced to schedule another brain surgery.

Around this time, we sent the insurance company a letter outlining the facts, along with supporting documentation and a time-sensitive demand for the \$100,000

liability limits policy. They offered \$46,786. That didn’t make any sense given that Ms. Lewis was going to have more than \$100,000 in medical bills alone, not to mention her other damages. We pride ourselves on being aggressive but fair, so we further explained the costs associated with the re-implantation of the occipital/nerve stimulating device and gave the insurance carrier a second chance to simply pay the policy limits and protect their insured. Needless to say, they refused. It wasn’t until after we filed suit, received the policy limits from the “underinsured” carrier, and forced the liability company to inform its own policyholder that she was facing financial ruin if a settlement could not be reached, that anything really happened. Only then did the liability insurer bring on a top-notch defense lawyer to try and fix the mess it had created.

In the end, the liability insurer paid \$400,000 on a policy one-fourth that size. We were also able to obtain \$125,000 in “underinsured” coverage and provide a very deserving client financial security in uncertain times. This insurance company in particular gets it right almost all the time, but when they get it wrong, the law requires they pay.

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## Client Review

5.0 ★★★★★

via Google

Kathrine M., Car Accident Client, Columbia, SC

“My experience with the Law Office of Kenneth Berger is summed up in one word - STELLAR! From the initial phone call to my last visit, Brad, Emily, Karen, Chelsea, and Kenneth have treated me with so much understanding, dignity, and respect. The car accident I was involved in has been a life-altering experience, and Brad was so patient with me. He exceeded my expectations by leaps and bounds. They not only wanted to get me the best settlement, they also cared about my well being. I will always appreciate what this law firm did for me! Thank you all so much! I wish you much continued success!”

