

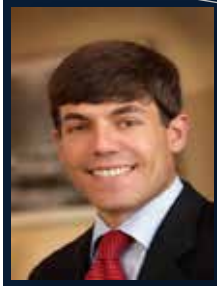
Law Office of Kenneth E. Berger, LLC

JUNE 2014 NEWSLETTER

Personal Injury
Auto Accidents
Wrongful Death



Workers' Compensation
Nursing Home Abuse
Civil Litigation



Core Values by Kenneth Berger

Earlier this year, I heard a well-respected CEO talking about his company's core values. Rather than give you my thoughts on his speech, I want to share with you my firm's own core values (i.e. the "why" behind our mission):

- *Providing clients with the highest quality legal representation in South Carolina
- *Giving clients an extraordinary level of personal service and respect
- *Upholding the rules that keep families and communities safe
- *Being one of the most respected, successful law firms in South Carolina
- *Restoring the good name of lawyers
- *Educating the public about how to find a great lawyer for their case
- *Putting principles and people first

So what are your core values? What do you care about so deeply that it guides, defines, and provides the "why" behind what you seek to accomplish?

FEATURES

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Infant Sustains Skull Fracture Due to Defective Product

In 2012, a six-week old child suffered a traumatic brain injury (TBI) when his baby bather collapsed, causing him to fall to the floor. When the child's head struck the floor, his skull was fractured in two locations. Along with a skull fracture, the Infant experienced bleeding on his brain. "Company X" manufactured and distributed the unsafe, defective product that caused the Infant's TBI.

For two nights, the Infant remained in the pediatric intensive care unit (PICU) under the supervision of neurologists. Since being discharged from PICU, the Infant has been subjected to additional doctors' visits and tests. At present, he appears to be a well-adjusted little boy, and there are no signs of permanent injury.

Company X recalled its defective bather after this incident. Sadly, it took the Infant's skull fracture - and injuries to other children - for Company X to remove this needless danger from communities across our country.

When Company X chose to sell

a dangerous product to American families, they placed millions of children at risk. Their safety violations could not go unaddressed. The lack of attention and concern that leads to unsafe products is unacceptable. The Infant and his mother had to receive justice, and their community needed to be protected. In South Carolina, jurors are charged to protect their community and serve as its conscience.

We reached a fair settlement of this case in early 2014. Though Company X attempted to argue that a warning on the bottom of the bather exonerated them of any liability, we responded by asking: "Why was the product so dangerous as to need the warning; why was the warning not more visible, and how little would it have cost to simply make the product safe?"

When children sustain injury in South Carolina, parents do not have to take on the insurance company by themselves. Please don't allow an insurance adjuster to blame you or your child for someone else's dangerous choices. We are here to help.



REXY'S RECIPES

Tex-Mex Burger
via allrecipes.com

PREP: 25 MINS
COOK TIME: 15 MINS
SERVINGS: 4



INGREDIENTS:

1/2 CUP MAYO
1 TSP CAJUN SEASONING
1 1/3 POUNDS GROUND BEEF SIRLOIN
1 JALEPENO PEPPER, SEEDED & CHOPPED
1/2 CUP DICED WHITE ONION
1 CLOVE GARLIC, MINCED
1 TABLESPOON CAJUN SEASONING
1 TSP WORCESTERSHIRE SAUCE
4 SLICES PEPPERJACK CHEESE
4 HAMBURGER BUNS, SPLIT
4 LEAVES LETTUCE
4 SLICES TOMATO

DIRECTIONS:

- (1) PREHEAT GRILL FOR MEDIUM-HIGH HEAT. IN A SMALL BOWL, MIX TOGETHER THE MAYO AND 1 TSP OF CAJUN SEASONING. SET ASIDE.
- (2) IN A LARGE BOWL, MIX TOGETHER THE GROUND SIRLOIN, JALAPENO PEPPER, ONION, GARLIC, 1 TABLESPOON CAJUN SEASONING, AND WORCESTERSHIRE SAUCE USING YOUR HANDS. DIVIDE INTO 4 BALLS, AND FLATTEN INTO PATTIES.
- (3) LIGHTLY OIL THE GRILLING SURFACE, AND PLACE THE PATTIES ON THE GRILL. COOK FOR ABOUT 5 MINUTES PER SIDE, OR UNTIL DONE. DURING THE LAST 2 MINUTES, LAY A SLICE OF CHEESE ON TOP OF EACH PATTY. SPREAD THE SEASONED MAYO ONTO THE INSIDES OF THE BUNS, AND TOP WITH LETTUCE AND TOMATO TO SERVE.

The Best Among Us: Children's Trust of South Carolina

In South Carolina, it is a sad reality that thousands of our state's children are abused every year. On top of that, we hold the low ranking of 45th in the nation for overall child wellbeing.

The great people of South Carolina are capable of doing so much better for our children, something that the Children's Trust of South Carolina knows very well. This organization, which just celebrated its 30th anniversary, is dedicated to strengthening and supporting public and private efforts to keep SC children safe. They strive to create environments in which children can thrive through programs such as Prevent Child Abuse, Safe Kids, and Strengthening Families.

For more information about Children's Trust of South Carolina, call 803-733-5430.

Firm Snapshot: Friends of the Firm



HERE AT THE FIRM, WE WELCOME VISITS FROM OUR CLIENTS, FRIENDS, AND THEIR ADORABLE BABIES!

Texting & Driving: Should Anyone be Held Liable Other Than the Driver?

In August 2012, a New Jersey court ruled that people who knowingly send text messages to drivers could be held liable for injuries caused by the distracted driver. The case arose from a terrible motorcycle collision caused by someone who was "texting and driving." The driver in that case is obviously liable for the catastrophic harm he caused the motorcycle riders.

Conversely, I disagree with the court's ruling as it relates to the individual who was texting the driver. To hold someone liable for texting a driver would be like holding a grocery store liable for selling someone an unopened case of beer or bottle of wine. It is not the grocery store's responsibility to keep the driver from opening the bottles until he gets home. If someone buys a 6-pack of beer at Publix, and proceeds to drink & drive, it is the irresponsible

driver, not Publix that should be on the hook for any wreck. Likewise, it is the driver who opens the text message, takes their eyes off the road, and crashes into someone who must account for the harm they cause. The driver chose to endanger our community. The person sending the text did not force them to open the message anymore than a grocery store requires you to open a bottle of wine before leaving the parking lot.

I handle lots of motor vehicle crashes. I believe in personal responsibility and strict enforcement of the roadway safety rules that are in place to prevent harm. In fact, I believe South Carolina's legislature should ban "texting and driving." However, we must draw lines and only hold actual wrongdoers accountable for the harm they cause.

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June 2014

Announcing Our New Intern Program

With the addition of our new wing, we are now ready to offer unparalleled internship opportunities to self-motivated, reliable, solution-oriented young people. There aren't many "once in a lifetime" opportunities for unpaid interns, but this is one of them.

If you know students with an interest in law, marketing, or business, and who want to work in an innovative business with a team of people committed to the greater good - and for a boss who will appreciate their talents while consistently challenging them to be their best - have them send a resume and short writing sample to our COO, Jason Savage (jsavage@bergerlawsc.com).

THIS PUBLICATION IS INTENDED TO EDUCATE THE GENERAL PUBLIC ABOUT PERSONAL INJURY, CIVIL LITIGATION, AND WORKERS' COMPENSATION ISSUES. THE INFORMATION CONTAINED IN THIS PUBLICATION IS NOT LEGAL ADVICE. EVERY CASE IS DIFFERENT. THE INFORMATION IN THIS NEWSLETTER MAY BE FREELY COPIED AND DISTRIBUTED AS LONG AS THE NEWSLETTER IS COPIED IN ITS ENTIRETY.

Safety First, Justice Always

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