

THE LAW OFFICE OF KENNETH E. BERGER, LLC

Safety First,
Justice Always

FEBRUARY 2020 NEWSLETTER

"99% of Life"

Every so often, I experience something that is objectively good or bad. The other 99% of the time, life is based on my perspective. I learned that lesson a long time ago and was reminded of it during a deposition last month. On paper, the opposing attorney and I probably had a lot in common, but to hear his perspective on another human being's brain injury – a plaintiff seeking money at that – you would have thought he and I were from different worlds. And maybe we are. Not in a physical sense, but in terms of how we choose to perceive everything from law to science to fairness.

Most of the lawyers we go up against are conscientious, fair-minded people who recognize both sides' strengths and weaknesses. On the contrary, we occasionally deal with lawyers who not only drank, but now want to mix and serve the tort reform Kool-Aid. I used to get angry with the latter group. "How could they...Don't they understand...What if it was their child?" They still frustrate me, but I've come to accept that, rather than my moral judgment, what they need is my compassion. How sad would it be to go through life viewing other human beings' suffering – and that of their families – as meaningless, made-up, or without recourse?

Life can be beautiful. Other people can hold a value equal or greater than our own. Or, in the words of Thomas Hobbes, life can be "solitary, poor, nasty, brutish..." 99% of the time it's our decision.



A handwritten signature in blue ink, appearing to read "Ken Berger".

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.

Games with James



At the Law Office of Kenneth Berger, we have a fairly straightforward goal: to help people. That means defending community safety rules and holding wrongdoers accountable. But it also means supporting organizations that make our community better. This month's Games with James is about the nonprofits we partner with to make SC a better place to live.

Best Among Us



Duncan Duong & Hoa Bui,
Owners of Pho Viet

K	I	P	M	S	E	P	W	E	V	A	A	R	R	Q	X	G	K	G	Y	L	Y	B	X
I	O	A	D	C	U	O	I	F	Y	I	G	J	Z	Y	P	A	U	C	L	Z	R	A	Q
N	D	T	Q	S	G	Z	Y	H	K	M	K	F	F	N	J	R	V	J	W	E	A	L	T
D	J	C	S	T	A	Z	N	A	S	V	E	N	Q	O	R	P	C	E	Z	K	T	Q	W
D	H	H	G	A	E	Z	W	E	A	R	B	C	N	Z	H	H	O	K	M	L	N	E	O
O	C	Y	H	T	L	I	Z	Q	F	O	A	J	R	Z	Z	G	Y	R	U	F	E	X	R
O	C	Y	O	E	E	X	I	Z	O	T	E	L	E	Y	A	M	D	T	B	N	M	C	W
Q	B	T	J	F	L	I	Y	T	B	V	S	M	O	A	I	I	P	C	G	L	E	T	M
T	H	M	R	I	T	B	P	Z	H	I	M	F	Y	H	C	D	D	U	Y	M	L	P	B
J	S	Q	Z	R	T	T	N	T	J	P	A	C	V	W	C	F	M	L	E	J	E	Z	C
V	P	Z	G	E	I	A	H	A	Y	V	M	S	X	F	M	S	N	J	M	Z	E	E	T
F	G	D	C	F	L	A	X	I	G	P	Z	W	C	R	M	H	D	F	W	N	K	P	J
P	Y	M	M	I	M	E	O	X	U	W	D	U	N	P	E	Y	J	D	G	W	A	F	Z
Q	F	S	V	G	L	E	Q	S	H	O	M	K	X	X	C	Z	C	V	A	B	L	D	W
E	N	Q	X	H	O	P	Z	H	Y	R	H	Z	J	E	S	D	Y	O	M	L	T	J	Z
R	N	G	Q	T	H	Y	H	Q	N	J	C	Z	K	J	N	W	L	F	B	B	S	N	I
E	P	P	J	E	N	C	A	M	P	C	O	L	E	E	K	C	V	V	X	M	E	M	S
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M	P	M	M	A	T	B	M	V	O	S	Z	G	O	C	I	H	J	W	G	O	F	P	D
D	I	J	R	S	C	T	L	U	B	K	A	S	P	X	I	M	L	T	L	X	J	B	S
U	E	W	Z	S	A	G	E	Q	U	G	T	P	C	R	M	M	L	B	S	K	M	D	E
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S	Z	E	W	C	H	J	E	U	E	U	M	Y	M	U	B	T	V	X	N	H	O	S	J

BIASC

CAMP COLE

FOREST LAKE ELEMENTARY

LADD SCHOLARSHIP

MADD

SC STATE FIREFIGHTERS ASSOC

ST JUDE

TRENHOLM LITTLE LEAGUE

We are very excited to feature Duncan Duong and his wife, Hoa Bui, as February's Best Among Us. They are the owners of Pho Viet, a Vietnamese restaurant with locations in Five Points and on Two Notch Road. Pho Viet also happens to be Kenny and Jason's favorite lunch spot!

In 2013, Duncan and Hoa moved to Columbia from California, to run the Five Points Pho Viet. Previously Duncan was an engineer and Hoa was a hair stylist. They have come to love the Columbia community and are active members of St. Martin de Porres Catholic church. They also have two children Derrek (10) and Leah (4).

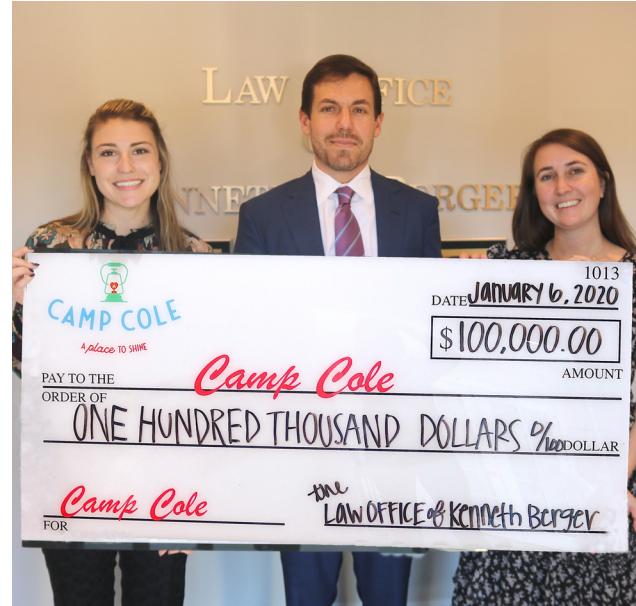
Duncan and Hoa aim to provide their patrons with more than just delicious food. They want them to feel comfortable and immerse them in Vietnamese culture. At their Two Notch location, the walls are adorned with handcrafted art bought and shipped directly from Vietnam. They offer a variety of authentic, delicious dishes – all of which are made from scratch – including various rice and vermicelli entrees, as well as their most popular item: pho. Many people don't know, but they also offer bubble tea – perfect for our hot South Carolina summer days. Drop by any day of the week for lunch or dinner. We're sure you'll find something you love!

Firm Snapshot

Committed to Community

As our firm grows, our goal is for our charitable giving and community support to grow as well. Recently, we were able to donate to a new organization in the Midlands, Camp Cole. Camp Cole will be a state-of-the-art facility located on a 30-acre farm outside of Columbia. They will serve people with serious physical and health challenges and allow them to experience camp without having to worry about access to medical care.

As a law firm that serves catastrophically injured people, we believe whole-heartedly in Camp Cole's mission and vision and the good that it will bring to the Midlands and the state of South Carolina. We are excited to see the Sawyer and Fawcett families' dream come to fruition when they break ground in April!



Case Results

Greenville Bar Pays \$1,000,000 for Christmas Eve Collision

On Christmas Eve 2015, a Greenville bar served a customer the equivalent of 8.5 shots of liquor over the course of less than three hours. The drunk driver then got behind the wheel, and within minutes of leaving the bar, ran into a woman walking her dog. The collision fractured the woman's skull as she landed first on the windshield, then the pavement below.

Based on the receipt, along with the bartender's testimony, we were able to show exactly how much alcohol was sold, when it was sold, and what the corresponding range of blood alcohol levels would have been when the drinks were being served.

Greenville is known as a conservative jurisdiction, and rightfully so. However, when it comes to cases involving drunk driving accidents, Greenville jurors return verdicts that echo their belief in public safety and lawfulness. No community wants bars over-serving people, then failing to offer alternative transportation. This

is because when people are served to the point of intoxication, then allowed to get behind the wheel, innocent people suffer.

We will call our client "Ms. Timmons." She raised two sons as a single working mom in the 1970s and '80s. As she neared retirement, Ms. Timmons was diagnosed with breast cancer. She underwent extensive treatment and has fortunately been in remission for many years. Along with her dedication to family, Ms. Timmons was very involved in her church. She also enjoyed hiking and the dog park before being struck by the overserved driver.

After meeting with and getting to know Ms. Timmons, I can say it was an honor to not only call her a client, but also a friend. She needed a lasting result in light of her lasting injury, and that is what we were able to secure.

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Lawyer Review

5.0 ★★★★★

via Google

Chris Finney, Personal Injury Lawyer, St. Louis, MO

"I have had the opportunity to work with Kenny, Brad and the whole team on a catastrophic brain damage case. I can tell you that for the last couple years, litigating this highly contested case, they have been outstanding. Their knowledge, preparation and care for their clients are one of a kind. I routinely give their name out on cases in South Carolina and North Carolina. Their acumen and knowledge of brain injury cases in the southeast and east coast are nationally recognized."

