

# THE LAW OFFICE OF KENNETH E. BERGER, LLC

Safety First,  
Justice Always  
SEPTEMBER 2020 NEWSLETTER

## "The Power of One"

Between the pandemic and a broken ankle, I've taken more time to read over the last six months. The most recent book I finished was yet another example of the power one person has to positively impact countless others. The impact starts with a man (or woman, of course) leading by example. The example inspires others, and suddenly that person is known as a leader.

Our truly transformative leaders instill students and successors with the understanding of duty; the duty to take what they have learned and use it to help the next person in line. One becomes two, becomes four, becomes eight...and so on until we lose count.

Exponential growth has its dangers as we all know. It can be seen in the spread of viruses, hate, and apathy. On the other hand, we also see it in charity, kindness, and service to others.

Great leaders are often not in search of devotees or power, though they may obtain both as a derivative of the power of their ideas. When a single individual is able to articulate a clear path forward, while also possessing the integrity needed to walk that path in his own life, a ripple is sent through the world. When the same individual shares that "way" with others, who in turn understand their charge, entire movements take hold and shape history.

Each of us has the power to positively or negatively impact the world around us. We can serve others and tell them rather than a "thank you," all we ask is they in turn give of themselves. On the other hand, we can perpetuate harm. What is certain is we have a choice.



A handwritten signature in blue ink, appearing to be 'KEB', located below the portrait.

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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.

## Games with James



Fall is just around the corner, and with it comes cooler weather, Halloween, and autumn colors. Whether you're staying in or venturing out to explore in corn mazes and pumpkin patches, we hope you and your loved ones have a fun, safe, and happy fall!



## Best Among Us



Grace Faulkenberry  
McMichael & Gray

We are pleased to introduce you to Kenny's fiancée, Grace Faulkenberry. Grace is the managing attorney of the Columbia office of McMichael & Gray, a real estate law firm with offices throughout the Southeast serving buyers, sellers, investors, lenders, and real estate brokers.

Grace's favorite part of her job is that she gets to help people navigate an exciting part of their lives – buying a home. She said, "When people are buying a house, it's usually a pivotal point in their life – a newly married couple may be buying their first home or retirees are moving into their dream home at the beach. Change is coming, and I love that I get to guide them through it."

Grace joined McMichael & Gray in May of this year after working for a national real estate law firm for three years. What makes McMichael & Gray different is their focus on client service. She said, "Leading up to closing, usually people are a little nervous, but when they come to our office, we're at the finish line, and we think it should be fun! We make our way through the paperwork expeditiously, go through any questions to make sure everyone is comfortable, and then have a little celebration. We want to make it a really positive experience."

Grace serves as the treasurer on the board of directors for the Cutler Jewish Day School and is a member of the Columbia Museum of Art Contemporaries Board. In her free time, she loves to cook, eat, and hang out with her and Kenny's two dogs, Gigi and James. If you are looking for a real estate attorney, contact Grace at 803.281.8378 or email [gfaulkenberry@mcmichaelandgray.com](mailto:gfaulkenberry@mcmichaelandgray.com). She is licensed to practice in North Carolina and South Carolina.



## Firm Snapshot

### Attorneys Selected for 2020 Legal Elite

We are proud and honored to announce that two of our attorneys, Kenneth Berger and Brad Lanford, were selected for Columbia Business Monthly's Legal Elite of the Midlands. This is Kenny's third consecutive year and Brad's first year to be recognized in the area of personal injury law. It is also Kenny's second time be selected in the area of workers' compensation law. We are grateful for this recognition and look forward to working even harder in the year to come.



## Case Results

### \$3.5 Million Traumatic Brain Injury Settlement

This summer, we were able to reach a settlement for \$3.5 million on behalf of a great man with a bad brain injury. The case began in late-2017 when the man was struck by an SUV while he and his wife were walking along a Charleston sidewalk during a visit from the Midwest, fracturing his skull and left leg in multiple places. EMS took him to the hospital where he was diagnosed with a TBI. Neurosurgery was not required, though surgical intervention for the leg injuries was performed.

A neuropsychological exam performed less than two months later led the doctor to conclude the patient was in large part fine. However, the people who knew him best knew he was not the same. A follow-up MRI done in the spring of 2018 showed extensive brain damage, confirming his loved ones' fears. As we worked with the injured man's wife, mother, and friends to piece together a complete picture of the man's former life, it became clear how much the brain injury impacted his everyday life and his future.

The insurance company's lawyers argued our client showed little outward sign of impairment. Their neurological expert asserted the Plaintiff was "asymptomatic" with regard to his TBI. The expert was of course

wrong, and his testimony was so one-sided that it likely helped us.

We mediated the case on February 27, 2020, at which time the defense offered \$1,000,000.00. In essence, the insurance company was testing whether we, or our client, would jump at a low number, but the case was worth more, so we pressed ahead. Between mediation and the summer of 2020, we collected additional video statements from lay witnesses and also obtained favorable court rulings that forced the defendant's tax returns to be produced. Resolution was sparked by a renewed time-sensitive demand that led the mediator to offer both sides a "double blind" settlement of \$3,500,000.00. When the parties independently agreed to the "double blind" offer, a confidential settlement was reached.

This case represented another million dollar-plus brain injury settlement in South Carolina for our law firm and put our client and his wife in a position to meet their financial and medical needs for many, many years to come. Additionally, a great deal of credit should be given to Chris Finney and Mark Bringardner, who are tremendous lawyers, and served as Plaintiffs' co-counsel.

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- 1 The Power of One
- 2 Best Among Us:  
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- 3 \$3.5 Million Traumatic Brain  
Injury Settlement

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SEPTEMBER 2020 NEWSLETTER

PAGE 04

## Attorney Review

5.0 ★★★★★

via Google

Holly-Marie Sarvis Sightler, Attorney, Columbia, SC

“I’ve known Kenny since 2005. Since that time, I’ve known that he’s one of the smartest people I will ever meet. Over the years, Kenny has become a good friend to me. He’s a kind and generous person in all areas of his life. Although I’m an attorney, too, I’ve had the privilege of having Kenny help me with a couple of my own cases. As an attorney, I know that he is the type of attorney that will not dodge a challenge - he will face the challenge head on. There are many attorneys out there, but few have a brilliant legal brain like Kenny. I would definitely recommend Kenny and his team, and I cannot wait to applaud him from the sideline as he continues his very successful legal career.”