

CHAIKIN  
SHERMAN  
CAMMARATA  
SIEGEL P.C.

Attorneys at Law

## WOW! We have been busy!

*A message from Managing Partner Ira Sherman*



Ira Sherman

Many of you have been wondering why you have not gotten a newsletter in 2015, until now. We miss informing you of what has been going on at **Chaikin, Sherman, Cammarata & Siegel, P.C.**, and we know many of you missed getting our newsletter. We apologize for the delay, but we have all been extremely busy with cases of local, national, and even international interest. Although nothing gets in the way of our handling each and every case—big and small—aggressively, creatively, and vigorously, we did put the newsletter on “the back burner.” Now, let me give you just some of the highlights of the stories in this newsletter.

In May, we celebrated the election of **Joseph Cammarata** as president of the D.C. Trial Lawyers Association. May 11, 2015, the night of the annual D.C. Trial Lawyers Awards Dinner, was special. All four of Joe’s children flew in for the event, as did his parents and mother-in-law. It was an evening that we will all remember. We are proud to have you as our partner, Mr. President!

The highlights of some of the newsworthy cases start with the case filed against Bill Cosby in federal court in Massachusetts. Many people are confused and think that this case claims compensation for sexual assaults against women that happened decades ago. *That is not what this case is about.* Instead, this case is about claims made by these women that Bill Cosby, individually or through his attorneys or other agents, defamed them by saying they lied about the assaults. The compensation being sought is for the damage to their reputations caused by statements made by Bill Cosby and/or his representatives that these women are liars. So,

although the case will require proof that the sexual assaults took place, the damages claimed are the defamation and diminution of the women’s reputations.

You have all probably seen local news reports about the rabbi at a Georgetown synagogue who was videotaping nude women who were preparing to use a ritual bath, known as a “mikvah.” The process of completely submersing yourself is part of a spiritual cleansing process, similar to a baptism. It is done once, after the conclusion of the education process to convert to Judaism is complete. It is also performed at other times, such as after the menstruation cycle. Rabbi Freundel is now serving a sentence of more than six years for his crimes of voyeurism, but the civil case is proceeding and is in the very early stages of litigation.

As you can see, we have been busy with these and other cases, as recorded in this newsletter.



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### Practice limited to personal injury

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We do not get paid  
unless you do.

## Partner Joseph Cammarata elected President of DC Trial Lawyers Association

We are pleased to announce that as a result of his experience and reputation as a trial lawyer, partner **Joseph Cammarata** was elected President of the Trial Lawyers Association of Metropolitan DC (DC-TLA). He leads an organization of over 400 members whose mission is to protect the interests of persons injured through no fault of their own, by advocating for full and complete access to justice in the courts. Mr. Cammarata joins partners **Donald Chaikin** (deceased), **Ira Sherman**, and **Allan M. Siegel**, who each previously served as President of DC-TLA.

## Partners Joseph Cammarata and Allan M. Siegel settle motorcycle accident case for \$4.8 million

On May 30, 2013, our client was riding his motorcycle when the driver of a minivan pulled from a stop sign in front of him. The minivan was pulling a trailer filled with yard debris. The motorcycle struck the trailer, and our client (the plaintiff) was vaulted 72 feet, landing on a nearby driveway. He suffered catastrophic injuries, including a left leg fracture as well as an injury to an artery and nerve in the left leg; a left shoulder fracture and dislocation; a compression fracture in his thoracic spine; a right ankle fracture; a rupture of a ligament in his thumb; and a meniscus tear and cartilage damage in his right knee. He had to have multiple surgeries as a result of these injuries, and will require future surgeries and medical care for the rest of his life.

The minivan driver (the defendant) claimed that he looked both ways before pulling out, but could not see the motorcycle because there is a curve in the roadway which blocked his view. The defendant's insurance company hired an accident reconstructionist, who claimed that our client was driving at an excessive speed, and it was our client's speed that caused the collision, not the minivan driver's inattentiveness. The defendant's accident reconstruction expert claimed that had our client been traveling the speed limit or less, he would have seen the minivan when it pulled out and been able to stop without colliding with the minivan or the trailer. Maryland law provides that if a plaintiff did anything wrong to cause or contribute to the collision, then he cannot recover for his damages. In other words, if a jury believed our client was speeding, and that our client's speed was a cause of the crash, our client would lose.

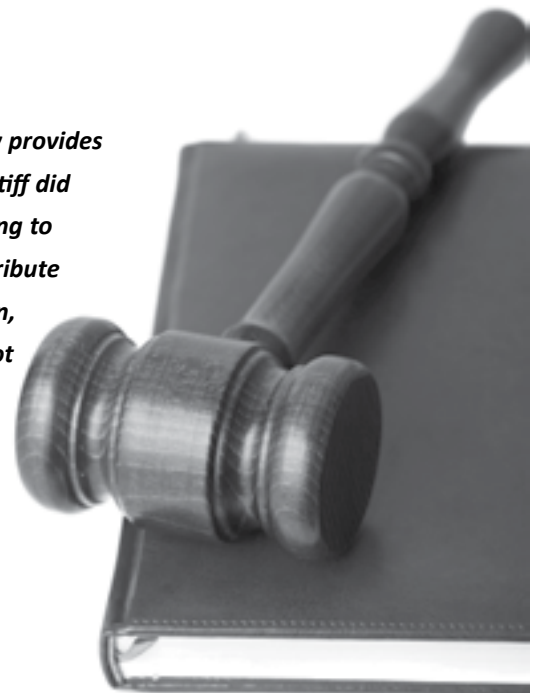
The law firm retained a preeminent accident reconstruction expert, who specializes in motorcycle cases. He concluded that the plaintiff's motorcycle was visible to the defendant when he

pulled out, and even if the plaintiff was exceeding the speed limit, that it was the failure of the minivan driver to see the plaintiff, who was there to be seen, that caused the crash—not the plaintiff's speed.

The plaintiff, who was 24 years old at the time of the crash, was unable to return to any type of gainful employment as a result of the injuries that he suffered in the collision. He also was going to have extensive future medical expenses.

The case settled at mediation for \$4.8 million, which was the maximum amount of insurance that was available. While the accident is a tragedy, we are pleased that our efforts will make a difference in our client's life.

***Maryland law provides that if a plaintiff did anything wrong to cause or contribute to the collision, then he cannot recover for his damages.***



# CHAIKIN, SHERMAN, CAMMARATA & SIEGEL, P.C., BRINGS CLASS ACTION ON BEHALF OF WOMEN SECRETLY VIDEO-RECORDED BY FORMER RABBI BERNARD FREUNDEL

Bernard Freundel was the rabbi at Keshet Israel Synagogue in Georgetown, here in the District of Columbia. He was also well-respected nationally as a scholar and an authority within the Rabbinical Council of America (RCA), an organization of Orthodox rabbis. In fact, one of his roles as a rabbi and a member of the RCA was to determine the standards that people had to meet in order to convert to Orthodox Judaism.

In the final act of conversion to Orthodox Judaism, a convert must totally disrobe and bathe in what is called a "mikvah," which is a ritual bath. The mikvah is used at the end of the conversion process, as well as by married women after menstruation and childbirth, as an act of purification. Freundel attracted young women to use the mikvah, even more than is required by Jewish law. For example, Freundel invented a ritual that he called "practice dunks," even though Jewish law only calls for one use of the mikvah in conversion.

Freundel had a secret motive in encouraging the women to use the mikvah. In October of 2014, an employee at the National Capital Mikvah discovered that Freundel had installed a camera hidden within a clock radio inside the changing room where people disrobed before mikvah submersion. After police arrested Freundel and searched his home, they found videos of dozens of women who were

secretly recorded by Freundel as they prepared to enter the mikvah. Not only were the victims traumatized, but it took months for police to sort out who had and who had not been recorded, which terrified hundreds if not thousands of women who had used the mikvah, as they waited to find out if they had been videotaped. In all, police positively identified 152 female victims. Freundel pled guilty to 52 counts of voyeurism and was sentenced in May to over six years in prison.

But punishment for Freundel is not the end of this story, nor is it complete justice for the many women who were recorded, and the many more women who will never know if they were recorded, or spied upon and not recorded. In December 2014, the law firm of **Chaikin, Sherman, Cammarata & Siegel, P.C.**, filed a class-action lawsuit on behalf of every woman who ever used the National Capital Mikvah to compensate them for having their privacy horrifically abused. The lawsuit is against Freundel's old employers—the Keshet Israel Synagogue, the National Capital Mikvah, and the Rabbinical Council of America, all of whom are responsible for the acts of their agent Freundel, and all of whom should have known of his outrageous behavior and taken action to prevent him from abusing his position of power.

## Partner Joseph Cammarata files defamation lawsuit against Bill Cosby on behalf of three women

Partner **Joseph Cammarata**, along with associate **Matthew Tievsky**, filed a lawsuit against Bill Cosby on behalf of three women who claim they were defamed when Mr. Cosby branded them as liars when he denied that he sexually assaulted or abused them. The lawsuit is pending in federal court in Springfield, Massachusetts, Mr. Cosby's city of residence.

One of the women, Therese Serignese, claimed that she met Mr. Cosby in Las Vegas when she was 19, was given pills, and was then raped. Mr. Cosby, through his attorneys, categorically denied these claims. However, in portions of a deposition taken in another lawsuit in 2005, parts of which were recently publicly released, he admitted that he gave Quaaludes, a potent drug, to Ms. Serignese and then had sex with her.

Mr. Cosby has asked the federal court to dismiss the case, claiming, among other things, that the statements made about each of the women were not defamatory. We are awaiting a decision from the court.



# Associate Matthew Tievsky wins appeal to throw out junk science in auto accident case

In a recent case, in the District Court for Anne Arundel County, Maryland, associate **Matthew Tievsky** was faced with an expert biomechanical engineer. A biomechanical engineer looks at the forces and mechanics of a collision to draw conclusions regarding what happened to the individuals involved in the collision. Virtually every time one of these experts is retained by the defense, they reach the same conclusion: based upon the force of the crash, it was impossible that our client could have been seriously injured. Of course, conclusions like these generally fail to take into account many factors that the “expert” either does not know about or isn’t qualified to consider, such as the exact speeds of the vehicles and their angles of impact, the height and weight of our client, the

position our client’s body was in during the collision, and his/her medical history.

To make matters worse, in Mr. Tievsky’s case, **the “expert” was the father of the defendant!** He simply *looked at photographs of the cars* and “concluded” that there was not enough damage for our client to be injured. Surprisingly, the judge allowed the defendant’s father to testify as an expert, and then ruled that our client was not injured in the accident.

Mr. Tievsky was not willing to take that lying down. He appealed this judgment. The appellate judge ruled in our client’s favor. The judge concluded that there was no way for even an expert to

*(continued below)*

## We are your law firm

We want you to think of us as your law firm.

If you have legal matters that need attention, please let us know. If we cannot handle the matter, we will refer you to a competent firm that can.

Please feel free to refer us to your family, friends, and neighbors for their legal needs. We welcome the opportunity to help.

**Call us. You’re going to feel a whole lot better about things.**

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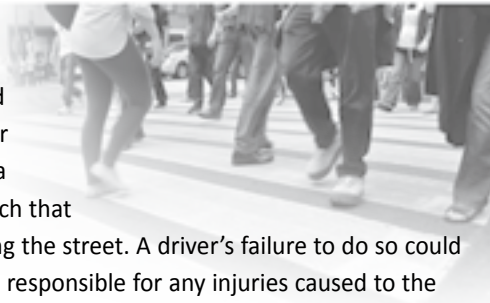
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## Drivers beware: Pedestrians have the right of way

The law firm has had many cases in which we represented individuals who were crossing the street in a crosswalk and were struck by a vehicle and injured. In our local jurisdictions, pedestrians crossing in a crosswalk usually have the right of way, such that a driver must permit them to finish crossing the street. A driver’s failure to do so could likely result in the driver being at fault and responsible for any injuries caused to the pedestrian. Among the cases presently being handled by the law firm, we are representing a woman who was struck by a city bus while crossing the street in a crosswalk and trapped under the bus’s tire, suffering permanent injury to her leg. We are also representing an attorney who was crossing in a crosswalk on 10th Street and Pennsylvania Avenue, N.W., in front of the Department of Justice, when struck by a limousine turning left, resulting in multiple fractures requiring multiple surgeries. If you, a relative, or friend is injured while crossing the street, please call us for a free consultation.



## Associate attorney wins appeal...

*(continued from top)*

conclude, just by looking at photographs, that a person inside one of the vehicles was not injured. Additionally, the judge also found it highly questionable that the defendant’s own father was allowed to testify in her favor. The judge ordered a new trial.

This is a great victory for our client but also will hopefully send a signal to other courts in Maryland that the best evidence of whether a person was injured in a car accident is *medical* evidence that comes from the doctors who examined the victim—not engineers who look at what happened to the *cars*.