

Marcus & Mack

Pennsylvania Personal Injury Lawyers

WINTER | 2021

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Welcome! We are excited to bring you the first edition of the Marcus & Mack Newsletter. You are part of our Marcus & Mack family and we want to help you stay connected and informed about our firm and areas of interest within the law, especially during these uncertain times.

Pictured above, are the attorneys at Marcus & Mack which, from left to right, include our founding partner, Robert S. Marcus, Russell J. Bopp, partner Bryan S. Neiderhiser, Jonathan B. Mack, and Bradley E. Holuta.

This Newsletter is intentionally designed to give you a backstage pass to get to know our attorneys and staff. We will be publishing features on our attorneys, as well as including details about a number of community events that are close to the heart of our firm and our staff. This Newsletter is also designed to keep you up to date on the latest safety recommendations and developments in the law.

Marcus & Mack has represented thousands of injured clients for more than forty years. We understand that our clients come to us during some of the most difficult times in their lives and we take that responsibility seriously. Our team at Marcus & Mack is passionate about caring for and supporting the individual person.

As a part of the Marcus & Mack family, you know that we will work tirelessly to seek justice on your behalf. With over 100 years of combined legal experience, our attorneys will not rest until we get the maximum compensation that you deserve!

At Marcus & Mack, we know and understand that our continued growth and success is a direct result of our satisfied clients. The greatest compliment that you can give us is to tell your family and friends about Marcus & Mack. Feel free to share the Newsletter with your family and friends.

If you ever have a question about an article that you see or want to know if you may have a personal injury claim, please do not hesitate to contact us at **1-800-488-0338**. We always have a live person to take your call—24 hours a day, 365 days a year.

We look forward to staying connected and keeping you informed with our Newsletter. Stay tuned!

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Icy sidewalks are a **slippery situation**

Winter weather means snow and ice, which means slick sidewalks. While we hope that sturdy footwear and sure footing keep you upright, if you do slip and fall on the ice you may be able to hold the property owner accountable if they neglected to clear the walkway in a timely manner.

In general, proving fault in a slip-and-fall case can be difficult. First, it must be shown that the injured party did everything that a "reasonable" person would have done to be safe. We are all responsible for being aware of our surroundings and doing our best to avoid dangerous conditions. Second, it must be shown that the property owner/possessor did one of the following:

- ▶ Knew about a dangerous condition on the property and did not fix it,
- ▶ Caused a dangerous condition and did not fix it,
- ▶ Should have known about a dangerous condition because another "reasonable" person in their position would have known about it.

Proving that the property owner is liable for a slip-and-fall in icy or snowy conditions can be especially tricky. Most jurisdictions give property owners a certain amount of time after a storm to clear sidewalks and parking lots. In the dangerous case of melting/refreezing, leeway may be given to allow for time to address the danger. The injured party must also be able to show that they took appropriate precautions to avoid the injury – for example, wearing proper footwear.

If you or a loved one fell in icy conditions and sustained an injury, contact our office for a free consultation and we can help you determine the best course of action.

Heating Safety

There is something about the winter months and curling up with a good book by the fireplace. But did you know that heating equipment is one of the leading causes of home fire deaths? With a few simple safety tips and precautions you can prevent most heating fires from happening.

BE WARM AND SAFE THIS WINTER!

- Keep anything that can burn at least three-feet away from heating equipment, like the furnace, fireplace, wood stove, or portable space heater.
- Have a three-foot "kid-free zone" around open fires and space heaters.
- Never use your oven to heat your home.
- Have a qualified professional install stationary space heating equipment, water heaters or central heating equipment according to the local codes and manufacturer's instructions.
- Have heating equipment and chimneys cleaned and inspected every year by a qualified professional.
- Remember to turn portable heaters off when leaving the room or going to bed.
- Always use the right kind of fuel, specified by the manufacturer, for fuel burning space heaters.
- Make sure the fireplace has a sturdy screen to stop sparks from flying into the room. Ashes should be cool before putting them in a metal container. Keep the container a safe distance away from your home.
- Test smoke alarms at least once a month.



Heating Equipment Smarts

Install wood burning stoves following manufacturer's instructions or have a professional do the installation. All fuel-burning equipment should be vented to the outside to avoid carbon monoxide (CO) poisoning.

Install and maintain CO alarms to avoid the risk of CO poisoning. If you **smell** gas in your gas heater, do not light the appliance. Leave the home immediately and call your local fire department or gas company.



FACT

Half of home heating fires are reported during the months of **December, January, and February.**



**NATIONAL FIRE
PROTECTION ASSOCIATION**
The leading information and knowledge resource
on fire, electrical and related hazards

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Don't let social media destroy your case



By now we should all be aware that nothing on the internet is private, least of all things posted on social media. Social media sites, like Facebook, Instagram, TikTok, Twitter, YouTube, LinkedIn, etc., make their money by collecting and monetizing information about you. If you are involved in a legal case, it is vitally important that you take every precaution to make sure your social media activities don't end up destroying your case.

The first thing you must do when you begin a legal claim is maximize the privacy settings on all your accounts. For the following examples, we will use Facebook since that is the most popular of these sites, and one that can easily get you in trouble. The other sites will have similar settings. Start by going to the Settings and selecting "Only Friends" as who can view your

profile. Then, under Public Search Listing, check the box that prevents your profile from showing up in a Google search. Any other privacy options you see, choose the most restrictive. Check back every so often to make sure your settings remain highly private as Facebook updates options regularly.

Next, watch your behavior on the platform. Don't accept friend requests from people you don't know. They may be a private investigator, opposing attorney, or insurance adjuster. What's the point of only allowing your friends to see your profile if you allow an enemy inside your circle? Be mindful of every post you make; anything you post that finds its way into the opposition's hands can and will be used against you if possible. For example, if you are pursuing a worker's compensation claim regarding a shoulder injury, a picture of you playing catch with your child can be used to show that your injury is not as severe as you claim; even if a simple game of catch isn't the same as what you now can't do at work.

Finally, protect yourself from any mistakes your friends might inadvertently make. On Facebook, select the option "Only Me" for who can see your tagged photos. That way, if a friend posts a picture of you, you will have the option of keeping it private.

The best strategy when in the middle of a lawsuit is to stay off social media entirely. If this is not possible or just highly unpleasant to you, follow the above advice to limit your exposure and give yourself the best chance at winning your claim.

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Medical liens and personal injury cases

You won your case. Part of the money you were awarded was meant to cover the cost of medical bills. Now you find there is a medical lien filed against your settlement and you don't know why. This situation is relatively common so we would like to take a few moments to explain what a medical lien is and why one could be filed against a personal injury settlement or verdict.

Before we get into it, we should mention that the rules regarding medical liens and personal injury cases are complicated and vary by state and circumstance. We will stick to generalities here. If you or a loved one are dealing with a situation similar to what we describe below, contact our office for a personal consultation.

A lien is a demand for repayment of a debt, in this case held against a personal injury settlement or jury verdict. If you were injured in an accident, a medical lien can be filed against your settlement by parties that paid the medical costs related to your injury. Depending on your plan, your health insurer can file a lien for monies spent on your injury. Medical providers and hospitals can too. If your injury was work-related, a workers' compensation lien may be issued if your medical bills or lost wages were paid through your state's workers' compensation fund. The government has the right to use a lien to recover money spent through programs like Medicare, Medicaid, and VA health care.

This may seem unfair, but the good news is that it is possible and common to negotiate with a lien holder to accept less money than they are asking for. An experienced attorney can help to sort through the details specific to your case and come up with options to settle any medical debts.



Multitasking behind the wheel **doesn't work!**

Over 90% of auto accidents involve human error. Even so, 73% of Americans consider themselves better-than-average-drivers. These two numbers don't really make sense next to each other and the apparent overconfidence of the American driver is probably why. When a driver is confident that they are a "good" driver, they are more likely to multitask while behind the wheel. Unfortunately, when a human tries to do two things at once, their brain is forced to shift focus from one task to the other repeatedly. In other words, we literally cannot pay attention to two things at the same time. Below, we will show you the increase in car accident risk for a handful of activities that drivers commonly do while on the road.

- ▶ **Eating** doubles your chance of an auto accident.
- ▶ **Grooming** triples your chance of an auto accident.
- ▶ **Reading** quadruples your chance of an auto accident.
- ▶ **Reaching** (to pick something up that you dropped, for example) makes it nine times more likely to be in an auto accident.
- ▶ **Texting** makes it 23 times more likely that you will be in an auto accident.

Take care of all these things before or after your drive so you can keep your eyes and mental focus on the road at all times. Stay safe out there!



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A referral is the greatest professional compliment we can receive. If you have a friend, neighbor, or family member who is in need of legal representation, please consider referring them to our firm. We will do our best to provide the highest possible level of service and deliver winning results.



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The information included in this newsletter is not intended as a substitute for professional legal advice. For your specific situation, please call the appropriate legal professional.

Injured in an auto accident? What to do **before** you call us

Based on some of our colleague's commercials, you would think the first thing to do when injured in an auto accident would be to call your attorney. While we hope you call us sooner rather than later, we do not want you to do so until the safety of everyone on the scene of the accident is ensured and valuable evidence has been collected. Before you call us, if you are able, you should first:

- ▶ **Get medical attention.** If you or anyone else on the scene is injured, call 911 and get help right away.
- ▶ **Call the police.** They will file an accident report, which will be needed later. They will also help to identify and take statements from witnesses and help to maintain safety at the scene. Many areas require police notifications prior to leaving the scene of an accident.
- ▶ **Gather information.** Write down all the information you can about the other driver and their vehicle (name, address, phone

number, license plate number, year/make/model/color of all vehicles involved, and insurance information of all drivers). Jot down some notes about anything you can remember about what happened – the weather, road conditions, details about the other driver(s), etc. Make a few simple drawings of the scene that can help show what happened.

- ▶ **Take pictures.** Pull out that phone and snap away. The more pictures of the scene and the vehicles, the better.

Once the scene of the accident is secure and everyone is safe, call both your insurance agent and our office. Your insurance policy will require you to notify them if you are in an accident. It is best to do this right away so the claim can be filed promptly. As for us, you can call to set up a consultation. We are experienced in accident and injury claims and will help make sure your rights are protected. Bring all the information you gathered (see above) to that first consultation.

