



WARNER  
LAW OFFICES, PLLC

A Warner Law Offices  
2011 quarterly newsletter

304 **345-6789**  
*New, easy-to-remember number*

# summer

News and tips  
to keep your family  
safe this season.



## \$2.9 million result obtained by Warner Law Offices

Warner Law Offices recently settled a case involving a drunk driver that struck our client, Billy J. Berkhouse. He was hit by the driver on June 7, 2008 on Capitol St. in Charleston. He suffered severe head trauma and was in a coma for an extended period of time.

The at-fault driver had visited the Charleston Moose Lodge and was over-served alcohol by the establishment. Mr. Berkhouse was offered limits of \$3 million, minus defense costs, totaling a \$2.9 million settlement.

Bobby Warner believes that the case is very important because the goal is always to improve safety in the community. "By the defendants paying the \$3 million in damages, they are acknowledging that they were over-serving alcohol, said Warner. "You don't have a right to serve alcohol in West Virginia. It is a privilege, and in this case, they broke the rules by over-serving alcohol. My hope is that the bars and nightclubs see that if they break the rules, they will be held responsible."

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## QUESTIONS?

Call today for a free and  
prompt evaluation of your  
case. Totally confidential!



**WARNER**  
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Robert B. Warner, Attorney



#### **PRACTICE AREAS**

Workplace injuries  
Mining & industrial accidents  
Wrongful deaths  
Auto accidents  
Personal injuries  
Motorcycle accidents  
Trucking accidents  
Medical malpractice  
Employment matters  
Brain & spinal cord injuries  
Burn injuries  
Amputation  
Other catastrophic injuries

## Around Warner Law Offices



*Kailyn Elizabeth  
McQuain*

Warner Law Offices is happy to announce that on March 8, 2011, Kim McQuain and her husband Steve welcomed a beautiful baby girl! Her name is Kailyn Elizabeth McQuain and she weighed 7 pounds and 11 ounces at birth. We are pleased to report that the baby is healthy and doing great. Kim is the paralegal for Truman Griffith at Warner Law Offices. Congratulations Kim and Steve!



*Lindsay and  
Truman Griffith*

Warner Law Offices would like to congratulate Truman Griffith on his recent marriage. Truman married Lindsay Jackfert in March of 2011. They had a beautiful ceremony in Jamaica. Truman is one of the associate attorneys at Warner Law Offices. We wish Truman and Lindsay many years of happiness.



## Tucker's Tips

### *Boating safety advice*

With the kids getting out of school and summer approaching, many families are gearing up to get back out on the water. Whether you fish, water ski, tube or swim, the day can quickly end in disaster if you are not properly prepared. Below is a list that will help keep you safe on the water.

**Check out your boat** – Check fluids, belts, motors and other functioning parts of your boat. Make sure that your boat is in good working order.

**Check your safety equipment** – Make sure you have all safety equipment and that it is in good working order.

**Check your life jackets** – Make sure all straps, buckles and zippers are in good working order and that the jackets do not have any tears.

**Take a boating class** – It is important to know and understand the rules of the water. An informed boater is a safe boater.

**Learn Courtesy on the Water** – Always treat others the way that you would want to be treated.

**Keep your eye on the weather** – Storms can come quickly. Watch for temperature changes, shifts in wind patterns and changes in cloud formations.

**Drive defensively** – Be aware of what other boaters are doing around you. Pay close attention to Jet Skis and Sea Doo crafts.

**Don't drink and drive a boat** – Just like on the highway, drinking and operating a boat is against the law and is extremely dangerous to you and your family.

## Jury awards \$1.4 million to injured woman

Warner Law offices recently won a trial involving an Elkview woman that was hit by an Orkin driver on U.S. 119. The jury ordered Orkin to pay \$1.4 million for the traffic accident. Our client, Cindy Mosier, was driving southbound as she approached an intersection at the Oakwood Exit Ramp. She had a green light and proceeded through the intersection. At the same time an employee of Orkin, James Denny, was traveling north on U.S. 119 and attempted to turn left through the intersection onto the entrance ramp to Interstate 64.

As a result, Denny failed to yield the right-of-way and turned in front of Mosier, colliding with her car. She was treated at Charleston Area Medical Center. She sustained injuries to her neck, shoulders and back. She also had a large disk herniation in her lumbar spine, which resulted in her having multiple surgeries. She had to have a microdisectomy surgery and a spinal cord stimulator implanted into her body.

Orkin filed an offer of judgment to settle for only \$135,000. Bobby Warner was very pleased with the outcome in this trial. "I'm pleased with the jury's finding," said Warner. "But I'm most happy with the jury establishing a public policy that Kanawha County juries expect corporations to follow their own safety rules and procedures."

*New, easy-to-remember number*

*Call today for a free evaluation of your case.*



## Warner Law proud to support Legal Aid of WV

Warner law Offices recently made a \$10,000 donation to Legal Aid of West Virginia. Legal Aid of West Virginia advocates for low-income, vulnerable West Virginians, seeks equal access to justice and creates system change in order to improve client safety, health, housing income and access to resources.

Legal Aid helps West Virginia families in a variety of ways. The Behavioral Health Advocacy Program serves West Virginians both in the community as well as those at Mildred Mitchell Bateman and Sharpe Hospitals who face challenges brought about by behavioral and mental health disorders.

The West Virginia Long-Term Care Ombudsman Program exists to advocate for residents of long-term care facilities. The mission of this program is to enhance the quality of life, improve the level of care, protect individual rights and promote the dignity of all residents of long-term care facilities.

Warner Law Offices is proud to assist a great organization such as Legal Aid of West Virginia who assists our residents who are unable to get the proper representation that they deserve.

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*For more information, please visit [wvpersonalinjury.com](http://wvpersonalinjury.com).*



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## Recent Verdicts & Settlements

### **Workplace**

A stock worker was seriously injured when a pallet jack's wheel rolled over his foot as he attempted to move it from a parked position. The worker's employer had not trained the worker, as is required by OSHA standards, in how to operate, park or maneuver the machine, which weighs over one ton. Further, evidence was produced showing that the pallet jacks at the worksite had a history of mechanical and/or functional problems. This injury could have been prevented had the worker been properly trained by his employer and had the pallet jack been properly maintained.

Settlement Confidential

