

105 S. Cedar Street
 Suite D
 Summerville, SC 29483
843-535-8000

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November/December 2019

HAS THE OPIOID CRISIS AFFECTED YOUR FAMILY?

We Can Help!

In 2017, the state of Oklahoma sued the drug manufacturer Johnson & Johnson, claiming that its irresponsible dispensation of painkillers helped cause the opioid crisis — a drug-use epidemic that has killed more than 400,000 Americans since 1999. This August, the state finally emerged victorious when Cleveland County District Judge Thad Balkman ordered Johnson & Johnson to pay \$572 million in damages.

"The opioid crisis has ravaged the state of Oklahoma and must be abated immediately," Balkman said, according to The Washington Post.

The settlement was just a fraction of the \$17.5 billion Oklahoma asked for, but it was still a landmark moment in the war against opioids being waged across the country by grieving families, activists, health workers, and lawyers — including me and my team here at Christmas Law Firm. Another victory came in September, when OxyContin manufacturer Purdue Pharma filed for bankruptcy in order to settle the dozens of lawsuits leveled against it by states, municipalities, and tribal governments for its part in the crisis.

There's no doubt in my mind that these pharmaceutical companies deserve to hemorrhage money. Just like big tobacco back in the day, they're looking for someone else to blame now that the roof has come crumbling down. But these companies have known all along that their products have problems. Yes, opioids can be useful for those in acute pain, but their manufacturers have been irresponsible. Instead of being open about the pitfalls of their drugs, they entered the market by singing their praises to general practitioners, practically

pulling the wool over their eyes. They rolled out this marketing campaign to push their pills even though they knew they were addictive, destructive, and dangerous but then tried to backpedal when the inevitable results swept the country, affecting people of all age groups and demographics.

Here in South Carolina, the crisis has gotten so bad at the workers' compensation level that officials have created an ad hoc committee through the Workers' Compensation Commission to field solutions. I've served on it alongside injured workers' advocates, representatives from the American Medical Association, and delegates from big pharma. Here's the sad truth: If the opioid crisis hasn't affected you or your family, it has certainly touched the lives of your friends and acquaintances. Addiction and abuse are indiscriminate, and none of us are more than one step removed from someone who is struggling, in recovery, or has tragically passed away from an overdose. These drugs and their catastrophic effects are hanging over all of us, lying in wait to hurt those we love.

It's easy to feel helpless when facing a problem this massive, but, if we stand together against the pharmaceutical companies, we can affect change one settlement at a time. If you, a friend, or loved one is battling addiction or facing the catastrophic effects of the opioid crisis, please reach out to us at 843-535-8000. Considering all the cases that have been brought forward so far, I'm certain a round of plaintiffs' cases will be part of the next wave. If we can help you and those you love seek justice and win the monetary damages you need, we will.

-Gary Christmas



Celebrating Giving Tuesday

SUPPORTING THE PEOPLE YOU BELIEVE IN



November is usually all about Thanksgiving, but it isn't the only holiday that encourages

generosity. Giving Tuesday is a phenomenal celebration in which millions of people from across the globe are inspired to spend 24 hours giving back to the communities they love.

Origin and Goal

Giving Tuesday is celebrated every year on the Tuesday following Thanksgiving, and this year, the holiday lands on Dec. 3! It was established in 2012 by the United Nations Foundation and New York's 92nd Street Y as a response to consumer-driven holidays like Black Friday and Cyber Monday.

The purpose of the holiday was to spread the spirit of giving, not only for the people in our nation but individuals across the world. The goal is "to create a massive wave of generosity that lasts well beyond that day and touches every person on the planet."

Technology at Its Best

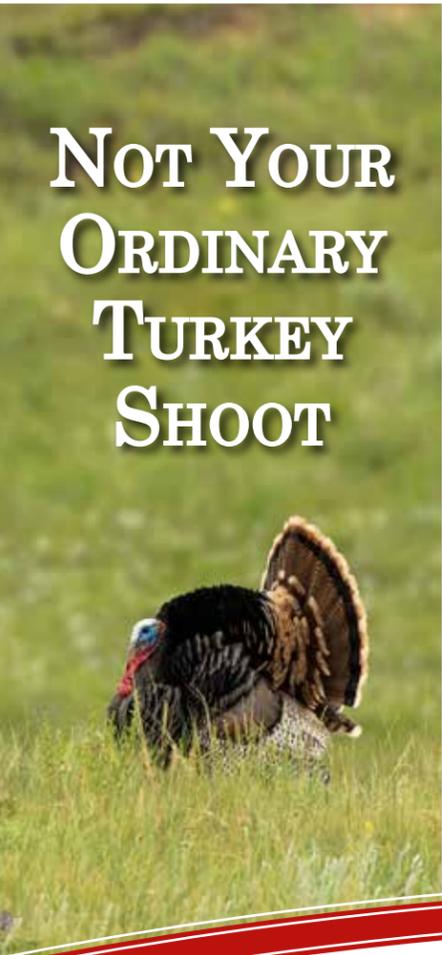
Through the use of social media and technology, the organization hopes to encourage and spread generosity on a global scale using the hashtag #GivingTuesday. The website states that "... technology and social media could be used to make generosity go viral; that people fundamentally want to give and talk about giving." Through massive social media platforms like Facebook and Twitter, the individuals and companies participating in Giving Tuesday can spread their

missions and messages all over the world, encouraging others to do the same.

How You Can Celebrate

Now is the perfect opportunity to support your community and the causes you believe in. The best part of this holiday is that "giving" doesn't just refer to donating money. People can give back by volunteering their time to help a nonprofit business, donating goods and food, or just buying a stranger some lunch. Even the smallest actions can have the biggest impact.

If you're interested in participating in Giving Tuesday, get together with your friends, family, sports team members, or neighbors to brainstorm on how you can give back. To learn more about how you can participate, visit GivingTuesday.org.



NOT YOUR ORDINARY TURKEY SHOOT

THE CRAZY CASE OF JACOBS V. KENT

It began like any other hunting excursion. Neil Jacobs was walking softly through the bushes, looking for a spot to hunker down and watch for a flock of turkeys. The only problem was that someone beat him to that neck of the woods. James Kent had established a hunting spot for himself, and, when he heard rustling and gobbling in some nearby bushes and saw a flash of red, he took aim and fired.

Unfortunately, the movement in the bushes was not a turkey. Kent was horrified to find that he had shot Jacobs. Jacobs promptly moved for a partial summary judgment against Kent on the basis that he had failed to determine that Jacobs was not a turkey but, in fact, a human being. Kent cross-moved for summary judgment, saying Jacobs should have expected risks when he stepped into a popular hunting environment.

When their case came before the Supreme Court of the 4th District of New York, the courts

denied both the motion and the cross-motion. They agreed that Jacobs had assumed the inherent risks of hunting — just not the risks it would be unreasonable to assume, like getting shot by another hunter who thought you were a turkey. Beyond that, the courts did not pronounce judgment because they did not have enough verifiable facts.

Jacobs asserted that turkey hunters should not shoot unless they can see the turkey and verify its gender. The court could not determine whether Kent had failed to follow this rule when he shot Jacobs. They also could not determine whether the doctrine of primary assumption of risk, which Kent pointed to in his defense, was even applicable. The court also called into question whether Jacobs had also been negligent. Ultimately, the case didn't move forward.

Maybe next time, they should just try getting a turkey from the supermarket.

A HELPING HAND FOR THE HOLIDAYS

CHRISTMAS LAW FIRM DONATES \$1,000 TO BIG BROTHERS BIG SISTERS

Here at Christmas Law Firm, we've made it part of our mission to give back to the communities we serve in North Charleston, Summerville, and Mt. Pleasant, and, for the last few years, that gratitude has included an annual donation to Big Brothers Big Sisters of the Lowcountry. This holiday season, we donated \$1,000 to the group, and we can't wait to see them use it to help kids across the city!

Since 1904, Big Brothers Big Sisters has worked hard to ensure every child they collaborate with reaches their potential. To do that, the organization matches kids ages 5 and up (who they call "Littles") with adult role models ("Bigs") who teach them positive values, strengthen their work ethic, and boost their self-esteem.

Studies have shown that a positive influence can help kids and teens stay out of trouble and focused on academics, which is a step toward a positive future. As the group itself puts it, its mission is to "provide children facing adversity



with strong and enduring, professionally supported one-to-one relationships that change their lives for the better, forever" and ultimately, it envisions a world where every child achieves success, whatever that may look like for them.

On Saturday, Dec. 7, Big Brothers Big Sisters will host a Big Lowcountry Boil at Holy City Brewing, complete with craft beer, games, activities, and live music. Tickets cost \$30 and include admission, food, drinks,

and entertainment. All of the proceeds benefit Big Brothers Big Sisters, so there's nothing but upside to the night.

We hope you'll join us in giving back this holiday season. To learn more about Big Brothers Big Sisters, become a "Big," or buy tickets to the Lowcountry Boil, visit BBBSLowcountry.org, email merridith@bbbslowcountry.org, or call 843.401.3556 ext. 700.

PARTNER SPOTLIGHT: MEET CARTER ELLIOTT



OUR MEDICAL MALPRACTICE CO-COUNSEL

Part of being a strong lawyer — and a strong law firm — is knowing when it's in your clients' best interests to bring a partner on board whose expertise can supplement your own. Our attorneys at Christmas Law Firm are experts when it comes to personal injury and workers' compensation cases, but we also recognize the benefits of partnering with other lawyers when working on cases we rarely see come across our desks.

One of those lawyers is Carter Elliott, the founder of Elliott Phelan, LLC. His firm specializes in medical malpractice, police misconduct, and jail negligence cases, and he has co-counseled on medical malpractice cases with Gary Christmas for more than a decade.

"Gary gets some cases he doesn't specialize in, something like medical malpractice, and I take the lead on those," Carter explains. "If I get any workers' compensation cases and things of that nature, I send them to him, and we work together on them."

It's a win-win for both firms and for our clients, who get a legal team specifically tailored to their needs.

Carter has been practicing law for 30 years. He knew from a very young age he wanted to be a lawyer, and he worked at four other firms out of law school before opening his own. Carter loves a challenge and focuses on medical malpractice in part because every case is a puzzle that requires a deep dive.

"My cases are mostly expert-driven, and that gives us a chance to work with doctors and professionals, research the cases, and then litigate them," he says.

Carter and Gary were friends before they began working together professionally, and the trust formed in those early days has made them an excellent team in the courtroom. If you bring a medical malpractice case to Christmas Law Firm, rest easy knowing that one of South Carolina's best legal duos is on your side.

To learn more about Elliott Phelan, LLC, visit ElliottPhelanLaw.com or call 843-546-0650.

PUZZLE



APPLES
PIE
PUMPKIN
HARVEST
CROPS
THANKSGIVING

HOLIDAY
FALL
SCARECROW
CHILLY
SWEATER



Burnished Potato Nuggets

Inspired by Bon Appétit

INGREDIENTS

- 5 lbs russet potatoes, peeled and cut into 2-inch pieces
- 1/2 cup extra-virgin olive oil
- 1/4 cup vegetable oil
- 8 cloves garlic, crushed
- 2 sprigs rosemary
- Kosher salt, to taste

DIRECTIONS

1. Heat oven to 425 F.
2. In a large pot, pour water over potatoes to cover by 2 inches. Salt water and bring to a boil over medium-high heat. Reduce heat and simmer gently for 10 minutes.
3. Thoroughly drain potatoes and let stand for 10 minutes. Toss gently and season with salt.
4. Meanwhile, combine both oils in a large pan and heat in oven for 10 minutes.
5. Remove pan from oven and add potatoes, turning to coat thoroughly. Return to oven and cook for 30 minutes, turning every 10.
6. Toss in garlic and rosemary and finish cooking for 8–10 minutes.
7. Drain and serve.