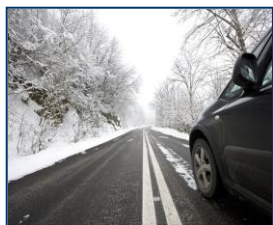




In this Edition...



New Case Results for the
New Year
By: J. Brad Champion



Winter Weather Driving
Tips
By: Brittney Honeycutt

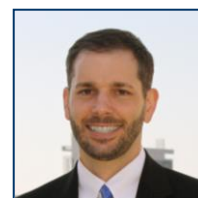


Paralegals: The Backbone of
the Law Office
By: Frances Knox



News and Events
for
Late 2014-Early 2015

IMPORTANT CASE RESULTS FROM 2014



Contributed By: J. Brad Champion, Esq.

North Carolina Lawyers Weekly provides lists of the most important and interesting opinions handed down by NC Superior Courts, the NC Court of Appeals, the NC Supreme Court and Federal 4th Circuit Court of Appeals. We review cases on a weekly basis as they are announced and have chosen a few to pass on to our special clients that we feel impact the areas of law that may interest you.

Consumer Protection

Russel v. Absolute collection Services, Inc. (Consumer Protection)

A debtor who told collection agency her bill was paid in full, but continued to receive collection letters, collections \$37,501 for violations of the Fair Debt Collection Practices Act and State law, according to the 4th Circuit Court of Appeals.

Criminal Practice

State v. Friend (Resisting an Officer, I.D.)

Failure to provide information about one's identity during a lawful stop can constitute "resistance, delay or obstruction" of law enforcement within the meaning of N.C.G.S. 14-223.

Domestic Relations

Montague v. Montague (Division of Assets and Debts)

Since the parties owned a commercial building through an LLC, post-separation distributions from said LLC to the Plaintiff/Husband should be considered divisible property, not separate property of Plaintiff/Husband.

In re R.H. (Neglect & Abuse)

A beating that includes striking a child five times with a belt hard enough to leave multiple bruises still visible a day later constitutes abuse under N.C.G.S. 7B-101(1)(c).

Real Property

In re Powell. (Mortgage Foreclosure-Notice)

Where the substitute trustee tried to serve respondent with notice of foreclosure hearing by personal delivery and by certified mail, the trustee acted with due diligence. The trustee is not required to exhaust every method before posting notice of the foreclosure at the property.

TORT/Negligence

Pruett v. Bingham (Governmental Immunity) It was not until the trial on 3rd-party defendant fire departments motion to dismiss that appellants moved to amend their pleadings to allege that the fire department waived its governmental immunity by purchase of insurance. Therefore, the trial court did not abuse discretion in preventing amendment.

Mohr v. Matthews (Social Host Liability-Adult Child) Even though the defendants provided 19 year old Sam with alcohol and provided him with keys to vehicle he planned to drive, the wrongful death claim by Sam's estate is barred by Sam's contributory negligence.

Worker's Compensation

Graven v. N.C. Dept. of Public Safety - Division of Law Enforcement (Arising out of - coming and going rule) Worker's injuries suffered in auto accident on the way back to work after employer sponsored holiday lunch, did not arise out of their employment. Attendance at the lunch was voluntary, employees paid for their own lunches, employer did not use the lunch to its own benefit and no exception to the coming and going rule otherwise apply.

Poole v. University of North Carolina, Chapel Hill (Suspended Benefits-Treating Physician) After 1992 injury, Worker's benefits were suspended in 1998 for failure to cooperate with vocational rehabilitation efforts. Worker sought reinstatement of benefits and stated willingness to try again in 2007. The Industrial commission found Worker's declaration of willingness to be credible and so its decision to begin vocational rehabilitation was affirmed.

WINTER WEATHER DRIVING TIPS

Contributed By: Brittany D. Honeycutt, Legal Asst.



There are numerous instances of car accidents every year due to bad weather. The U.S. Department of Transportation totals the number of approximate accidents based on certain types of weather. Out of all crashes, 24% of those are due to winter weather. Over 220,000 are due to snow and sleet on the roads, 190,000 due to icy roads, and 170,000 due to slush on the roads. Although there are many crashes due to the weather, there are ways to stay safe while driving and resources to help if you are ever in a weather related accident.

When driving in bad weather conditions make sure you give yourself more space than usual between your vehicle and the other vehicles on the road. This is extremely important when braking because you cannot stop as easily when the roads are not dry. Also, make sure that you have the correct type of tires on your car or make sure to regularly inspect the condition of the tread and rubber. Finally, make sure to put away all distractions like phones and radios away while driving in bad weather so that you can solely focus on the road.

If you end up getting in an accident and are injured during any of these winter months, make sure you get yourself treated, and look up the personal injury attorneys at the Knox Law Center to help with all of the issues that may arise due to the accident.

PARALEGALS: THE BACK BONE OF THE LAW OFFICE

Contributed by: Frances Knox, Esq.



Each day we come to work armed and ready to take on the tasks and court cases we have facing us. What most of our clients never realize is the dedication of the support staff that backs us up each and every day.

Our Paralegals are a dedicated group of professionals that work diligently behind the scenes preparing and updating files, ordering records and making sure everything is in order for the attorneys as we have requested.

I just read an article in Trial Briefs, a publication of the Advocates for Justice that perfectly depicts our dedicated paralegals. They are dedicated and not obligated. There is an extreme difference! Our staff shows up each day and helps us protect you and make sure your file is always up to date. They always feel our and your success is a top priority.

Take a moment and go to our website www.knoxlawcenter.com and read about the wonderful people that work for us and for you.

NEWS & EVENTS

Happy New Year!

All of us at the Knox Law Center would like to wish you a very productive and enjoyable 2015. We hope that you continue to use us as your legal service provider and will recommend your friends and family to our firm as well. We are very thankful for your business!



Keeping Warm this New Year

This winter has proven to be a frigid one. It is extremely important to keep your body and house warm this year. The BBC suggests that you monitor any opening to the elements in your house and seal them with wool or bits of blankets to keep out cold air. To keep your body warm, make sure to wear insulating layers, gloves, and hats to keep from losing body heat that leaves through our hands, head, and feet. Stay warm, friends!



A Special Shoutout

The Knox Law Center would like to send a special thank you to Antonio Roberts and John T. White of the Charlotte Sanitation Department. Our own Frances Knox was left stranded after construction supplies spilled over into our lot and became wedged underneath her car. These wonderful gentlemen stayed, in the rain, and helped her unload and pull out the equipment. They were recently featured in the Charlotte Observer's "Everyday Angels".

Check out the article here: http://www.charlotteobserver.com/2015/01/19/5452220/charlotte-sanitation-crew-helps.html#.VL_aaSvF.Hh



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