

# LEGAL BRIEFS

A QUARTERLY NEWSLETTER DEDICATED TO PERSONAL INJURY LAW

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FIGHTING FOR THE RIGHTS OF THE INJURED FOR 27 YEARS

*Beware of posting information and photos on social media after filing an injury claim*

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*Social media is a good way for people to share things with their friends and family.*

*It's also a good way for a total stranger to gather information on someone.*

*This can be especially true after you've been in car collision, when posts you make on Facebook or elsewhere may be interpreted in a way that hurts your case.*

*If you've been in a motor vehicle collision and have filed an injury claim against the other driver's insurance, or a lawsuit against the other driver, it is important to understand the ways social media can work against you.*

*First of all, be aware that car insurance companies will hire individuals to send friend requests to you on Facebook so they can gain access to your profile and look for any information that could diminish the value of your case.*

*In particular, take great care in posting photographs to Facebook or any social media site after you've been injured and have filed a claim.*

*Snapchat, in particular, can be very detrimental to an injury case. Snapchat is only supposed to last a few seconds, but there are applications available that allow a person to secretly save a Snapchat photo without permission.*

*And even if an injured claimant has privacy settings on their social media accounts and doesn't accept new friend requests, an insurance company may still gain access.*

*Insurance companies are now seeking court orders to obtain an injured claimant's social media information once a lawsuit has been filed, and some courts are granting such requests.*

*It's best to remember that nothing you put on social media is truly private. And if you have been injured in a collision or some other type of accident, just posting a harmless picture that gives the appearance of good health can be bad for your case.*

## FTC settlement might allow dangerous vehicles under recall to be sold as safe

The slogan of the U.S. Federal Trade Commission is "Protecting America's Consumers."

It might want to consider adding "... But Not Always."

In a proposed settlement with General Motors over that carmaker's cover-up of its lethally defective ignition switches, the FTC has taken a very anti-consumer position.

Under the terms of the proposed settlement with GM and two used-car chains, automobile dealers not only would be allowed to sell used cars that were under safety recall, they would also be allowed to promote these cars as "safe" and "repaired for safety" and claim that the vehicles had passed a "rigorous inspection."

If the settlement is finalized, it will allow used car dealers to legally deceive customers into thinking they are buying a safe car when, in fact, the car is totally unsafe and could kill them.

Moreover, the agreement would be binding for the next 20 years, thus setting the standard for the industry.

And to think, this all began with the FTC

filing a complaint against General Motors for misleading its customers. The complaint chastised GM for advertising "Certified Pre-Owned vehicles" that were under an open safety recall for a key ignition switch defect that increased the risk of a crash and injury to the occupants of the vehicle.

So what happened?

Five U.S. Senators certainly would like to know.

In a letter to the FTC and the National Highway Traffic Safety Administration (NHTSA), the Senators expressed their "serious safety concerns" regarding the proposed settlement with GM. The Senators described the proposed terms of the agreement as "a threat to public safety" and claimed the agreement, as it stands, "would establish an anti-consumer, anti-safety precedent with far-reaching policy implications."

The five Senators asked the FTC and NHTSA to cooperate and work together to amend the proposed settlement and prevent car dealers from deceiving consumers about the safety of their prospective purchases.

## Federal government fully supports driverless cars

It is now official: the Federal Government is 100 percent in favor of the development and deployment of driverless cars.

The U.S. Department of Transportation recently released its 116-page "Federal Automated Vehicles Policy," which spells out its commitment to "highly automated vehicles" (HAVs) and self-driving vehicle technology.

In the policy, the DOT states its assessment that HAVs and driverless cars will "dramatically decrease the number of

crashes tied to human choices and behavior."

The Policy primarily focuses on highly automated vehicles ("HAVs"), but some parts of the Policy also apply to lower levels of automation, including vehicles that have an automated system to assist the human driver in conducting parts of the overall driving task.

The Policy, however, does not pretend that car accidents will be totally eliminated. There will always be car crashes, but reducing them surely helps.

DeSimone Law Office

3120 Southwest Freeway, Suite 555, Houston, Texas 77098

Office: (713) 526-0900 Fax: (713) 526-8041

# DeSimone Law Office handles a variety of injury cases

DeSimone Law Office has been serving Houston and the greater Gulf Coast area for 25 years.

The firm's primary focus has been the representation of persons who have been injured.

Along with personal injury cases, attorneys Ronald DeSimone and Donald DeSimone handle criminal defense and selected domestic cases.



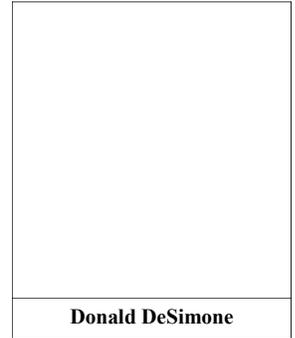
The DeSimones handle the following types of personal injury cases:

- **AUTOMOBILE AND TRUCKING ACCIDENT**
- **SHOOTINGS AND ASSAULTS AT APARTMENTS/BUSINESSES**
- **RAILROAD WORKER INJURIES**
- **BOAT ACCIDENTS/DROWNINGS**
- **OFFSHORE ACCIDENTS**

Ronald DeSimone graduated from the University of Florida with a chemistry degree in 1984. He entered the University of Houston Law Center the following fall and received his license to practice law in

1987.

Donald DeSimone graduated from the University of Florida with a business degree in 1986, and, after enrolling at the University of Houston Law Center in the fall of that year, he was licensed to practice law in 1989.



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