

PIKE & LUSTIG NEWSLETTER

We see solutions where others see problems

MICHAEL W. SHIVER JR., JOINS PIKE & LUSTIG LLP AS TRIAL ATTORNEY

Pike & Lustig is pleased to announce the addition of Michael W. Shiver Jr., Esq. to the team. Michael Shiver is an AV Preeminent® Rated senior trial attorney specializing in both catastrophic personal injury and complex-business litigation at Pike & Lustig, LLP.

A lifelong resident of Palm Beach County, Mr. Shiver has practiced law for over 20 years. He is known and respected by both peers and clients for his legal ability and high ethical standards. Mr. Shiver has been honored as a Florida Super Lawyer three separate times; he was recognized as a Lawyer of Distinction for Excellence in Personal Injury Law in 2019; and he is a member of the exclusive Million Dollar Advocates Forum.

For the last five years, Mr. Shiver has served on the Board of Directors of the Palm Beach County Justice Association, where he focuses on ensuring the public's free access to the court system. He is also a former member of the Palm Beach County Bar Association Personal Injury and Professionalism Committees. Mr. Shiver is licensed to practice in both Florida and New York.



SPRING
2021

National Hit-and-Run AWARENESS MONTH

Michael Pike, Managing Partner at Pike & Lustig, joined The Florida Highway Safety and Motor Vehicles' "Stay at the Scene" Campaign to spread awareness of hit-and-run protocol in honor of February being National Hit-and-Run Awareness Month. The goal of the campaign was to educate drivers on what to do if they're involved in a crash, the penalties for not staying at the scene and how to report tips to police.

In Florida, leaving the scene of a crash where there are injuries or fatalities is a felony. If the crash results in injuries, the individual may have their license revoked for at least three years, serve up to five years in prison, and have to pay a \$5,000 fine. If the crash involves fatalities, the person who fled faces a mandatory minimum prison sentence of four years in addition to a \$10,000 fine and their license revoked for three years. Pike discussed the following steps to follow if and when you are in an accident:

1. Check to make sure you are okay and remain calm;
2. If possible, move to the side of the road. Remove your keys if you get out of your vehicle and stand in a safe place;
3. Check on anyone else involved. Call 911 if anyone might be injured or a vehicle is inoperable;
4. If there are no injuries or major property damage, gather information. Get the name, driver license, insurance, and tag information from the other driver(s). Preserve evidence. Take photos of the vehicles and information if you can't write it down and then file a report online;
5. Call an attorney immediately and inform them of the situation; and
6. Most importantly, always stay at the scene. Leaving the scene of a crash will only make matters worse. Staying at the scene will not only spare the driver significant legal penalties, but may also save a life.

SERVING OUR COMMUNITY



Daniel Lustig Serves on Anti-Defamation League Panel Discussing Hate Crimes in the Spanish Speaking Community

Daniel Lustig, partner at Pike & Lustig, was featured along with other leaders from the Hispanic community in an event discussing hate crimes being on the rise. The virtual presentation was hosted by the Anti-Defamation League of Florida in partnership with the Palm Beach County Sheriff's Office on February 4, 2021 and served as a way to inform the Spanish speaking community of their rights. As many cases of hate crimes in the community go undocumented, it was an invaluable opportunity to educate viewers of Florida laws that enhance the penalty for offenders of hate crimes and protect victims of such acts.

"The hate crimes are not just based on one segment of the population. They have increased over the last few years," said Daniel Lustig. "This was an important event for people in the Hispanic community to understand their rights and not give in to fear."

Pike & Lustig:

Skilled in Complex Business Law Matters

Today, business litigation encompasses far more than claims involving breach of contract or business torts such as fraud or unfair trade practices. Our attorneys have a history of handling complex Federal and State Court litigation, which includes cases involving significant issues concerning electronically stored information or “ESI.” We focus our business litigation practice on corporate shareholder and partnership disputes, complex-contract disputes, landlord-tenant disputes, real-estate disputes, banking litigation, officer and director defense, franchise law, RICO and trademark and copyright litigation.

In furtherance of advanced knowledge, skill and training in the areas of copyright and trademark litigation, firm partner Daniel Lustig obtained an L.L.M. (Master of Laws) in intellectual property law. We place our clients’ interests first, and this includes planning a litigation strategy that is both goal-oriented and financially acceptable with our clients.



PIKE & LUSTIG WINS IN APPELLATE COURT: Circuit Court Judge’s Ruling Reversed



In the case of Thomas G. Hinners, Mary J. Wamser and Florida Affordable Housing, Inc. (Appellants) v. Brian J. Hinners (Appellee) in Florida’s District Court of Appeal’s 4th District, Pike & Lustig Partners Michael Pike and Daniel Lustig represented the Appellants in their request to reverse the judge’s ruling on their case in circuit court, see [Hinners, Wamser and Florida Affordable Housing, Inc. v. Hinners No. 4D20-1320 \(2021\)](#).

Pike & Lustig argued that nonfinal orders denying their motion for prejudgment writ of replevin and granting temporary injunction of Appellee Brian Hinners should be reversed and the temporary injunction should not have been entered. Citing precedent, attorneys Pike & Lustig argued that the Appellants deserved possession of the checkbook and check card for the Florida Affordable Housing, Inc. (FAHI) company that the Hinners had founded together. After a thoroughly hard-fought case, the judge sided with the Appellants. Pike & Lustig proved that the trial court erred in entering the temporary injunction and denied the Appellants’ prejudgment of writ of replevin. The court reversed in part and remanded for the trial court to dissolve the temporary injunction and issued a prejudgment writ of replevin successfully granting possession of those financial entities to the Appellants.

PIKE & LUSTIG SPOTLIGHTS



BIKE SAFETY MONTH

March is Florida Bike Month and to educate the South Florida community about bicycle safety, Pike & Lustig joined with Palm Beach County Vice Mayor Robert S. Weinroth to host a Bicycle Safety Webinar. The virtual presentation also featured Sergeant Hannes Schoeferle, Delray Beach Police Department; Alyssa Frank, Palm Beach Transportation Planning Agency; Kristy Breslaw, Boca Raton Triathletes President and Avid Cyclist; and Maria Price, Bicycle Crash / Hit & Run Survivor.

Though bicyclists and pedestrians represent just 2% of commuters in Palm Beach County, they made up a whopping 30% of all transportation-related fatalities on county roadways from 2018-2020, according to the Palm Beach TPA. The uptick in the number of accidents involving pedestrians and bicyclists may be attributed to the surge in health and fitness during the pandemic. Regardless of causation, Pike & Lustig used this webinar as an opportunity to call on local leaders to take a more proactive approach aimed at preventing accidents.

www.PikeLustig.com



PIKE & LUSTIG, LLP

ATTORNEYS AT LAW

At the Florida law firm of Pike & Lustig, LLP, we have the ability and focus to provide the kind of personalized attention that you may not receive from a large firm. We have the experience and resources necessary to provide the highest quality of representation so that our business and personal injury clients feel our team is fighting for them. We firmly believe in the rights of injured victims to recover for their losses and are passionate advocates for each one of our individual clients.

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PIKE & LUSTIG SPOTLIGHTS

BIKE SAFETY MONTH



Safety Tips for Bicyclists:

- Wear protective gear like a properly fitting helmet, fitted clothing, and shoes with a good grip
- Check your bicycle for any malfunctions before riding
- Make sure you are always visible with bright colors during the day and lights at night
- Be aware of dangerous road conditions
- Obey all traffic laws
- Ride with the flow, on the right-hand side of traffic
- Yield to traffic when appropriate
- Signal your intent and be predictable
- Do not ride distractedly; stay alert and focused
- Look twice before turning or crossing an intersection
- Be careful around parked cars



Safety Tips for Drivers:

- Stay aware and actively look for cyclists
- Know that cyclists have the same rights on the roads as you do
- Be patient around cyclists even if they are moving slower than traffic
- Be predictable and communicate your intentions with cyclists
- Do not pass a cyclist until you are sure that your passing lane is clear
- Look out for cyclists when turning and at intersections
- Give cyclists plenty of space; never tailgate
- After parking near a bicycle lane, watch for cyclists before you open your door
- Always yield the right of way to a cyclist