

**HOLLYWOOD**

1909 TYLER ST., SUITE 501  
 HOLLYWOOD, FL 33020  
 833-529-5677

**NAPLES**

3606 ENTERPRISE AVE.,  
 SUITE 356  
 NAPLES, FL 34104  
 AVAILABLE BY APPOINTMENT

**BOCA RATON**

7777 GLADES RD., SUITE 100  
 BOCA RATON, FL 33434  
 AVAILABLE BY APPOINTMENT

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# VACCINE LIABILITY

## WHO'S RESPONSIBLE FOR VACCINATION-RELATED INJURIES?

**M**any clients and colleagues have been asking me, "What happens if the COVID-19 vaccine injures me?" As the first doses of the new Pfizer/BioNTech and Moderna COVID-19 vaccines are being administered across the country, many lingering questions remain, from the vaccine's effectiveness to its potential cost. There's nothing unusual in these questions — in fact, they arise whenever a new vaccine is introduced to the public.

With this new COVID-19 vaccine, most people seem focused on the possibility of side effects. Given that it's a drug that was developed in record time and had a shorter trial period than many other vaccines, that could definitely be a cause for concern. And while early side effects seem few and far between, what might happen if an injury occurred as a result of vaccination?

Believe it or not, an entire federal department focuses solely on vaccine

personal injury claims. They have been dubbed the "vaccine court" but are officially known as the National Vaccine Injury Compensation Program (VICP). We can trace their origin back to 1988, when lawsuits threatened our stockpile of certain vaccines based on false scientific claims. But the VICP isn't just there to protect drug makers; it also provides more accountability so people injured by vaccines can receive justice. Unfortunately, as of this writing, the VICP does *not* have jurisdiction over COVID-19 vaccines.

That doesn't mean there's no recourse. The Health Resources & Services Administration has a program called the Countermeasures Injury Compensation Program (CICP), which has been charged with hearing COVID-19 vaccination claims and dispensing benefits as appropriate. Exactly what those benefits are remains to be seen — we still don't know how much they'll be willing to pay out and under what circumstances. Furthermore,

the CICP is traditionally a "last resort" for damages when insurers and other parties won't pay. Treating them as a first resort is going to be a departure from that.

One of the primary challenges in bringing a COVID-19 vaccine injury claim is that we don't really know what symptoms or side effects to look out for. There have been minimal reports of adverse effects, but that doesn't mean problems couldn't develop down the line. As with all vaccines, the most common side effect is injection site reaction: redness, swollen skin, tenderness, and pain where they put the shot in your arm. A few patients have reported chills, headaches, and flu-like symptoms, and a very small group has reported joint pain.

So far, all those side effects appear to last, at most, a few weeks. But that doesn't mean there isn't new ground to explore regarding coverage benefits if you experience any damaging side effects due to the COVID-19 vaccine. After all, we've only been giving the vaccine for a few weeks!

As we move forward in 2021, keep an eye out for side effects from the vaccine. And if you or someone you know does experience ongoing negative effects, The Whisler Law Firm may be helpful in figuring out what your options are for receiving the care and compensation you deserve. Call our office at 833-529-5677 or contact us online (WhislerLawFirm.com) to schedule a free consultation today.

*-Josh Whisler*



# BYOB: BUILD YOUR OWN BOOKSHELF

## WITH THESE GREAT MATERIALS



Have you ever found a great bookshelf for your living room only to learn that it's just a few inches from being perfect? Instead of buying a bookshelf that's too small or too big, why not make your own? All you need are some measurements and the right materials. But what are the best materials for a bookshelf?

### Wood

Wood is the most popular option for DIY bookshelves. Each type of wood has its own aesthetic, providing several different options for different looks. Plus,

wood is sturdy and easy to use. If you're considering building a wooden bookshelf, first decide whether to use hardwood or softwood. While this ultimately comes down to your personal preference, there are some differences to consider.

Hardwoods are heavier and are more resistant to scratches. Softwoods are lighter and, when treated correctly, can be just as sturdy and scratch-resistant as hardwoods. Something to keep in mind, however, is that some softwoods, such as pine, will bow under heavy weight. If you're planning to use your bookshelf to store heavy books, a hardwood, such as birch, might be the better option.

### Engineered Wood

Composite wood materials like plywood and particleboard can also be used to build a bookshelf. Engineered wood is inexpensive and readily available. These materials tend to be dense, though they may not be as

strong or sturdy as other options. One major drawback is that composite woods don't look as nice, especially compared to their real wood counterparts. However, some types of engineered wood, such as cabinet-grade plywood, have the appearance of real wood or can be painted.

### Metal

Metal bookshelves have increased in popularity over the years. When combined with a wood shelf, a metal-framed bookshelf's modern aesthetic will make any room pop. Not only do metal bookshelves look good, but they are also very sturdy and can house even the heaviest books.

If you're looking for a tutorial on building a bookshelf, check out the "DIY Metal & Wood Bookshelf" video on YouTube from DIY Huntress. Another great resource is the step-by-step tutorial titled "How to Build a Bookshelf" from HomeDepot.com.

# WHISLER TEAM SPOTLIGHT

## JB ON WORK, HOBBIES, AND BEING 'THE OTHER JOSH'

Sometimes, nicknames are a mystery, with nobody remembering how they originated. But with Whisler Law attorney Josh "JB" Brownlee, the nickname was born from pure utility: With two Joshes in the office, we needed to



differentiate! "It was that or be 'the other Josh,'" JB says, with his characteristic good humor. "It's also pretty good as far as nicknames go, so I knew right away they liked me."

It'd be hard not to like JB, who's been in the legal field for over seven years now. In the year and a half he's been with us, he's shown himself to be a capable attorney and strategist. "Everything about the law is exciting to me," JB says, "because I think of it as a chess game. How can we rectify this issue, or what are our options if the opposing counsel does this or that unexpected thing?" A veteran of large law firms, he's also happy to be playing that chess game in a smaller environment. JB says, "I like getting to know the people in the office, including the clients. Ours are regular people in a tough bind, homeowners or others who don't know what to do. Insurance companies and others count on that ignorance."

Counting on ignorance would be a poor legal strategy with JB, however. "I'm known around the office as a stickler for procedure and rules in a case." It's a standard he's happy to hold opposing counsel to, in or outside of the court. "Ninety percent of the time, the rules say or indicate what to do," JB says. "And the other 10% is being a good lawyer."

When you picture a "rules lawyer," you might imagine someone who has trouble easing off the throttle, but that's not JB at all. "I'm a pretty easy person to please," he says. "I love spending time with family, especially my niece and my goddaughter. If I'm not chasing them around, give me a glass of scotch and some front porch weather and I'm happy."

We're happy, too — that we have JB on our team! We appreciate his hard work, his good nature, and his dedication to our clients.

# NOT JUST FOOTBALL PLAYERS

## THE STRONG LINK BETWEEN CAR ACCIDENTS AND TRAUMATIC BRAIN INJURIES



You've probably seen traumatic brain injuries — TBIs for short — in headlines a lot more these past few years as doctors and scientists realize that our brains are a lot more vulnerable to lasting harm than we thought. The biggest stories about these injuries have involved football players and the later-in-life physical and mental illnesses they often suffer as a result of frequent blows to the head. But you don't have to get hit by a Dolphins or Buccaneers linebacker to sustain a TBI. You just have to be in the wrong place at the wrong time.

For most of us, that means a car crash. They're still doing research to see which kinds of accidents are most likely to cause a TBI, but one thing we do know is that it doesn't

take much force. For example, an accident that causes you whiplash can easily cause a TBI as well, and the threshold may well be lower than that.

Of equal concern is the fact that TBIs are cumulative and deadly. Some statistics report they are at least partly responsible for 30% of deaths in America, and other sources report even higher numbers. Unfortunately, many Americans have suffered TBIs in their lives and are not aware of it. Some research indicates that each TBI lowers your resistance and increases the overall effects, leaving you more and more vulnerable over time.

With any auto accident, it's important to check for TBIs as well as other injuries, especially if you suffer a blow to the head. But if you've been in accidents before, you may already have had these injuries and be unaware. If that sounds familiar, you need to get a doctor to check you out to see if you've had TBIs in the past.

Determining that will also help you know if you have a right to compensation from the at-fault party in a car accident. With the potential fallout so high, payouts on these injuries can be high as well. But you'll need a lawyer specialized in personal injury and with TBI-specific experience. We can help, so whether your accident happened last night or a couple years ago, it's important to contact The Whisler Law Firm and find out what your legal rights are.

### DID YOU KNOW?

You can visit [WhislerLawFirm.com](http://WhislerLawFirm.com) and access our highly informative webinars any time!

Also, sign up for a complimentary will or trust consultation!

Questions?

Call 833-529-5677

"Spread love everywhere you go. Let no one ever come to you without leaving happier."

– Mother Teresa



### ZUCCHINI NOODLES WITH TURKEY BOLOGNESE

#### INGREDIENTS

*Inspired by JustATaste.com*

- 3 tbsp olive oil, divided
- 1 tsp salt
- 1 tbsp garlic, minced
- 1/2 tsp pepper
- 1/2 cup onions, diced small
- 2 tsp sugar
- 1 lb ground turkey
- 3 medium zucchini
- 1 28-oz can crushed tomatoes
- Parmesan cheese, for garnish
- 2 tbsp tomato paste

#### DIRECTIONS

1. In a large sauté pan over medium-low heat, warm 2 tbsp olive oil.
2. Add garlic and onions and stir constantly until garlic is golden and onions are translucent.
3. Increase heat to medium and add ground turkey, break apart, and cook thoroughly.
4. Add crushed tomatoes, tomato paste, salt, pepper, and sugar. Reduce heat to low. Stir occasionally.
5. Using a spiralizer, mandolin, or vegetable peeler, cut the zucchini into noodles.
6. In another large sauté pan over medium-low heat, add remaining olive oil and zucchini noodles, tossing constantly for 2 minutes until slightly wilted.
7. Plate the zucchini noodles, top with the turkey Bolognese, and garnish with Parmesan cheese. Serve immediately.



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HOLLYWOOD, FL 33020

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*We're so grateful for all the feedback on our newsletter! If you have anything you'd like to share, we'd love to hear from you.*

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# IT'S IN THE CARDS

## WHY VALENTINE'S DAY IS THE ULTIMATE CARD HOLIDAY

This may be the first year in a long time that kids don't pass out Valentine's Day cards at school. Going in to the new year, the seasonal section of most stores is lined with cards featuring fun characters from superheroes to unicorns. Handing out cards is now a well-loved tradition, but have you ever wondered how Valentine's Day became one of the biggest card-giving holidays of the year?

Like many holiday traditions, the convention of handing out Valentine's Day cards goes back centuries. During the 1700s, it became fashionable to trade Valentine's Day cards with a short poem or verse. The popularity of swapping cards only increased throughout the 1800s. Sometimes, people would go as far as to paint or draw spring-like images on the cards. They were much more elaborate than what we typically see today, though they were still usually very small.

But where did those folks get the idea? People of that era were likely inspired by stories that go back even further.

There are legends that the originator of this holiday tradition was Saint Valentine himself. One story says that on the night before he was set to be executed, Valentine wrote a small letter to a jailer's daughter. He ended the note with "Your Valentine."



It's unknown whether that story is true, but to 18th century Europeans and Americans, it was inspiring! So inspiring, in fact, that the entire Valentine's Day industry began to gain traction. A guidebook called "The Young Man's Valentine" was published in 1797 to help suitors garner the attention of their love interests through the written word. Eventually, books aimed at women were also published, including "The Lady's Own Valentine Writer," which served much the same goal.

These publications, along with young people writing notes to one another every February, have made Valentine's Day cards an ingrained tradition, and now people can't get enough of them!