



Seufert Law Offices, PA

We'll Get You Through It

From the Captain's Log Of Trains, Planes, and Automobiles



Always looking to do fun things, my mom was talking a few weeks back about a relative that went on the Murder Mystery Dinner Train that leaves Ft. Myers and travels to Punta Gorda and how they had such a great time. As I was to be in FL the following week, I went online and found the company and booked tickets for she and I. When we were then getting ready to go to the train station she googled the directions and it had us going to one train station, I googled directions and it had us going to another. We bickered a bit about whose phone was right, but turns out her phone was since the station I got was in Punta Gorda and the station she got was in Ft. Myers, and as the train leaves Ft. Myers and travels to Punta Gorda, it would naturally make sense to get on at the Ft. Myers train station, so I conceded the point to her.

We arrived at the train station shortly before boarding, got our table assignment, and then sat outside enjoying the weather. A rather oddly dressed young gentleman walked by us and said, "have a nice dinner". We then boarded and were shown to our table for (4), not knowing who was joining us. A few minutes later it looked like a couple cast members were boarding the train, but they came and sat at our table, announcing that they were not part of the cast. Mom and I were not so sure. Then the last of the guests boarded and the waitstaff were efficiently upon us for our drink and dinner orders, our table guests ordered theirs so looked like their story was true, but by their attire you sure could be fooled. Then the man introduced himself as Paul and says that he was a FL estate and tax attorney, and his wife, Valarie, an actor/entertainer for assisted care facilities and the discussions began. Not sure that the train company knew somehow that I was an attorney and also Chairman of the Board of a long-term care facility (Peabody Place) but sometimes the universe knows things.



The real cast for the murder mystery show was fabulous, and we had a grand five course, and 5-star dinner. For the cost of this whole event, including a three-hour train ride, you got great value. Turns out the man at the station telling us to have a great dinner was in the cast as the monkey grinder. I thought he was the killer, but Paul and my mom caught the real killer, it was the engineer who electrocuted Lord Lightlark in his sleeper car. •

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Bias in Motorcycle Accident Cases

Following accidents, motorcyclists frequently face uphill battles in personal injury cases due to deep-seated biases against them — from accident reports, insurance adjusters, and juries alike.

Many people assume motorcyclists are reckless, aggressive, or inexperienced. Some are swayed by motorcycles' decibel levels. Popular media often portray riders in a negative light: racing through traffic, weaving between cars, lane-splitting, etc. A few cyclists are guilty of this, but not the vast majority.

Some motorists immediately resort to the "I didn't see them" defense. In fairness, the smaller size of a motorcycle does sometimes present visibility challenges; however, it's frequently a go-to excuse by auto and truck drivers to deflect from their own negligence and accountability.

Helmet usage can have a disproportionate influence on a case. Even in NH where helmets are optional, a motorcyclist not wearing one may be viewed as irresponsible and having contributed to their own injuries, even those apart from the head or neck. This bias often leads to an oversimplification of complex injury causation factors, with motorcyclists frequently being penalized unfairly.

Some adjusters and jury members believe that motorcyclists should have known what they were getting into, assumed the risk just, by riding a motorcycle and therefore bear more of the consequences for incurring serious injuries. This bias diminishes the responsibility of negligent motorists and minimizes a rider's pain and suffering.

If you or a family member is injured due to the negligence of another driver, contact our firm. Our skilled, experienced team will take care of all the details; present your case clearly and accurately; challenge the defendant's framing of the case when necessary; influence jury selection at trial; and attain significantly higher compensation than those who go it alone. ●

To Convene or Not Convene

The U.S. Constitution was written in May 1787 and ratified in June 1788. An amendment process is outlined in Article 5 and comes in two varieties.

The more familiar route: An amendment is proposed by two-thirds of both houses of Congress, then ratified by three-quarters of state legislatures. This has occurred 27 times in U.S. history. The first 10 amendments were ratified in 1791 — the Bill of Rights. Congress had actually proposed 12 amendments; the states shot down two of them. The 27th Amendment was ratified in 1992: the timing of congressional pay raises. Ironically, this amendment was one of the two that failed ratification in 1791.

But there's a second amendment tool that's never been utilized since the Constitution's inception: a constitutional convention. In this scenario, two-thirds of states request Congress to call a convention for a particular subject of interest, which Congress "shall" abide by. Then, it takes three-quarters of state conventions to ratify it.

This constitutional protection is intended to limit federal government overreach and unresponsiveness. But why has it never been used? Well, the Constitution isn't clear on how it would work. Some are fearful that without precise rules, chaos — and theoretically scrapping

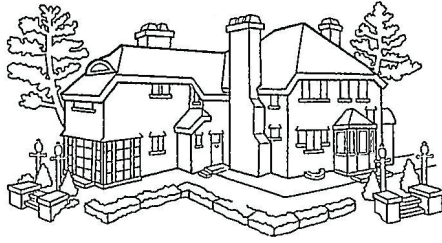
the Constitution — could prevail. But limiting the scope of the agenda is possible, and state representatives running amok would still be subject to their constituents' potential backlash.

The threat of a constitutional convention has been used to force Congress's hand. One such example is the ratification of the 17th Amendment in 1913 — the direct election of senators — which the Senate hemmed and hawed on for 20 years.

Congressional term limits are favored by 87% of Americans. Would the constitutional convention threat compel Congress to impose one? Remember this Congress has trouble counting from 1-10, doubt they could agree on anything, let alone limiting their lucrative Congressional careers. •



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Of Trains,
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Wrongful Death Claims vs. Survival Action Claims

Generally, there are two types of legal recourse to the painful loss of a loved one due to negligence: filing a wrongful death claim or a survival action claim (or both). A wrongful death claim focuses entirely on the survivors — typically the surviving spouse and/or children, it is meant to cover the losses of financial support, benefits, love, companionship, comfort, care, and moral support that surviving family members face.



Compensation recovered for wrongful death goes directly to family members. In a survival action, by contrast, the claim is focused on the deceased victim's losses, and is usually filed in situations where they are injured by another party's negligence but survive the initial event, only to quickly die due to their injuries. The longer the time between the initial incident and death, the stronger the claim. During this time, damages suffered by the victim may include having endured substantial pain, suffering, and emotional anguish, and possibly racking up significant medical expenses and lost wages.

Compensation for survival action claims is paid directly to the deceased victim's estate and is distributed upon the estate's settlement. A claim is typically initiated by the administrator of the estate.

In many instances, a survival action claim and wrongful death claim are pursued simultaneously to achieve fuller justice.

If you have lost a loved one due to negligence, contact our office to explore your options. ●