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SUPREME COURT TO HEAR ARGUMENT IN VIRGINIA CHARITABLE IMMUNITY CASE

The Supreme Court of Virginia has announced that it will hear argument on August 26 in a disabled adult's challenge to Virginia's charitable immunity law.

Juan R. Jimenez, a 25-year-old man disabled since childhood, had alleged in his lawsuit against Didlake, Inc. that he was injured while receiving rehabilitative services at Didlake in April 2007. A Prince William County judge's dismissed Jimenez's case earlier this year, ruling that Didlake was immune from lawsuit because it runs a charitable enterprise. Jimenez claimed he suffered a femoral fracture which required surgery when he was moved by Didlake employees. Didlake has denied all responsibility in the case.

Charitable immunity is a common law doctrine abolished by most states. This doctrine provides that a charitable entity cannot be sued by a beneficiary who is injured while in its care.

Jimenez's attorney, Benjamin W. Glass III, a personal-injury lawyer based in Fairfax, Va., says:

"We are pleased that we will be given the opportunity to argue on Juan's behalf that he should be entitled to his day in court. Didlake is a huge business and Juan has fought challenges all of his life. Going up against a huge \$32 million a year business is like David facing Goliath. The original reason for protecting charities in Virginia no longer exists when you are talking about big business."

Jimenez's mother, Iris N. Figueroa-Jimenez, said:

"Juan is a fighter. This all seems so unfair that he doesn't even get his day in court. All we are asking for is a fair opportunity to have our case heard. People who use these kinds of services don't know about the Charitable Immunity laws and that employees have no liability in the event of an accident or other injury to a client."

Glass anticipates the appeal will be decided in early 2010.

To schedule an interview with Attorney Benjamin Glass, call 703-591-9829. A Q&A sheet on this case is available.

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