



NOTICE REGARDING SOCIAL NETWORKING SITES

If you belong to any social networking site such as Facebook, YouTube, Twitter, LinkedIn, Pinterest, Goggle Plus, etc., you need to be aware anything you write, post, or tag, or anything you have already written, posted or tagged, may fall into the hands of the defendant, their insurance company or their attorneys. Seemingly harmless posts have been used against our clients in the past. For example, do not post you were at the gym (even if it was for physical therapy), or cleaned your home (even if it took twice as long as it used to). It is now common practice for insurance companies and their attorneys to obtain this information and this may occur with or without your knowledge or permission. Even if you have a "secure" account, we have received reports insurance investigators have been able to access such accounts of our clients. The admissibility into evidence of your posts can be very damaging to your case.

There has been a significant increase in electronic surveillance of these types of social media accounts and sites not only for purposes of embarrassing and/or humiliating clients, but also for providing evidence which they can use to argue your claims or injuries are either exaggerated or false and/or were caused by anything other than the incident related to the claim you are bringing. Your posts can be used to convince judges and/or juries you have been less than honest or simply are not injured to the extent claimed.

Please be aware anything posted or uploaded online by or about you, including photographs and videos, may be used against you in a future deposition or trial. You should also be aware in certain circumstances defendants may be entitled to request from you all information contained on your home computer, laptop, hard drives, tablet, and/or cell phone, and any other mobile device regarding relevant issues in your case. Additionally, some judges have permitted insurance companies to access social networking accounts of spouses, significant others, or adult relatives. To protect yourself, please ask your spouse, significant other as well as family and friends not to post pictures of or information about you. If you are unsure whether a comment, tweet or post is appropriate or potentially harmful, err on the side of caution and avoid it. We would also warn you not to accept any "friend" on any social media site unless you are absolutely sure of the identity of the individual. Do not download, access, or use any insurance company mobile app or insurance company website. Do not permit your friends or family to post photographs of you, your activities, or your injuries without your knowledge; or to "tag" you in any photographs or videos on their social media sites. Do not participate in any blogs, online chats or message boards with regard to your injuries. Do not send any emails, texts, instant messages, or have any other electronic communication regarding your accident, injuries, or anything else having to do with your claim.



You should also be aware if you delete, destroy or otherwise remove any posts, comment, photograph or video that currently exists on any of your social media sites, it still may be discoverable by the defendant, their insurance company and/or attorneys. Shutting down, cancelling, deactivating or suspending your social media sites will not protect you.

Lastly, make sure the settings on your social media sites are set to the highest privacy settings possible. Our advice is "think before you post, tweet or comment." Of course, you can always contact Stampone Law to discuss any of these issues and how they may relate to your case.