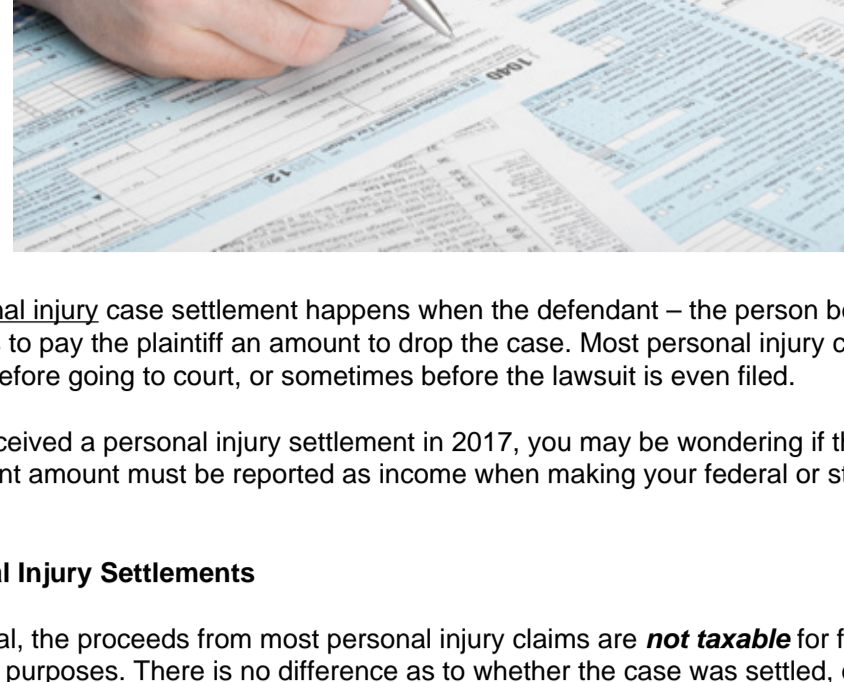




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## Personal Injury Settlements: Are They Reportable for Taxes?



A personal injury case settlement happens when the defendant – the person being sued – agrees to pay the plaintiff an amount to drop the case. Most personal injury cases are settled before going to court, or sometimes before the lawsuit is even filed.

If you received a personal injury settlement in 2017, you may be wondering if the settlement amount must be reported as income when making your federal or state tax filing.

### Personal Injury Settlements

In general, the proceeds from most personal injury claims are **not taxable** for federal or state tax purposes. There is no difference as to whether the case was settled, or if the proceeds were paid after a court decision. Generally, federal tax law excludes damages from gross income that a claimant is paid because of personal physical sickness or injuries.

So personal injury damages that are intended to **compensate** the claimant for items such as medical costs, lost wages, pain and suffering, emotional distress and attorney fees are not taxable – providing they come from a personal injury or illness.

There are a few exceptions. One exception, for example, is **punitive damages**, or payments that exceed compensation and are awarded to punish the defendant. Punitive damages are **always taxable**.

Interest on the judgment is another exception. Your state may pay you interest from the date that you filed the suit until the date that payment was made. Also, if your claim is for emotional distress in the absence of any physical illness or injury, then – in general – your settlement is taxable if you can't prove any physical harm.

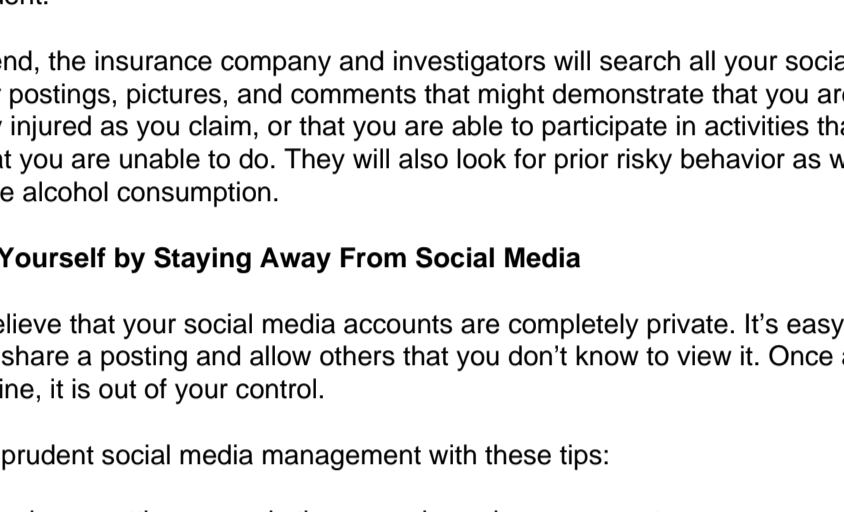
Learn more about this topic in the IRS publication [Settlements - Taxability](#).

### Other Settlements – Workers' Compensation

Workers' Compensation benefits are not usually considered taxable for federal or state purposes. But if you also receive **Social Security Disability (SSDI)** benefits or **Supplemental Security Income (SSI)**, your disability payments may be reduced so that the total remains below a certain threshold. If this occurs, the offset amount will be the amount of Workers' Compensation benefits that is taxable.

**Important Note:** This article touches on the taxability of various settlements for federal and state taxes. There are many exceptions to each rule. Consulting with an experienced tax professional is best when evaluating your tax liability.

## How Social Media Can Derail Your Personal Injury Case



Careless use of social media after an injury can really damage your [personal injury case](#).

In order to receive compensation for injuries sustained in a case of negligence, you must prove that the accident caused your injuries. The insurance company will try to prove that your injuries existed prior to the accident, or were related to something other than the accident.

To that end, the insurance company and investigators will search all your social media feeds for postings, pictures, and comments that might demonstrate that you are not as seriously injured as you claim, or that you are able to participate in activities that you claim that you are unable to do. They will also look for risky behavior as well as excessive alcohol consumption.

### Protect Yourself by Staying Away From Social Media

Never believe that your social media accounts are completely private. It's easy for a friend to share a posting and allow others that you don't know to view it. Once anything goes online, it is out of your control.

Practice prudent social media management with these tips:

- Set privacy settings so only those you know have access to your pages.
- Only accept friend requests from those you actually know.
- Review your list of friends and "un-friend" anyone with whom you are not personally acquainted.
- After your accident, avoid mentioning anything pertaining to the accident including your injuries and damage to your vehicle.
- Don't post photos of any physical activity or vacations, as well as any parties, alcohol consumption or other risky behaviors.

The best course of action is to take a break from social media. Refrain from posting any updates or photos until your personal injury case has been settled.

If a family member has been harmed in an accident or any other personal injury, it's important to get an attorney experienced in these types of cases involved immediately. Call (888) 402-9607 for your initial free consultation. [Mani, Ellis & Layne, PLLC](#), injury attorneys in West Virginia, can help you determine whether you need a lawyer for an accident or any personal injury case.

## From Our Blog:

### TECHNOLOGY FOR SAFE DRIVING IN WEST VIRGINIA



Our phones aren't the only things getting smarter. The world is rapidly changing, with car safety technology being one area where this advance is especially visible. There are systems becoming standard in cars today that were exclusive add-ons just a few years ago, with some only invented recently.

To get a sense of how technology is keeping our roads safer today...

[Click Here to Read More](#)

## What You Need to Know About Nursing Home Negligence!

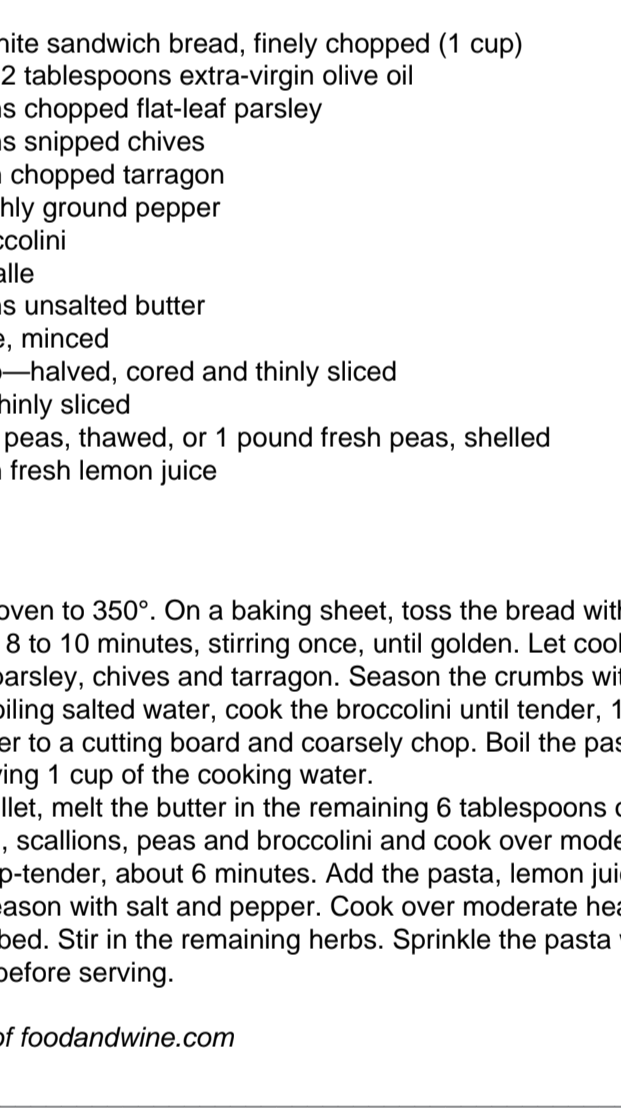
**Time is of the essence if you or a family member suspects neglect or negligence.**



The state of West Virginia has shortened the Statute of Limitations for Nursing Home Abuse or Neglect to **1 YEAR** from the date of death or discovery of negligence!

As a firm, we have worked hard to defend the rights of the elderly and their families in West Virginia and hold corporate wrongdoers accountable. We are here for you to answer any questions you may have regarding your situation. Give us a call at (304)720-1000 for a free consultation.

## Thank You for Your Referrals (We have paid millions to our peers for referrals!)



At Mani Ellis & Layne, PLLC we rely on our friends, family and former clients to send us new referrals. Many of you have given us great referrals and also referred us new business and we are always grateful.

We value those people who we have had the honor of representing, even many years after. We also value all of our friends, family and business associates in West Virginia and further afield.

By receiving our newsletter, you can also receive free copies of publications such as How to Handle a West Virginia Car Accident and How to Protect Your Loved One in a West Virginia Nursing Home. Contact [dellis@mel-law.com](mailto:dellis@mel-law.com).

**Mani, Ellis and Layne** are all **AV Preeminent® (4.5-5.0)** - **AV Preeminent** is a significant accomplishment and testament to the fact that a lawyer's peers rank him or her at the highest level of professional excellence.

## Recipe of the Month Farfalle with Spring Vegetables



Here's an alternative to pasta marinara using spring vegetables.

### Ingredients

- 2 slices of white sandwich bread, finely chopped (1 cup)
- 1/2 cup plus 2 tablespoons extra-virgin olive oil
- 2 tablespoons chopped flat-leaf parsley
- 2 tablespoons snipped chives
- 1 tablespoon chopped tarragon
- Salt and freshly ground pepper
- 1 bunch broccolini
- 1 pound farfalle
- 4 tablespoons unsalted butter
- 1 garlic clove, minced
- 1 fennel bulb—halved, cored and thinly sliced
- 2 scallions, thinly sliced
- 1 cup frozen peas, thawed, or 1 pound fresh peas, shelled
- 1 tablespoon fresh lemon juice

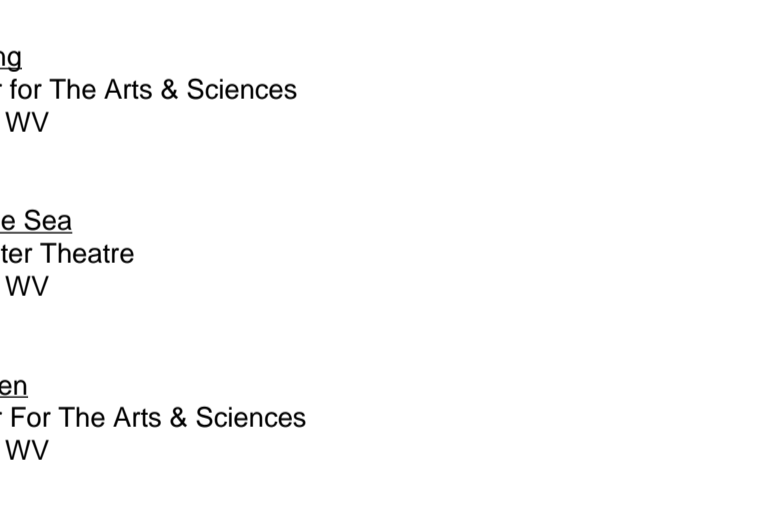
### Directions

- Preheat the oven to 350°. On a baking sheet, toss the bread with 1/4 cup of the oil and toast for 8 to 10 minutes, stirring once, until golden. Let cool, then stir in half each of the parsley, chives and tarragon. Season the crumbs with salt and pepper.
- In a pot of boiling salted water, cook the broccolini until tender, 1 minute; using tongs, transfer to a cutting board and coarsely chop. Boil the pasta until al dente. Drain, reserving 1 cup of the cooking water.
- In a deep skillet, melt the butter in the remaining 6 tablespoons of oil. Add the garlic, fennel, scallions, peas and broccolini and cook over moderate heat until the fennel is crisp-tender, about 6 minutes. Add the pasta, lemon juice and cooking water and season with salt and pepper. Cook over moderate heat until the water is nearly absorbed. Stir in the remaining herbs. Sprinkle the pasta with the bread crumbs just before serving.

Recipe courtesy of [foodandwine.com](http://foodandwine.com)

## HELP US GROW

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## What's Happening in Charleston, WV

**Apr 10**  
[Dirty Dancing](#)  
Clay Center for The Arts & Sciences  
Charleston, WV

**Apr 15**  
[The Sea, The Sea](#)  
Capitol Center Theatre  
Charleston, WV

**Apr 17**  
[Celtic Women](#)  
Clay Center For The Arts & Sciences  
Charleston, WV

**Apr 22**  
[Earth Day 5K & 10K](#)  
Capitol Market  
Charleston, WV

**Apr 25**  
[Old Crow Medicine Show](#)  
Charleston Civic Center  
Charleston, WV

**Apr 28 - May 12**  
[My Fair Lady](#)  
Charleston Civic Center  
Charleston, WV

**May 5**  
[WVSO - Out of This World](#)  
Clay Center for The Arts & Sciences  
Charleston, WV

**May 9**  
[Chris Tomlin Kim Walker-Smith Matt Maher & Christine D'Clario](#)  
Charleston Civic Center  
Charleston, WV

**May 22**  
[Chicago](#)  
Charleston Civic Center  
Charleston, WV

**May 25**  
[Spoleto Festival](#)  
Charleston Civic Center  
Charleston, WV

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## Meet Our Attorneys



**Jonathan R. Mani**



**Damon L. Ellis**



**Bernard E. Layne III**



## Our Office

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It's not just business. It's personal.™

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## Office Hours

Monday 9:00 AM - 5:00 PM  
Tuesday 9:00 AM - 5:00 PM  
Wednesday 9:00 AM - 5:00 PM  
Thursday 9:00 AM - 5:00 PM  
Friday 9:00 AM - 5:00 PM  
Saturday 9:00 AM - 5:00 PM  
Sunday 9:00 AM - 5:00 PM

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