

SPRING
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Brought to you by
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Referrals

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DRUG ALERT BULLETIN: Dangerous drug advisory

With the abundance of medications made available today by the pharmaceutical industry, it seems that there is a quick and easy fix for most conditions. But what the pharmaceutical companies do not always make clear is that by taking prescribed medications, you are heightening your risk of side effects. While most are mild, there are, unfortunately, others that can lead to severe and even life-threatening medical conditions. Regrettably, most people are not even aware of the dangers that are associated with their medication until it is too late.

I wanted to personally share with you some important information about four specific drugs, all of which have been directly associated with harmful side effects. Three of the drugs still remain on the market, while one of them was recently removed permanently. Please take a minute to read about **Digitek**, **Trasylol**, **Gadolinium**, and **Fosamax**.

DIGITEK

In April 2008, the FDA issued a nationwide recall of all generic Digitek tablets (generic name *digoxin*) after it was discovered that some of the tablets were made with twice the approved level of the active ingredient, digitalis. Digitek is best known for its use in treating people with congestive heart failure and other heart abnormalities. If the double-dose pill is taken accidentally, it poses an extreme risk to overdose and toxicity, as well as heart instability. According to Digitek's manufacturer, Actavis Totowa, there were several reports of illness and injuries that were received after the double-dose tablets had been approved and sent out for consumer use.

TRASYLOL

In January 2006, a shocking study published in the *New England Journal of Medicine* revealed that Trasylol was directly linked with kidney failure, heart attacks, heart failure, stroke, and even death. Since doctors do not need special permission to administer it, and because it's mostly given to patients before surgery through an IV, most patients do not even know they received the medication until they develop some type of complication from it. Two years after this study in 2008, Bayer AG, the maker of Trasylol, agreed to take this dangerous drug off the market for good due to its deadly risks.

GADOLINIUM

Gadolinium is a metal dye that is injected in patients before MRIs to help make the results more visible and easier to interpret for doctors. A healthy person's kidneys will flush out the gadolinium from their body after the tests. However, for people who have kidney problems or renal disease, their bodies do not allow them to expel the metal, and it stays in their system, poisoning the body and causing serious harm.

The FDA recently determined that Gadolinium-containing dyes can cause the debilitating disease nephrogenic systemic fibrosis (NSF) for patients with preexisting kidney problems and renal disease. NSF is a incurable, crippling disease that causes the skin and internal organs to progressively harden and scar. The FDA has since issued three warnings about the link between Gadolinium and NSF in kidney patients, including warning physicians to screen patients for kidney problems prior to using Gadolinium during MRIs; those with kidney disease should not be given Gadolinium-containing dyes.

FOSAMAX

Fosamax is one of the most commonly used medications to help prevent bone loss and decay (such as osteoporosis), yet, ironically, this popular drug has been linked to the development of osteonecrosis of the jaw (ONJ), a rare and serious disease in which the jaw bone actually decays and dies. Experts now say that people taking Fosamax should avoid tooth extractions and major dental work while on the medication, to avoid exposure of the jawbone, a prevalent time to develop ONJ. Since 2001, more than 2,400 people have been diagnosed with ONJ after taking Fosamax. In early 2008, the FDA warned that Fosamax also has been linked to severe and sometimes incapacitating bone, joint, and muscle pain.

If you or a loved one has taken one of these drugs and experienced any of the negative side effects, please contact us toll-free, **1-866-778-5500**, for further information and to discuss your legal options. Our team is ready to help you and, as always, is dedicated to protecting your rights.



Theme-park injuries

Parents and kids love the excitement of the rides, the food, and the noise of theme parks.

As parks add attractions to compete for thrills and uniqueness, visitors suffer 7,000 injuries every year. Inflatable-slide rides collapse and injure toddlers. Slow kiddie-ride cars derail and harm youngsters. High-acceleration roller coasters and free-fall drop towers subject adult riders to back and neck harm.

Injuries may come from a combination of inappropriate rider behavior, inadequate operator training, poor maintenance, ride malfunctions, and design defects.

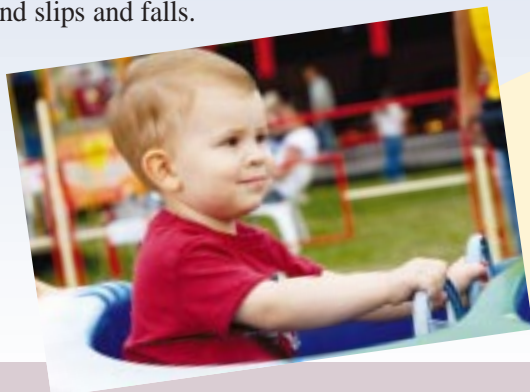
Park guests are also potentially subject to injuries resulting from personal assaults, negligent security, and slips and falls.



A derailed kiddie ride

At the 2008 Wisconsin State Fair, a kiddie ride malfunctioned, injuring a five-year-old girl. The accident happened when the girl's car derailed and crashed into a fence, leaving her with a bruised knee and injuries to her neck, back, and elbow. The girl was treated at a local hospital; her injuries were not serious.

If you have been injured at an amusement park, please contact legal counsel.



NEGLIGENCE

Under the law, negligence is inattention that causes a person harm.

Negligence can take two forms: *action*, such as a mason carelessly dropping a heavy brick off a scaffold; or *failure to act*, when a business owner disregards repairing a broken step on a stairway in a dimly lit corridor.

A crushed foot

As directed, an auto-repair patron moved his car to a numbered parking spot. As he left his car, a dealership employee driving another vehicle failed to see him and ran over his foot. His crushed foot developed into a complex injury, damaging the peroneal nerve and causing constant pain, color and temperature changes, and loss of hair on his foot.

A former highly paid stockbroker, the injured man attempted to work for more than a year, but medications and burning pain forced him to stop. His attorney then sued the dealership, alleging its employee negligently failed to keep a proper lookout. The parties reached a significant settlement prior to trial.



When insurers won't pay MEDICAL BILLS

According to the law, insurance companies have a good-faith responsibility to deal fairly with customers.

This means coverage providers and their agents must actively seek ways to pay all fair benefits promised to policyholders, not to disallow them.

Sometimes, when policyholders need them most, insurers redefine their obligations and services to avoid paying promised benefits. Common tactics include denying claims or dragging them out so long that insureds simply get tired of fighting and give up.



Her insurer said "No"

A 32-year-old doctoral student suffered career-ending brain injuries in a head-on collision with a negligent driver. When the other driver's insurance failed to cover all her medical expenses, she filed an underinsured-motorist claim with her own auto insurance plan, which entitled her to \$1.5 million in benefits. Her insurer refused to pay for several years, claiming she had no head injury. Her attorney sued the insurer and its agent, alleging bad faith, breach of contract, and violations of a state unfair trade practices statute. A jury awarded her significant compensatory and punitive damages, plus attorney fees and prejudgment interest.

FOR YOUR SAFETY

Recalled product roundup

Here are some recently recalled products you may have in your home or at work:

- ✓ **TWIE, also known as Tradewinds International Enterprises, Inc.**, has recalled 152,000 “Sky Champion” Wireless Indoor Helicopters. Onboard rechargeable batteries can catch fire and burn consumers
- ✓ **Babies “R” Us, Burlington Coat Factory/Baby Depot, Meijer Distribution, Inc., Nebraska Furniture Mart, ShopKo, Target Stores, and Wal-Mart** have voluntarily recalled 600,000 Simplicity Brand Drop Side Cribs with sides that can detach and trap or suffocate infants.
- ✓ **Worldwise, Inc.**, has called back 223,000 SlyDog™ Retractable Dog Leashes that have metal collar clasps which can bend or break, causing the leash to recoil suddenly and forcefully, and harm users.
- ✓ **Wolf Appliance, Inc.**, has recalled 24,000 Wolf Appliance Gas Ranges. Delayed gas ignition in the 18-inch oven can cause a burst of flames when the range door is opened and burn users.
- ✓ **Razor USA, LLC**, asks buyers to return 103,000 Razor® PowerWing™ Three-Wheeled Scooters, which have sharp edges on foot-platform undersides that can cut children.
- ✓ **Giftco, Inc.**, recalled 36,000 Harry Potter Bookends. The paint contains excessive levels of lead, violating the federal lead-paint standard.

ID THEFT

The Federal Trade Commission’s (FTC) 2006 *Identity Theft Survey Report* showed that 8.3 million adults were victims of some form of identity theft in 2005.

According to the FTC’s Consumer Response Center, five common ways that wrongdoers steal unsuspecting victims’ legal, financial, and personal information are:

- 1 Dumpster diving**—rummaging through trash containers for bills or other personal papers.
- 2 Skimming**—stealing credit/debit card numbers using special electronic storage devices while processing actual transactions.
- 3 Phishing**—imitating real financial institutions or companies by sending fraudulent e-mails or pop-ups to computers.
- 4 Changing addresses**—using postal forms to divert mail to unlawful addresses.
- 5 Theft**—stealing purses, wallets, and mail—even employee records.



If you believe you have been a victim of fraud through ID theft, seek legal counsel.

AS WE SEE IT

Some politicians or media commentators complain one-sidedly about our civil justice system and trial attorneys. Often, they phrase the issues as they appear in the left-hand box of the chart below.

We have had the benefit of helping people who have been harmed by others’ carelessness, such as people injured by drunk and reckless drivers, negligent property owners, or by the actions of uncaring corporations.

We think the way we view our civil justice system and trial attorneys is more accurately stated in the right-hand box.



HOW SOME PEOPLE SEE IT.	HOW WE SEE IT.
Insurance companies vs. trial lawyers	HMOs vs. patients needing care
Pharmaceutical manufacturers vs. trial lawyers	Drug makers vs. patients requiring safe medications
Car makers vs. trial lawyers	Car makers vs. driver and passenger safety
Doctors vs. trial lawyers	Physicians vs. health insurers
Nursing homes vs. trial lawyers	Nursing homes vs. elderly residents and their families
Manufacturers vs. trial lawyers	Manufacturers vs. injured consumers
Railroads vs. trial lawyers	Railroads vs. drivers injured at crossings
Corporations vs. trial lawyers	Unsafe products vs. harmed consumers
Small businesses vs. trial lawyers	Small businesses vs. injured employees

ADDRESS SERVICE REQUESTED

Keeping you informed

To enable us to better stay in touch with you, our valued clients, we would like to start sending our newsletters and other informative communications to you electronically. We ask that you please take a minute to send your name and correct e-mail address to us at ktesta@richardconsole.com so you can be added to our e-mail list. We would ask that you also send us the names and e-mail addresses of any friends or family members whom you feel may benefit from this information.

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The information included in this newsletter is not intended as a substitute for professional legal advice. For your specific situation, please consult the appropriate legal professional.

Workers' compensation— Don't go without the benefits you deserve

Unless you know specifically what you are looking for, information regarding disability benefits may be hard to find. In fact, the knowledge of some benefits is unknown to the public and is limited to only certain attorneys and insurance companies, so without the help of an experienced attorney, you actually may be missing out on benefits to which you are rightfully entitled.

Did you know that...

- If a worker dies as a result of a work-related accident, that worker's spouse and dependent children may be entitled to as much as 70 percent of the worker's salary at the time of death for the lifetime of the spouse or during the period of dependency.
- If you develop an injury or disease over many years of working on the job, you can bring what is called an "occupational claim" through workers' compensation, even if there was no one particular incident or accident which caused the injury. Examples include carpal tunnel syndrome for typists and cashiers, lower-back problems from jobs requiring lifting, heart attacks from stress on the job, etc.
- Some life insurance policies and credit card insurance policies have disability benefits that may be available to you.

Are you confused or frustrated by the process of filing a workers' compensation claim? Do you feel like you are being taken advantage of by the workers' compensation carrier, who seems to be downplaying the extent of your injuries?

WE CAN HELP!

If you have been injured or disabled while on the job, call our office today, toll-free, at **866-778-5500** to be put in contact with disability experts who will help you obtain the benefits you need and deserve.

Going the extra mile— \$350,000 awarded to our client for injuries sustained in motor vehicle accident

Going up against insurance companies can be intimidating, and without the proper knowledge, resources, and representation, you may fall victim to underpayment on your claim. That's why it's crucial to have an experienced attorney who will aggressively fight on your behalf to ensure that you are treated fairly and are fully compensated. Recently, one of our clients almost fell into the trap of the defendant's insurance company, which could have seriously limited their compensation. But by choosing legal representation, they were able to avoid such misfortune.

Our client was injured in a motor vehicle accident due to the recklessness of the defendant driver and suffered disc herniations to the lower back as well as severe neck and shoulder pain. The debilitating pain caused our client to be extremely functionally limited and no longer able to work.

The defendant insurance company disagreed with all the findings from the doctors who had treated our client, and attempted to assert that the motor vehicle accident was not the cause of the injuries and ongoing pain. They were so adamant on the limited extent of our client's injuries that the top settlement they were willing to offer our client was \$75,000. This offer was rejected by our firm, and the case proceeded to arbitration.

Although the defendant insurance company contested the cause of our client's lower-back injury, our firm was able to prove that the permanent and debilitating injuries our client sustained were in fact caused by the motor vehicle accident. Due to our firm's efforts, we were able to prevent the insurance company from wrongfully underpaying on the claim, and the client was able to obtain \$350,000, an award *five times* the amount of the top settlement offer before arbitration.