

**SUMMER  
2009**

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PC  
ATTORNEYS - AT - LAW**

Brought to you by  
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## Referrals

*Thanks to all of you who have recommended our firm to your relatives, friends, and neighbors. We appreciate your vote of confidence and pledge to care for these "VIPs" as well as we care for you. Our firm relies on your kind referrals!*

## Catastrophic-injury victims

Our firm often helps victims from all walks of life who have suffered catastrophic injuries.

One thing all these clients have in common is that they have been harmed by another's carelessness. They have been injured by drunk or reckless drivers, negligent property owners, or the actions of uncaring corporations.

None of our clients ever wanted to be harmed. They never intended to bring a claim.

They came to us because they needed someone to stand up for them and make sure they were treated fairly by insurance companies and others.

Our firm works hard to secure our clients' futures. In the short term, that means getting their medical bills paid and their lost wages replaced. At the end of the day, it is our job to secure full and fair compensation for their injuries.

Our firm is known for more than the settlements we obtain for our clients. We're also known for the people we assist and the lives that we help put back together.



## MMI? *What's that?*

You were the victim of an auto, slip-and-fall, or other accident.

You're recovering. The pain has diminished, muscle flexibility is back, and you want to return to work. The responsible party's insurer makes a tempting offer, so you think about settling your injury claim.

That may be a mistake. Maximum Medical Improvement (MMI) is a recovery stage each injured person reaches during healing. For some, MMI means full recovery. For others, MMI plateaus at incomplete mending, meaning that no additional medical treatment or rehabilitation will restore normalcy.

An experienced personal injury attorney will recommend resolving an injury claim only after a victim's injuries and MMI are fully documented and when all past and future medical expenses, lost wages and future earnings, and other recovery needs have been calculated.

An attorney who understands an injured party's MMI can put him or her in the best legal position to obtain fair and comprehensive results from a claim.

*We take your family's safety and security personally.*

# BIG-BOX STORE ACCIDENTS

Although data are hard to obtain, lawsuits in the early 2000s indicated that more than 2,200 customers were being injured annually by falling heavy merchandise at just one chain of big-box home centers.

Several states have passed shopper-safety regulations for retailers who high-stack heavy merchandise, such as clothes washers and microwave ovens. These include adding safety stops to shelves, setting up netting or other protective devices, or establishing barricaded safety zones to keep customers out of areas where forklifts move heavy products from upper shelves to the floor.

## A 19-POUND BOX

A shopper at a home center was struck on the head and knocked flat by a falling 19-pound box as employees stocked upper shelves. When his attorney demonstrated that the plaintiff's negligent store injury resulted in severe pain and corrective discectomy surgery, a jury awarded a significant sum.

# NURSING HOME VIOLATIONS

In 2007, nine in ten U.S. nursing homes were cited for violating at least one federal health and safety law in each of the past three years, according to a U.S. Department of Health and Human Services report. The nation's 15,000 facilities are home to about 1.5 million elderly residents.

The most common citations were for infected bedsores, drug errors, resident malnutrition, and outright patient abuse or neglect. More than 15 percent of violations resulted in "actual harm or immediate jeopardy" to residents.

Inspectors authenticated 39 percent of the more than 37,000 complaints about nursing home conditions. Two in ten confirmed complaints involved patient neglect or abuse.

States varied widely in deficiency rates. Seventy-six percent of Rhode

Island nursing homes received complaints. One hundred percent of homes in Alaska, Idaho, Wyoming, and the District of Columbia received complaints.

Responsible adults who suspect that nursing home care is insufficient or has resulted in an injury should get medical care for the loved one, notify residence management of concerns, and seek legal counsel. Attorneys familiar with nursing homes can help elderly loved ones receive better care or determine the bases of injuries and hold the responsible parties accountable.



# DEBUNKING CIVIL JUSTICE MYTHS

Insurance, oil, and drug companies spend millions creating and publicizing myths about how lawsuits are out of control and responsible for many of America's ills. The facts tell a different story.

## MYTH:

Schools are canceling recess because they fear playground litigation. **Wrong:** *School districts across the nation consistently blame elimination of recess on time needed to meet increased testing and teaching requirements.*

## MYTH:

People have stopped volunteering to help Little League, Boy and Girl Scouts, and other nonprofits because of lawsuits. **Wrong again:** *Congress passed the Volunteer Protection Act of 1997 to give immunity to nonprofit volunteers in the course of their charity work.*

## MYTH:

Everyone's insurance rates are skyrocketing because of lawsuits. **Incorrect:** *Your insurance premiums may be going up, but it has nothing to do with lawsuits. In 2007, insurers reported \$61.9 billion near-record profits. They still argued to restrict awards and damages to victims even though personal injury cases resolved in U.S. courts fell by 79 percent between 1985 and 2003.*

## MYTH:

Trial attorneys charge outrageous hourly fees and leave victims with practically nothing if they win cases. **Not so:** *Lawyers who represent injured clients who cannot afford legal fees provide representation on a contingency-fee basis. If there is no monetary recovery, clients owe nothing for legal services. If the plaintiff wins, attorneys charge a percentage of the money damages that are recovered.*

## AFTER-SCHOOL CHILD PICKUP

For student security and safety, many schools establish after-school pickup guidelines.

Administrators ask parents and guardians to specify names and vehicles of those who have permission to pick up a child, such as parents, car pools, relatives, baby-sitters, or neighbors.

Some schools require physical descriptions, photo IDs, and signed notes when pickup plans change. Others require signed instructions for special after-school tutoring, detention, athletics, clubs, and even emergencies.

### Unsafe pickup zone

When their six-year-old died after being accidentally run over by a parent who was backing up a minivan into a parking space, the parents sued the school. Their attorney contended that the school's parking area was not well planned and that authorities had received notices about pickup chaos when school let out. A jury granted a significant award.

## Workplace injuries

On-the-job injuries can occur at any workplace, from white-collar offices to blue-collar industries.

Negligent parties can range from managers who assign dangerous duties to untrained workers, to third parties that market equipment that is poorly designed or lacks finger-protecting guards.

A personal injury attorney can investigate causes of worker injuries and help hold those responsible for harm to account.

Common occupational-workplace injuries an attorney can handle include:

- **Burn injuries** from fires, chemicals, and electricity.
- **Diseases** resulting from chemical exposure, such as asbestos or benzene.
- **Existing employee health conditions** aggravated by employment activities.
- **Injuries** from trips and falls, amputations, broken limbs, or cuts.
- **Mental disease** resulting from work-induced stress.
- **Repetitive-movement injuries**, such as carpal tunnel syndrome.
- **Third-party liability**—injuries, such as a fall from a poorly designed ladder, for which a third party is responsible.

*For legal assistance with workplace injuries, please seek legal counsel.*



## Recreational boating

In 2007, nearly 700 Americans died and just over 5,000 were injured in pleasure-boating accidents in motorcraft, sailboats, houseboats, and inflatables.

Accidents were caused by intoxicated, inexperienced, or reckless drivers; defective steering, engines, or other mechanisms; and failure of boaters or owners to maintain watercraft or obey boating regulations.

If you or a loved one has suffered severe injury from others' negligence in a boating accident, an experienced attorney can help hold responsible parties accountable.

### Impaired driver

An intoxicated speedboat driver crashed into the stern of a cabin cruiser, immediately killing its owners. The victims' family sued and reached settlement with the out-of-control, speeding boat driver after he pleaded guilty to two counts of manslaughter due to intoxication.

## accidents



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](mailto: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.

## CURRENT CASES

For the last 15 years, our law firm has helped our injured clients recover tens of millions of dollars in compensation they were entitled to, including property damage, medical bills, past and future lost wages, and pain and suffering.

After an accident, all you need to focus on is your recuperation. We do the work of recovering the compensation for you.

We have a long history of fighting to ensure that our injured clients are treated fairly and are fully compensated.

Here are some of the cases we are currently working on:

- Motor Vehicle Accidents
- Slip and Falls
- Premises Liability
- Dog Bites
- Workplace Injuries
- Insurance Bad Faith
- Medical Malpractice

## Qui tam actions— Reporting government fraud *What it means to be a whistleblower*

### *What is “qui tam”?*

Qui tam law helps the government recover money that has been lost due to false claims and fraud. The individual who reports this fraudulent behavior is known as a whistleblower. Most qui tam actions are brought by employees of companies that have defrauded the government. Employees are in a special position to witness fraud, however, many are reluctant to come forward due to fear of retaliation. Don't be afraid to be a whistleblower. Federal law protects employees who file qui tam actions.

If you have any knowledge of fraudulent claims, you can bring a lawsuit on behalf of the government. As the whistleblower, if a qui tam action is successful and the defendant is found liable, a portion of the award will go to you.

Some examples of stealing, cheating, and defrauding the government include...

**Fraudulent billing**—Is your employer overcharging for products or services, or billing for goods or services that were never delivered or performed?

**Health-care fraud**—Has your employer submitted inaccurate or fraudulent medical bills to Medicare or Medicaid? For example, medical treatment that was not provided or medical tests that were not performed, or billing for name-brand medications when generic medications were used?

**IRS tax fraud**—Has your employer been underpaying taxes or underreporting income?

## **WE CAN HELP!**

If you believe you have any evidence of an individual or company that is defrauding the government, call our office today, toll-free, at **866-778-5500** to be put in contact with experts who specifically handle qui tam cases.