

# Electronic Newsletter

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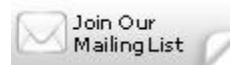
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The Law Firm of Stephen M. Reck Wishes You a Happy and Healthy New Year!



We want to thank our clients, referring attorneys and other friends for another successful year and your continued trust and confidence as we enter 2010.

## Newsletter Archive

New to our mailing list? To read our prior newsletters, click [here](#).

The Law Firm of Stephen M. Reck Files Suit Against Landlord

[The Law Firm of Stephen M. Reck](#) has filed a lawsuit against a Waterford landlord on behalf of a family who claims that the apartment they rented made them sick.

The suit, filed by [Attorney Scott D. Camassar](#), asserts claims for negligence, breach of contract and constructive eviction, and alleges the property was dangerous in various ways including: non-functioning fire/smoke alarms; high levels of mold; high levels of lead and lead dust; contamination by fuel oil; a defective ventilation system; and an electrical system that was improperly wired, installed, grounded or maintained. The plaintiffs claim that as a result of

The Tort System is Not a Lottery

[Timothy D. Lytton](#), the Albert and Angela Farone Distinguished Professor of Law at Albany Law School, notes that the civil justice system is often described by critics as a "litigation lottery," but writes that "Comparing tort litigation to a lottery is, at best, unhelpful for understanding the sources, frequency, and magnitude of error in the tort system. At worst, it is a rhetorical strategy aimed at undermining public confidence in the civil justice system in order to strengthen popular support for tort reform. In the rush to reform the tort system, we would be

these unsafe conditions, they were exposed to harmful substances, vapors, allergens, and contaminants, leading to injuries and ailments including emotional distress, weight loss, headaches, skin rashes, physical sickness, and fear of future problems.

## Executive Order Elevates Interpol Above American Law

The [Washington Examiner](#) says a recent directive by President Obama "may be the most destructive blow ever struck against American constitutional civil liberties." The order grants Interpol, the International Criminal Police Organization, broad legal privileges, including 1. "the ability to operate within the territorial limits of the United States without being subject to the same constitutional restraints that apply to all domestic law enforcement agencies such as the FBI"; and 2. an exemption for Interpol's domestic facilities, including its office within the Department of Justice, "from search and seizure by U.S. authorities and from disclosure of archived documents in response to Freedom of Information Act requests filed by U.S. citizens." As a result, an international law enforcement organization that is accountable to no other national authority now enjoys "the ability to operate as it pleases within our own borders," free from "the most basic measure of official transparency and accountability, the FOIA."

## CT AG Sues CVS for Expired Products



The [Wall Street Journal](#) reported that Connecticut's office of the Attorney General has accused CVS Caremark Corp. of selling over-the-counter drugs and products past their expiration dates, following an investigation that revealed 20 or more stores selling expired products in the state.

Connecticut's AG, Richard Blumenthal, said the investigation showed nearly one of every two CVS stores surveyed was selling out-of-date and over-the-counter medicine. But, "of those 20 stores, 10 were also found to have been selling expired products the previous summer," the [Hartford Courant](#) reported.

## Why Didn't Beef Recall Include School Lunches?

"When health officials identified an outbreak of salmonella poisonings last summer, they traced the dangerous strain of salmonella to ground beef made at Beef Packers Inc., a major supplier to the National School Lunch Program." A [USA Today](#) investigation "raises questions about whether the government took adequate steps to ensure that meat it bought for schoolchildren during the same period was safe."

## Gambler Who Lost \$127 Million Sues Casino

**Man also faces fraud and theft counts**



A man who lost nearly \$127 million in one year at Las Vegas casinos filed suit in Nevada against Harrah's alleging that "casino staff routinely plied him with liquor and pain medication as part of a systematic plan to keep him gambling." Read [more](#).

## Study: BPA in 90% of Newborns

The [Milwaukee Journal Sentinel](#) reported that a study released last month by Environmental Working Group "found that nine of 10 babies tested were born with bisphenol A ["BPA"] in their systems" which finding "has renewed calls for the chemical to be banned." The study, which "found the chemical in nine of 10 randomly selected samples of umbilical cord blood," was released on "the same day a US Senate subcommittee met to consider an overhaul of laws governing the nation's toxic chemicals."

## Daughter Sues Cell Phone

well advised to ignore this kind of rhetoric and take a more careful look at what its real shortcomings are."

## Soldiers Exposed to Deadly Toxin Sue Contractor

**Some Sick, Others Have Died**



A group of soldiers who served in Iraq are suing KBR for exposure to sodium dichromate, a highly toxic chemical. NBC Nightly News story [here](#).

## Prof. Sues Wesleyan Over Mis-Identification

A Cornell sociology professor has sued Wesleyan Univ. for negligence after the school mistakenly released his photo as that of murder suspect Stephen P. Morgan, who is accused in the killing of a student near the Wesleyan campus last year. Prof. Stephen L. Morgan seeks damages for emotional distress and injury to his reputation and career after Wesleyan posted his photo on its website and wrongly identified him as the murder suspect. Article [here](#).

## Fast-Food Standards for Meat & Chicken Exceed Those for School Lunches



A USA Today investigation found that in "the past three years, the government has provided the nation's schools with millions of pounds of beef and chicken that wouldn't meet the quality or safety standards of many fast-food restaurants." While the U.S.D.A. claims the meat it buys for the National School Lunch Program "meets or exceeds standards in commercial products," USA Today says "That isn't always the case." Read [more](#).

## "Extreme Food Safety"

An interesting [article by USA Today](#) describes the multiple steps McDonald's takes to ensure the safety of its hamburger meat.

## Industry for Mother's Death Caused by Distracted Driver

The [New York Times](#) reported that a woman whose mother "was killed last year when her car was hit by a driver talking on his cellphone," is suing "the companies that provided the driver's phone and wireless service. ... Legal experts said her lawsuit, currently the only such case and one of only a handful ever filed, faces steep challenges but also raises interesting questions about responsibility for behavior that is a threat to everyone on the road." The plaintiff "argues that the industry's success in marketing to drivers is the reason people like" the responsible driver "do not change their behavior or pay attention to what she characterizes as faint warnings by the industry."

## Radiation Exposure from CT Scans Appears Higher than Earlier Estimates

A study published in the *Archives of Internal Medicine* by researchers at the National Cancer Institute "found that people may be exposed to up to four times as much radiation as estimated by earlier studies," USA Today reported--exposure that may lead to cancer and death. Read [more](#).

## Multi-State Crackdown on Medicare Fraud

The [AP](#) reported that "federal agents arrested 26 suspects in three states Tuesday, including a doctor and nurses, in a major crackdown on Medicare fraud totaling \$61 million in separate scams." HHS and the Department of Justice said that the 32 suspects arrested in Miami, Brooklyn, and Detroit "lined up bogus patients and otherwise billed Medicare for unnecessary medical equipment, physical therapy and HIV infusions." With Tuesday's arrests, the "Medicare Fraud strike force formed by the Justice and Health departments has now charged suspects accused of bilking Medicare of more than \$1 billion in less than two years." Also on Tuesday, HHS Secretary Kathleen Sebelius announced "the operation will expand to Tampa, Fla., Baton Rouge, La., and Brooklyn."

[CNN](#) reported, "The largest case, in Miami, involved a doctor and nurses who allegedly ordered home healthcare services that were not medically necessary. 'When someone sends fraudulent bills to Medicare, they are stealing American taxpayer dollars that are intended for those most in need,'" said Assistant Attorney General Lanny Breuer."

## Doctor Accused of Malpractice Found Hiding on Italian Mountain

From the [AP](#): "An American doctor on the run for five years as charges of fraud and malpractice mounted against him was arrested as he hid out on a snowy mountain in northern Italy, and stabbed himself in the neck as he was taken into custody, police said." Mark Weinberger's "patients in the United States, who have been waiting for years to tell a court they believe the doctor misdiagnosed them, botched surgeries or hastily performed the wrong procedures, hoped his capture will mean their lawsuits can finally go forward." Attorney David Cutshaw of Indianapolis, "whose firm represents more than 100 former patients," said that Weinberger "promised patients \$40,000 modern sinus surgeries that should have taken up to two hours, but instead performed outdated procedures that took as little as 24 minutes, enabling him to grind patients through his surgery center as if they were on an assembly line."

## Model Dies After Plastic Surgery in Argentina



[CNN](#) reported that Solange Magnano, 37, a former Miss Argentina, died in a hospital after being transferred from a clinic where she underwent an elective surgery on her buttocks. Argentina is known as an international destination for plastic surgery, as the surgical costs there are much lower than in other countries. An estimated 1 in 30 Argentines has undergone plastic surgery.



## Kids' Injuries from Falling TVs Rise

The [AP](#) reported that "Studies suggest that the number of children killed or injured by falling televisions has risen even as more consumers replace their clunky old TVs with lighter flat screens." The CPSC "says more than 80 of the 180 furniture-related deaths from 2000 to 2006 involved televisions. And the number rose over the years."



## Tylenol Arthritis Recall

Johnson & Johnson is expanding a voluntary recall of Tylenol Arthritis Pain Caplets following consumer reports of a moldy smell that has caused nausea and sickness. More [here](#).

## Recall Central

To read about recent recalls and product safety news from the U.S. Consumer Product Safety Commission, click [here](#).

Get the latest recall information from the National Highway Traffic Safety Administration [here](#).

The Dept. of Agriculture's Food Safety and Inspection Service regulate meat, poultry products and processed eggs. Check their recalls [here](#).

Click [here](#) for Food and Drug Administration recalls, market withdrawals and safety alerts.

**For updates on the peanut products recall click [here](#).**

## Is Toyota Hiding Vehicle Defects?

The [Los Angeles Times](#) reported, "A peerless reputation for quality and safety has helped Toyota become the world's largest automaker. But even as its sales have soared, the company has delayed recalls, kept a tight lid on disclosure of potential problems and attempted to blame human error in cases

## FDA to Revise Rules on Medical Devices

The [Wall Street Journal](#) reports that a physician at Northwestern University is being accused of having experimented on humans after he implanted his invention, a Myxo ring, in over 150 patients to stop leaking heart valves without FDA approval. Edwards Lifesciences Corp., which manufactured the rings, decided not to seek approval because it determined the ring was sufficiently similar to approved rings. The dispute is said to have caused the FDA to review its current guidelines over whether medical devices require regulatory approval. Now, according to Bram Zuckerman, director of the FDA's Division of Cardiovascular Devices, the agency may issue revised guidance requiring manufactures to notify the FDA of any alterations to approved products.

## Boston Scientific Pays \$22M to Settle Charges of Kickbacks

The [AP](#) reported that "heart device maker Boston Scientific will pay \$22 million to resolve allegations its Guidant division paid kickbacks to doctors to get them to use its heart devices" according to US attorneys. The physicians received between \$1,000 and \$1,500 "each in 2003 and 2004 to participate in four studies" related to the products.

[Bloomberg News](#) reported that the studies were "designed to assess the performance of pacemakers and defibrillators, the US Department of Justice said...in a statement." But, the company was really "paying doctors to select Guidant devices over competing products, the government said." US Attorney Carmen Ortiz stated, "Although medical-device and pharmaceutical companies can use post-market studies legitimately to obtain information about how their products work in the field, they cannot use those studies, and the honoraria associated with them, to induce physicians to use their products."

## FDA Cites Nestle Over Health Claims



[Bloomberg News](#) reported that the FDA issued a warning letter on its website finding that "Nestle SA's Juicy Juice and Boost beverages for children violate US rules about marketing health claims." The FDA ordered

the firm "to remove claims about the brain development benefits and sugar content of its Juicy Juice product for infants." In addition, the agency "said content labeling for Nestle's orange tangerine and grape juices are 'misleading' because they claimed to be 100 percent juice." Finally, the agency "said Nestle's Boost Kid Essentials Nutritionally Complete Drink is falsely promoted as a 'medical food.'"

## About Our Firm



"Winter Shadow" by Gershon Camassar

At [The Law Firm of Stephen M. Reck](#), justice is our mission. Our firm is well known and well respected for its ability to handle personal injury, wrongful death, and professional malpractice cases in Connecticut and Rhode Island. Call today or visit us on the web at [www.stephenreck.com](http://www.stephenreck.com).

### The Law Firm of Stephen M. Reck, LLC

Proud to support the [North Stonington Education Foundation](#), [Little League Baseball](#), [Children International](#), and the [Conn. Chapter of the Special Olympics](#).

where owners claimed vehicle defects." The Times relates several incidents illustrating that point, commenting, "The automaker's handling of safety issues has come under scrutiny in recent months because of incidents of sudden acceleration in Toyota and Lexus vehicles, which The Times has reported were involved in accidents causing 19 fatalities since 2001, more deaths from that problem than all other automakers combined."



## Climate Litigation Criticized

The [Wall Street Journal](#) criticizes recent attempts to sue electric utilities for carbon emissions under "nuisance" laws, including the efforts of Connecticut Attorney General Richard Blumenthal, seven other states' AGs, and New York City for a suit against various utilities "for a host of supposed eco-maladies."



### Proudly Serving Connecticut and Rhode Island

The trial attorneys at The Law Firm of Stephen M. Reck, LLC represent individuals in all types of personal injury cases throughout the state of Connecticut and the state of Rhode Island, including, in Connecticut: New London County, New Haven County, Middlesex County, Hartford County, Tolland County, and Windham County; and in Rhode Island: Bristol County, Kent County, Newport County, Providence County, and Washington County.

### Referrals Welcome

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