

Electronic Newsletter

July 2010

[The Law Firm of Stephen M. Reck, LLC](#)

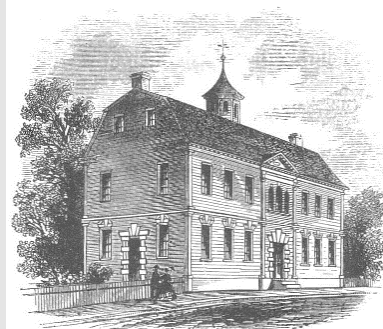
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Don't Drive Distracted!

Greetings!

We hope you are enjoying the summer and wish you and your family a safe and happy Fourth of July! Remember to keep kids away from fireworks. [Safe Kids USA](#) reports that in 2009, 3,300 children ages 0-14 were injured from fireworks. Sparklers alone cause an estimated 1/3 of all fireworks-related injuries to children under 5. Don't let preventable injuries ruin your holiday weekend.



Sincerely,
Stephen Reck, Scott Camassar and the staff at
The Law Firm of Stephen M. Reck, LLC

OSHA: Energy Industry has

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"Troubling" Safety Record

OSHA officials told Congress last month that the oil and gas industry "has a troubling record on worker safety." In the previous four months, "58 workers have died in explosions, fires and collapses at refineries, coal mines, the oil drilling rig and a natural gas-fired power plant construction site, said Jordan Barab, deputy assistant secretary for the Occupational Safety and Health Administration." Sen. Patty Murray, chair of the Employment and Workplace Safety Subcommittee of the Senate HELP Committee, said, "To me this doesn't seem simply like a string of bad luck; it appears to be a disregard for safety regulations and precautions across an entire industry." Read [more](#).

BP's \$20B Claims Fund Reduces Threat of Civil & Criminal Suits

The Wall Street Journal reported that "BP's decision to establish a \$20 billion fund for oil-damage claims could help the company blunt protracted legal battles and earn a measure of goodwill with U.S. prosecutors." In addition to facing a barrage of suits from individuals, municipalities, several states and the federal government, "BP also is under criminal investigation and faces huge penalties and fines." Read [more](#).

Umpire's Experience with Hip Surgeon Exposes Conflict, Financial Ties to Hip Maker

Hirschbeck: "It screwed up my life big-time."

When a Connecticut surgeon, Dr. John Keggi, told professional umpire Mark Hirschbeck that a hip replacement could get him back on the field in a matter of months, he went for it. But the ceramic joint used in the surgery shattered, leading to an infection, four more surgeries and permanent disability. He later learned that the hip manufacturer "paid tens of thousands of dollars to a foundation Keggi helps run and gave him a trip to a conference in the Bahamas. Keggi recommended the ceramic device over the kinds of implants used in 97 percent of cases." The case illustrates the consequences that can occur when physicians have financial relationships with product makers. Read [more](#).

Dispute Between Surgeon & Device Maker Reveals Lack of Safety Measures

A recent article in the [New York Times](#) described the falling out between Dr. Richard A. Berger, who "designed surgical tools and artificial joints for Zimmer Holdings," and the medical device company. The Times noted that this "breakup...highlights what experts say is a troubling situation for patients and doctors: when disputes arise about orthopedic implant safety, there are no independent referees or sources of information because no one tracks the performance of the devices," and in the end, it is the patients who suffer the most. While Dr. Berger has charged that the Zimmer devices fail prematurely, the company "provided the FDA with data from 12 surgical centers showing that the hip was working well. Based on that, the agency decided to close its investigation, said an FDA spokeswoman, Mary Long."

Federal Grants Aimed at Reducing Malpractice Suits

The [Washington Post](#) reported that "The Obama

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Only 48% of CT Malpractice Claims Result in Payouts

Payout Amounts Also Decreased, Though Defense Costs Increased

The Hartford Courant reported last month, "A state analysis of medical malpractice claims handled by Connecticut insurance companies in the past four years showed that 48 percent resulted in payment to patients. Fewer claims were reported last year compared to 2008, and the average payment to patients also decreased." Read [more](#).

Malpractice Fears Drive ER Docs to Overtest

The [NY Times](#) looks at the tendency of emergency room doctors to overtest, which some say is often out of fear of malpractice claims.

Auto Industry Fights Proposal that Could Lead to Defect Lawsuits

The auto industry is fighting a proposal that would make it easier to sue for vehicle defects. The measure would reverse the policy known as "preemption," which was passed "to protect companies from lawsuits if they complied with federal regulations." The

administration has awarded \$23.2 million in grants to local government agencies and medical providers in 16 states for projects intended to improve patient safety and curb medical malpractice suits." Notably, "seven of the grants are for three-year demonstration projects that will test innovations such as making obstetrics procedures more uniform and offering patients and their families immediate compensation for medical errors rather than requiring them to pursue costly and often lengthy lawsuits." [Other ideas](#) include health courts, medical review panels and early apologies.

Hot Dog Redesign Reduces Choking Hazard



The American Academy of Pediatrics says hot dogs can be dangerous because young children can choke on them. At least one design change can reduce that risk: "Make incisions down the sides so that, as it heats, the dog will open into a floral-type design that will more easily break apart if stuck in the throat." But don't expect to see redesigned hot dogs in stores just yet. Janet Riley, president of the National Hot Dog and Sausage Council, said: "I think a wholesale redesign of the hot dog from its iconic shape as a long, tubular food product is a bit unlikely." Read [more](#).

Supreme Court Strikes Down Chicago's Total Handgun Ban



On June 28th, the U.S. Supreme Court ruled in favor of Otis McDonald (pictured at left in front of the Court in March) when it held that the city's handgun ban was unconstitutional. In doing so, the Court ruled that the 14th Amendment makes the Second Amendment right to keep and bear arms fully applicable to all 50 states, not just the federal government. The 13th-15th Amendments were passed after the Civil War to help guarantee the civil rights of newly freed black slaves, including their right to keep and bear arms. The Court held that "A survey of the contemporaneous history also demonstrates clearly that the Fourteenth Amendment's Framers and ratifiers counted the right to keep and bear arms among those fundamental rights necessary to the Nation's system of ordered liberty." Read the opinion [here](#).

Blumenthal to Lead Multistate Probe of GOOGLE

As many as 30 U.S. states are considering joining a joint investigation, led by Connecticut Attorney General Richard Blumenthal, to look into how [Google](#) Inc.'s Street View vehicles came to collect Internet users' personal data from unsecured wireless networks and to "determine whether laws may have been broken when the company mistakenly collected information on people's Web usage." Read [more](#).

Florida Appeals Court Throws Out \$12M Crash Verdict

A Florida appeals court reversed a \$12-million verdict and ruled that the archdiocese of Miami and Archbishop Coleman F. Carroll High School were not

preemption policy generally prevents people injured in car crashes from suing the manufacturer in state court if the vehicle was built to federal standards. Read [more](#).

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](#).

Subway Sued After Salmonella

Outbreak



A Chicago woman who went to the E.R. "after eating a Subway sandwich is suing the restaurant chain following a salmonella outbreak that sickened nearly 100 of its customers across Illinois."

Dell Knew Computers Were Faulty

Documents recently unsealed in a three-year-old lawsuit against Dell show the company's employees actually knew that many of its computers were likely to malfunction, but "tried to play down the problem to customers and allowed customers to rely on trouble-prone machines, putting their businesses at risk." Dell sold millions of computers from 2003 to 2005 that were "riddled with faulty electrical

liable for a 2001 car crash that killed one student and left another a quadriplegic. Two students, both 17, "had driven away from an unsupervised 'after-school' graduation drinking party at a private home several miles from the school when their car crashed into a tree at more than 80 mph and split in two." One student was killed and the other, "who police determined had been driving drunk, was left quadriplegic with catastrophic brain injuries." The court ruled that "At some point, we believe that a school's obligation of reasonable supervision must come to an end and the parent or guardian's duty of supervision must resume.... That logical point, we think, should be when the student leaves the school's premises during non-school hours and is no longer involved in school-related activities." Read [more](#).

Scientific Evidence Supports Enactment of 0.08% BAC Laws



By August 2005, all 50 states had implemented laws that established 0.08% as the minimum illegal blood-alcohol concentration (BAC) for drivers of motor vehicles. According to the CDC's Injury Center, this legislation saves approximately 500 lives in the U.S. each year. [A new case study](#) by the CDC Injury Center, published in the June 2010 issue of the *Annals of Epidemiology*, examines how scientific evidence supporting the effectiveness of 0.08% BAC laws was successfully translated into law. Read [more](#).

CDC: Sharp Increase in E.R. Visits for Nonmedical Use of Prescription Drugs



A new report examines emergency department visits involving nonmedical use of prescription drugs prone to abuse. Scientists from CDC's Injury Center and the Substance Abuse and Mental Health Services Administration (SAMHSA) worked together to analyze data from SAMHSA's Drug Abuse Warning Network. Among the key findings:

- There was a 111% increase in emergency department visits involving nonmedical use of opioid painkillers in the United States between 2004 and 2008.
- In 2008, the number of ED visits involving nonmedical use of prescription or over-the-counter drugs roughly equaled the number involving illicit drugs.
- Most visits for nonmedical use of drugs involved opioid painkillers (especially oxycodone, hydrocodone, or methadone) or benzodiazepines, a class of sedative drugs.

Get the full report [here](#).

Wrestler's Widow Sues WWE, McMahon



The [AP](#) reported that Martha Hart, widow of World Wrestling Entertainment performer Owen Hart, who died in a 1999 wrestling stunt, is suing the company and its leaders, including Republican U.S. Senate candidate Linda McMahon, for continuing to use her late husband's image in promotional materials.

Owen Hart, 34, "died when he fell 78 feet from a harness as it lowered him into a wrestling ring in Kansas City, Mo., on May 23, 1999." Martha Hart sued and later agreed to a \$18 million settlement with the WWE in 2000. She alleges in the new lawsuit that

components that were leaking chemicals" to "major companies like Wal-Mart and Wells Fargo, institutions like the Mayo Clinic and small businesses." As Dell "did not recall the computers, many of Dell's OptiPlex customers may be unaware that they had problematic computers or realize why their computers broke." Read [more](#).

Safe Boating Tips

Click [here](#) for smart boating tips, courtesy of our friend and local State Farm agent [Christine Wagner](#).

Texting Study: Adults As Bad As Teens

A new study by the Pew Research Center shows that "adults text as often while driving as teenagers and are actually more likely than teens to talk on the phone when behind the wheel." Read [more](#).

New Report on States' Anti-Distracted Driving Efforts

A new report by the [Governors Highway Safety Association](#) describes the efforts to combat distracted driving by the fifty states, the District of Columbia, Guam and American Samoa. The report details the various approaches states are implementing, including stronger laws, increased data collection, new education programs, public/private partnerships and a growing reliance on new media to spread the message. Get the report [here](#).

Congressman Describes Close-Call

Congressman John Duncan, Jr. [describes his recent experience](#) as a distracted driver, calling it a "miracle" he didn't hurt himself or others.

"WWE and the McMahons violated a contract that restricts the use of Owen Hart's name, likeness and wrestling footage."

U.S. Chamber Opposes RI Federal Court Nominee

The U.S. Chamber of Commerce "has stepped up its opposition" to the nomination of John J. McConnell Jr. to the U.S. District Court in Rhode Island, calling him "unfit to serve this lifetime appointment to the federal bench." The influential business group stated that "Mr. McConnell's actions during his career as a personal injury lawyer and past statements demonstrate his disregard for the rule of law, an activist judicial philosophy and obvious bias against businesses." Read [more](#).

Wacky Warning Label Contest Finalists



- "Never operate your speakerphone while driving," warns a label on a product called "Drive 'N' Talk."
- A label on a motorized go-cart warns consumers that "this product moves when used."
- A bottle of swine growth supplement called "Piglet Blast" cautions, "For animal use only."
- The Bluetooth headset alerts its users that "use of a headset that covers both ears will impair your ability to hear other sounds."
- A warning for a pair of swim goggles alerts users to the risk of pulling them away from the face, lest they "spring back and cause injury." More [here](#).

About Our Firm



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.

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