

## Electronic Newsletter

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## The Law Firm of Stephen M. Reck Files Notice of Intent to Sue Groton Police for Constitutional Rights Violations

[Attorney Scott D. Camassar](#) has filed a notice of intent to sue the Town of Groton and the Groton Police on behalf of a 38-year-old man who was subject to an illegal search and seizure of firearms in December 2008, just weeks after the police denied his application for a temporary pistol permit. The man had applied for a permit believing that a 1997 larceny charge had been nolle and that he did not have a felony criminal record. Police records, however, show a conviction and suspended sentence.

On December 26, 2008, members of the Groton Police Department entered the man's residence without his consent, without a warrant and without probable cause that a crime had been or was about to be committed, and proceeded to search the residence for weapons they claimed were on the premises. The officers threatened and intimidated the man and his pregnant wife and coerced him into opening a locked safe in which an unloaded handgun was stored. Next, officers placed him in a police vehicle and drove him to his mother's house in New London, where



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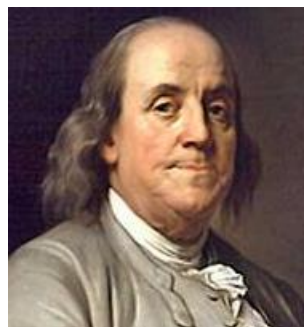
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they confiscated a shotgun. He alleges various violations of his constitutional and statutory rights, including: an unlawful search and seizure of property in violation of the 4th and 14th Amendments to the United States Constitution and Article I, § 7 of the Connecticut constitution; a violation of his right against self-incrimination and deprivation of liberty and property in violation of the 5th and 14th Amendments and Art. I, § 8 of the Connecticut constitution; deprivation of the right to bear arms in defense of himself and the state in violation of Art. I, § 15 of the Connecticut constitution and other federal and state statutes; and a violation of procedural due process by seizing his firearms without authority or determining that he posed an imminent threat of personal injury to himself or others, and without providing him a hearing after the seizure. He alleges officers threatened, intimidated and forcibly restrained him without cause or justification and caused him to be embarrassed and humiliated in front of his neighbors and friends.

kind referrals. Thank you.



**"Those who would give up Essential Liberty to purchase a little Temporary Safety, deserve neither Liberty nor Safety."** -- Benj. Franklin

## Jurors Increasingly Using iPhones, Handhelds for Improper Research

"The use of BlackBerrys and iPhones by jurors gathering and sending out information about cases is wreaking havoc on trials around the country, upending deliberations and infuriating judges." The rules of evidence require jurors to reach a verdict based on only admissible evidence presented in the courtroom. But jurors now are able to seek information outside the courtroom using their cell phones, and "tell their friends what is happening in the jury room." Although "judges have long amended their habitual warning about seeking outside information during trials to include Internet searches," the "risk has grown more immediate -- and instinctual." Douglas L. Keene, president of the American Society of Trial Consultants, notes that "some courts are beginning to restrict the use of cell phones by jurors within the courthouse." 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](#).

## Medtronic Will Disclose Payments to Doctors

The [Wall Street Journal](#) reports that medical-device maker Medtronic Inc. will begin to make public disclosure of all payments over \$5,000 it makes to physicians. The company "said it will report the information annually and that the first such disclosure will take place in March 2011 for payments beginning next January." This announcement follows the requests by two US senators that the company disclose more about its consulting arrangements with physicians, as well as allegations "that the company paid surgeons to boost spinal implant sales," the [AP](#) notes.

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

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

## Salmonella Outbreak Not Over Yet

"The national salmonella outbreak linked to more than 2,600 peanut products could last as long as two years, as contaminated foods sit like ticking time bombs on store shelves and kitchen cabinets, federal health officials said Wednesday." Peanut products "have a relatively long shelf life," which explains why "despite one of the largest food recalls in U.S. history... up to two dozen salmonella cases continue to be reported each week." Read [more](#).

## FDA Wants Faster Salmonella Test

The [AP](#) reports that the FDA is frustrated that "conventional lab methods can now take as long as nine days to identify the most common of food bugs," and is looking for a more rapid test for salmonella. The recent outbreaks have shown that delays in identifying the source make "consumers nervous about eating everyday foods. Food producers lost millions in forgone sales and recalled products." As a result, "FDA officials are desperately seeking anything that would make their response more efficient."



For the latest information from the CDC, click

[here](#).

## DeLauro Calls for FDA Reform

At least 15 government agencies have a hand in making sure food is safe under at least 30 different laws, some of which date back to the early 1900s. As a result, Rep. Rosa DeLauro, D-Conn. says, "We have an immediate crisis which requires a real restructuring." She has proposed a bill that



## Food Safety Must Be a Priority

In an op-ed in the [Atlanta Journal-Constitution](#) Bill Marler, a trial lawyer with Marler Clark in Seattle, said, "After a brief lull a few years ago, we're seeing a sweeping increase in outbreaks of salmonella, E. coli and other food-borne contaminants" and "there are many reasons for this ugly trend: businesses more focused on sales than safety, fragmented government agencies, inadequate inspection of foods, poorly educated food handlers and lack of consumer awareness, to name a few." He suggests some ideas on how to change the system, and concludes that "This may seem like a lot for a busy administration to chew on, but according to the CDC, every year nearly a quarter of our population is sickened, 350,000 hospitalized and 5,000 die, because of what they ate."

## Former FDA Official Calls System Flawed

Former FDA assistant commissioner William Hubbard appeared on [CBS News](#) and said the the outbreak linked to the Peanut Corporation of America "is a poster child for the many flaws in our food safety system." Hubbard said that the agency in the 1970s "had the manpower to inspect every American food plant every-other year. Now, he says, the FDA budget only enables such inspections every 10 years."

## Lab Falsified Drug Data

More bad news for the FDA and the public: "The FDA said a manufacturing plant owned by Ranbaxy Laboratories Ltd. falsified data and test results in approved and pending drug applications." Deborah Autor, the director of the FDA's Office of Compliance, says "most of the falsified data involves required tests to prove drugs are stable over a certain time period" (article [here](#)). However, the FDA "is not seeking a recall, because regulators do not believe the drugs pose a health risk," the [Washington Post](#) adds. "There is no concern about the safety or efficacy of Ranbaxy's drugs on the US market," Autor said. Which makes us ask: How would she know?

## Tests Showing Infant Seat Failures Never Publicized

"In a government crash-test video, the infant car seat flies off of its base, smashing the baby dummy - still strapped into the carrier - upside down and face-first into the back of the driver's seat. . . . This seat was one of 31 that either flew off their bases or exceeded injury limits in a series of frontal crashes conducted by federal researchers using 2008 model year vehicles, a Chicago Tribune investigation found." But these test results were never publicized, and some infant-seat makers didn't even know of the results. "The Tribune found the results buried in thousands of pages of test reports from the National Highway Traffic Safety Administration. These tests are used to rate the safety of cars, not the child restraints in them." Read [more](#).



## Drug Maker Warned Doctors in Japan About Drug's Link to Diabetes

### Warning Not Given to U.S. Doctors

[Bloomberg News](#) reported: "AstraZeneca Plc pushed salespeople to tell U.S. doctors its antipsychotic drug Seroquel didn't cause diabetes more than two years after warning physicians in Japan of possible links to the disease, internal documents show." The company sent a letter in November 2002 to Japanese doctors warning them that 12 reports showed "that Seroquel users were diagnosed with high blood-sugar levels over a 21-month period, according to company documents unsealed [in February] in connection with litigation over the drug." According to AstraZeneca spokesperson Tony Jewell, "Every country has a different regulatory administration with different regulatory standards and requirements." However, the

"would divide the FDA in two, separating the agency's drug oversight and food safety duties."

## Private Food Safety Auditors Missed Contamination

"With government inspectors overwhelmed by the task of guarding the nation's food supply, the job of monitoring food plants has in large part fallen to an army of private auditors", many of whom have repeatedly "failed to detect problems at plants whose contaminated products later sickened consumers." Read [more](#).

## Defending the Rule of Law

Jay Cook, president of the Georgia Civil Justice Foundation, writes that "For more than 30 years, a coalition of powerful special-interest groups, backed by the U.S. Chamber of Commerce, has been filling our heads with lies about the civil courts so they can replace the rule of law with the rule of men."

The rule of law, one of the pillars of freedom upon which America was founded, ensures that nobody's above the law, that all of us - even the rich and powerful, even the government and especially our elected leaders - must play by the same rules or face the same consequences." Read [more](#).

## Medical Schools Examine Drug Industry Ties

The increased scrutiny aimed at financial dealings and gift-giving between drug companies and doctors is finding its way to medical schools. Harvard Medical School recently began a review of its ethics policies, "under pressure from students there who think the pharmaceutical industry's influence has become too pervasive." Read [more](#).

## Body Parts Supplier Faked Info on Cadavers to Sell Bad Tissue

Federal prosecutors allege that the owner of a North Carolina company, which collected human body parts for transplants and other medical procedures, was shut down in 2006 for more than "inaccurate paperwork and poor record-keeping."

failure to disclose the information to the FDA has been called "irresponsible" and Sidney Wolfe, the director of Public Citizen's health-research group, said, "If there's enough evidence to warn people in Japan, there's enough evidence to warn people here."



Meanwhile, the [St. Petersburg Times](#) notes in an editorial, "Thousands of personal injury lawsuits have been filed against AstraZeneca by patients who claim the drug led to weight gain and diabetes" and "some 6,000 cases have been consolidated in the U.S. District Court in Orlando for pretrial hearings." The paper concludes, "The public has the right to know if a drug company is putting sales before safety - and if the FDA is acting in the public interest."

Prosecutors charge the owner actually "falsified medical histories, identities and blood samples of harvested cadavers to ensure the risky tissue could be sold." The owner is accused of "forging the age and cause of death of cadavers he gathered from North Carolina funeral homes because tissues can be rejected for a number of reasons to protect the health of transplant recipients." He is also accused of hiding "instances of disease or drug use," among other violations. Read [more](#).

## Hotels Resist Defibrillators



Automated external defibrillators (AEDs), used to restart a heart after sudden cardiac arrest, "have saved lives at airports, casinos, health clubs and many public buildings. But hotels have resisted installing them, citing potential liability issues." They worry that if AEDs are provided at hotels, at a cost of about \$1,200 to \$2,000 each, the hotels "could be sued for failing to have enough units, failing to put them in the right places, or failing to replace batteries or maintain them properly." Read [more](#).

## Some Doctors Seek to Prevent Negative Online Ratings

**Waiver Agreement Says Negative Comments Can't Be Posted**



Some physicians are "asking patients to agree to what amounts to a gag order that bars them from posting negative comments online." The story featured one company that "provides doctors with a standardized waiver agreement. Patients who sign agree not to post online comments or ratings about the doctor, his/her expertise or treatment. The "company advises doctors to have all patients sign the agreements" and physicians "are notified when a negative rating appears on a website, and, if the author's name is known, physicians can use the signed waivers to get the sites to remove offending opinion." But John Swapceinski, co-founder of RateMDs.com, said, "They're basically forcing the patients to choose between healthcare and their First Amendment rights." Read [more](#).

## Don't Lie on Your Life Insurance Application

A Connecticut federal judge ruled recently that slain Greenwich real estate developer Andrew Kissel knowingly signed false documents in his application for a life insurance policy, withholding the fact that he was a chronic drug user and had sought psychiatric care. "The ruling entitles Northwestern Mutual Life Insurance Co. to rescind the \$15 million policy", the proceeds of which was sought by his widow.



## Another Bad Idea Man Made False Claims for Broken Tooth

Between 2002 and 2006, a Massachusetts man who broke a tooth on a piece of plastic in a restaurant salad allegedly collected about \$36,000 by making repeated claims against restaurants for the same broken tooth. After an investigation by the state attorney general's office, the man has been arraigned on 19 counts of insurance fraud and ten counts of larceny over \$250, each of which carries a maximum five-year term. Read [more](#).

## NFL, Others Exempt from Suits by Terror Victims



[USA Today](#) reports that the NFL "and dozens of other companies and organizations have won exemption from lawsuits under a post-9/11 law that prohibits them from being sued if terrorists attack a site they are protecting." The law, known as Support Anti-terrorism by Fostering Effective Technologies (SAFETY Act), seeks to protect security providers "by guaranteeing they will not pay any claims that terror victims might file after an attack." The protection extends only to companies' services or equipment that the Dept. of Homeland Security (DHS) has approved as being effective in anti-terrorism. The NFL became exempt from such suits after the DHS approved its nine-page stadium-security guidelines, which include digital security cameras in stadiums, quick searches on entering spectators and barriers that keep cars and trucks 100 feet from a stadium. Other beneficiaries of the legal protection include Boeing Corp., which got the exemption for its strengthened flight deck doors on planes, and IBM, which makes software used to more

## Staggering Costs of Teen Accidents

A 2006 analysis by [AAA](#) shows crashes involving teen drivers ages 15 to 17 results in costs of over \$34 billion annually in medical expenses, lost wages, property damage, loss of quality of life and other expenses. According to AAA's research, comprehensive graduated driver licensing (GDL) systems, which require teens to complete mandatory practice and limits driving at night and with peer



accurately verify names and identities.

## New Collision Avoidance System Debuts

City Safety, a low-speed collision-avoidance technology, is now available on the new 2010 Volvo XC60, a crossover utility vehicle that will be able to brake itself to avoid a fender-bender.



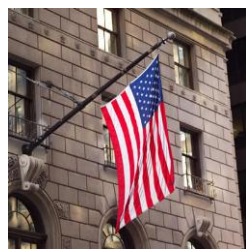
The system uses a windshield-mounted laser that sends infrared rays out as far as 18 feet ahead of the vehicle. The rays are reflected back from objects ahead of the car, and a computer analyzes them and will automatically brake the vehicle if it concludes a collision is imminent. "The system is designed to prevent the low-speed collisions often seen during bumper-to-bumper conditions when a driver fails to notice that the car ahead has slowed down or stopped."

Almost 75% of all collisions occur at speeds below 19 miles per hour. "In half of those accidents, a driver never hits his or her brake pedal, Volvo research shows. City Safety can intervene and prevent a collision when a vehicle is traveling at 9 mph or less. At speeds between 10 and 19 mph, the impact of a collision will be mitigated." Read [more](#).

## Nominee for State Dept. Legal Advisor a "Transnationalist"



Harold Koh, a former dean of Yale Law School, has been nominated by President Obama to be the State Department's legal adviser. An advocate of what he calls "transnational legal process", Koh argues that there should be no difference between U.S. and international law. Koh believes laws of foreign countries should carry equal weight with the laws of our 50 states, and that it is "appropriate for the Supreme Court to construe our Constitution in the light of foreign and international law" in its decisions. Read [more](#).



## 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 us 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](#).

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passengers, reduce fatal crashes involving teen drivers by an average of 38%.

The CDC notes that "motor vehicle crashes are the leading cause of death for U.S. teens" and that in 2006, "3,490 young people ages 15 to 20 -- an average of more than nine a day-- died in motor vehicle crashes, and another 272,000 were injured." [Learn more](#) about teen driver safety.

## ER Data: Teen Binge Drinking Rising

Despite some recent surveys indicating a decline in teen drinking, binge drinking among youth appears to be increasing, with data from emergency rooms shows "a steady rise in severely intoxicated middle and high school age youths." Read [more](#).

## Jury Selection Harder in Recession

[The Connecticut Law Tribune](#) reported that trial lawyers around the state find "prospective jurors are begging off jury duty more often than ever because they're hesitant to spend time away from their jobs or job searches. As a result, the time needed to select a jury is increasing significantly-sometimes doubling. That, in turn, is driving up the cost of some trials by thousands of dollars."

### 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

