



SUMMER 2011



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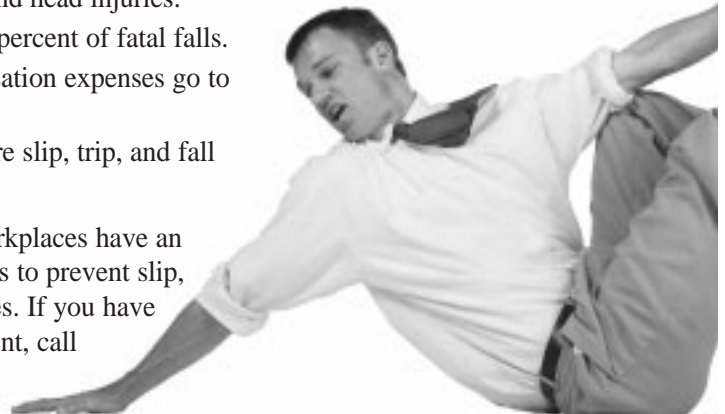
Don't let slip and fall accidents **SLIDE**

Slip and fall accidents—sometimes called trip and fall—might not seem very important until you learn how widespread these injuries are and what serious consequences they can have.

Consider these alarming statistics from the Centers for Disease Control (CDC):

- More than 1 million Americans are hurt every year in slip and fall accidents.
- Up to 30 percent of these injuries are moderate to severe with long-term medical complications, including hip fractures and head injuries.
- Slip and fall accidents account for 46 percent of fatal falls.
- Up to 15 percent of workers' compensation expenses go to slip, trip, and fall injuries.
- 15 percent of all job-related injuries are slip, trip, and fall accidents.

Property owners, businesses, and workplaces have an obligation to take reasonable precautions to prevent slip, trip, and fall accidents on their properties. If you have been injured in a slip, trip, or fall accident, call us to discuss the details of your case.



When the dog



About 4.7 million people suffer dog bites every year, and approximately 800,000 require medical attention.

Protect your rights and understand your liability in the event of a dog bite by contacting our office.

Who is liable when a dog bites? Typically, the dog owner is responsible for severe personal injuries caused by a dog. The owner or his/her insurance company usually must compensate the victim for injuries. Owners and dog-bite victims should note the following:

- State dog-bite statutes are known as "strict liability" statutes. This means that the victim does not have to prove negligence on the part of the owner, just that she/he owns the dog that bit the victim.
- Where there is no statute, the "one bite" rule often applies. Basically, this means that if the dog bit anyone before, the owner is on notice that the dog is a bite risk and the owner must take appropriate precautions—for example, making sure the dog is fenced, on a leash, and restrained from running free. In these cases, the victim must prove that the dog owner knew about the dog's bite history.
- Dog fighting is illegal, but if the dog is a fighter and known to be so, the owner must protect the public from him.

We believe no one deserves to have insult added to injury.

HOW TO GET YOUR **medical records**

Your medical records are among the most important pieces of information that you will need if you are the victim of a personal injury. Your medical records prove that you sustained the injury, and your case will hinge on what these records say about your condition. It may not always be easy to retrieve these records.

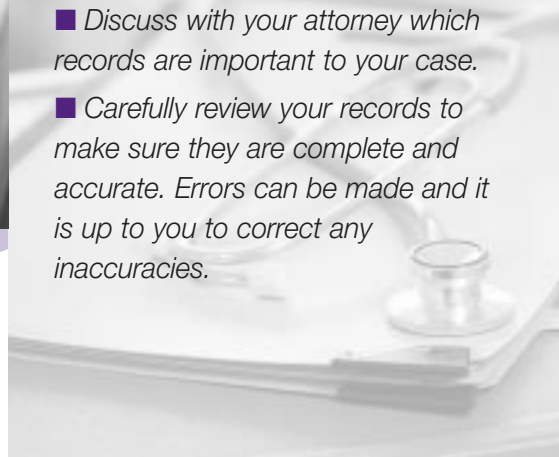
The federal Health Information Portability and Accountability Act (HIPAA) gives patients the right to copies of their medical records from any medical provider, with a few exceptions. Under HIPAA, you are entitled to your own records, someone else's records if you are their representative or legal guardian, your children's medical records, and, in some cases, a deceased person's records. Under HIPAA, you should receive your records within 30 days of your request. The provider is allowed to charge a fee for copying the records. If you want to see the original records, they must show them to you, but they are only required by law to give you a copy, not the originals.

It is often advisable to get copies of your medical records as soon as possible. Our office can assist you, or you can do it yourself.



KEEP IN MIND:

- Your request should be in writing, and you should keep a copy of it.
- You must fill out a release form—HIPAA rules require it.
- You will need to include personal information in the request, including name, address, date of birth, and possibly Social Security Number.
- You should give the dates of the records you want, especially hospital records.
- Discuss with your attorney which records are important to your case.
- Carefully review your records to make sure they are complete and accurate. Errors can be made and it is up to you to correct any inaccuracies.



Emotional damages

Among the types of damages that can occur as a result of an accident, the best known are physical injuries and property damage. Less well known, and sometimes more difficult to prove, are emotional damages. You may hear these referred to as “pain and suffering.”

Pain and suffering, and emotional distress are considered “noneconomic” damages. Often to be eligible for pain and suffering, and emotional-distress damages, you have to have endured physical injury requiring medical care; you can't just be upset by the accident.

There is the stress and strain of suffering the pain, as well as the treatment of the injury, along with the emotional trauma of the accident itself, and the anxiety and depression that can accompany a prolonged recovery or a permanent disability.

While there are genuine reasons for emotional distress, there is no clear proof of how much, if any, emotional distress you suffered. To protect your rights and maximize your damages for emotional distress, you should:

- **Visit a psychiatrist or other specialist** who can give you a diagnosis and testify to the emotional distress you endured. If you have been diagnosed with something like posttraumatic stress disorder based on your emotional distress, you have a better chance of recovering more damages for it.
- **Keep a record of incidents that demonstrate your distress.** For example, if you cannot sleep or if you are having flashbacks to the accident, write this information down in a journal, along with the date and time and other details, so you can present it to a jury or to the insurance company.



Be Aware of Recalls

Protect your family!

Baja Motorsports mini-bikes and go-carts

Recall reasons: Gas caps can leak or detach from the fuel tank, causing a fire and burn hazard, and the throttle can stick due to an improperly positioned fuel line and throttle cable, causing sudden acceleration.

Models recalled:

Baja Motorsports mini-bikes with model numbers on the fenders and/or decorative fuel tanks beginning with HT65, MB165, WR65, MB196, DB30, WR90, and DR90.

Baja Motorsports go-carts with model numbers BB65, SD65, DN65, and TR65 on the roll cage.

Made in China; sold for between \$200 and \$2,000.

Take action:

Do not use these vehicles.

Contact Baja Motorsports for a free replacement gas cap and to schedule a free repair of the fuel line and throttle cable—(888) 863-2252 between 10 a.m. and 7 p.m. ET, M-F; or www.bajamotorsports.net.

Kawasaki 2010 KLX110 off-road motorcycles

Recall reason: Faulty ignition-switch housing can allow water to enter and activate the electric starter, posing a serious hazard of injury or death.

Models recalled:

Kawasaki off-road motorcycles in green color, 2010 model year KLX110CAF and KLX110DAF.

Made in Thailand; sold for about \$2,100.

Take action:

Stop using these vehicles immediately.

Contact a local Kawasaki Motorcycle dealer to schedule a free repair—(866) 802-9381 between 8:30 a.m. and 5 p.m. PT, M-F; or www.kawasaki.com.

Husqvarna riding lawn tractors

Recall reason: Fire hazard caused by fuel line that can come in contact with moving parts when the tractor is in use.

Models recalled:

GTH27V52LS lawn tractors with model numbers 96043009100 and 96043009900, with serial numbers 010810A00XXXX through 05061000XXXX.

Made in U.S.A. for about \$3,000.

Take action:

Stop using the recalled riding tractors immediately.

Contact Husqvarna toll-free at (877) 257-6921 between 8 a.m. and 8 p.m. ET, Monday-Friday, and between 8 a.m. and 3 p.m. ET, Saturday.



Folding wooden chairs

Recall reason: The wooden frame of the chairs can break, posing a fall hazard to consumers; injuries include back and shoulder pain, sprains, and contusions.

Description: HD Outdoor is printed on the chair's packaging.

Sold at: Kroger, Fred Meyer, Ralphs, Fry's, Smith's, Dillon's, Gerbes, City Market, and Baker's stores nationwide. Made in Taiwan; sold for \$50 each, or in a 3-piece set for \$130.

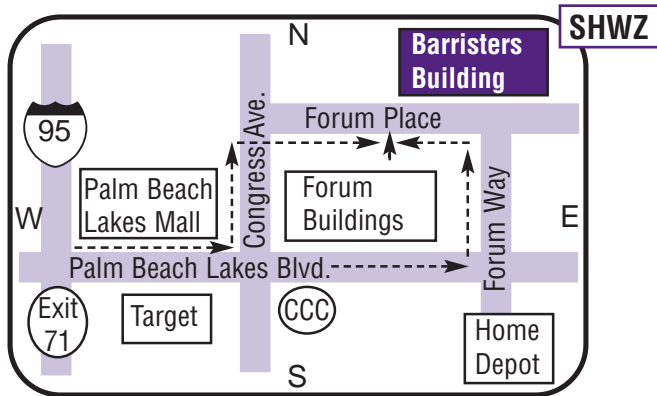
Take action:

Return chairs to the store where purchased for a full refund.

Call importer Kroger Co. at (800) 632-6900 between 8 a.m. and 9 p.m. ET; or www.kroger.com.



ADDRESS SERVICE REQUESTED



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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.



**Schuler, Halvorson, Weisser & Zoeller, P.A., is pleased to welcome
MICHAEL J. OVERBECK as Of Counsel to the firm.**

Mr. Overbeck is a Board Certified Civil Trial Attorney specializing in motor vehicle accidents, premises liability, product liability, and medical malpractice litigation. He has practiced law in South Florida since 1992 and has served as past president of the Palm Beach County Trial Lawyers Association.

We also welcome his paralegal for the past 15 years, **Patty Elsaesser**, to the firm.

To continue to best serve our clients' needs, we have added a new investigator, **Manny Navarro**, and his assistant, **Alina Diaz**, to our staff. Manny and Alina are highly qualified in assisting personal injury clients, and both are fluent in Spanish.

REFERRALS

We want you to think of us as your law firm.

If you have legal matters that need attention, please let us know. If we do not specialize in that area of law, we will refer you to a firm that does.

Please feel free to refer us to your family, friends, and neighbors for their legal needs. We welcome the opportunity to help.

**CALL US. YOU'RE GOING TO FEEL
A WHOLE LOT BETTER ABOUT THINGS.**

