

**SPRING  
2009**

# SGP Skousen, Gulbrandsen & Patience, PLC

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## **DANGEROUS** *automobile accident myths*

### **Myth #1**

**If you didn't cause the accident, you have no obligation to do anything.** You still need to protect your rights by checking for injuries, calling the police, notifying your insurance agent, making notes about the accident, and never admitting fault or signing anything.

### **Myth #2**

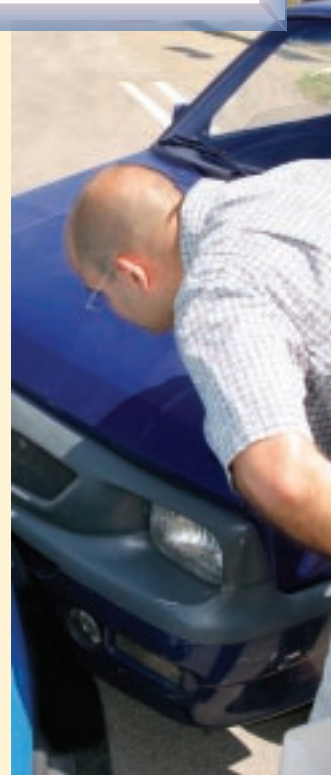
**If the accident was the other driver's fault, you will be compensated for your injuries.** This often depends on whether the at-fault driver or the owner of the at-fault car has liability insurance or whether you have uninsured motorist coverage.

### **Myth #3**

**A fast settlement is always in your best interests.** By signing off on a settlement too quickly, you may give up important rights, particularly if medical conditions appear weeks or months later.

### **Myth #4**

**If the accident is really minor, you can probably negotiate a settlement on your own, without an attorney.** The other driver's insurance company will assign legal representation to protect its interests. Who will protect your legal rights?



## **Did you know?**

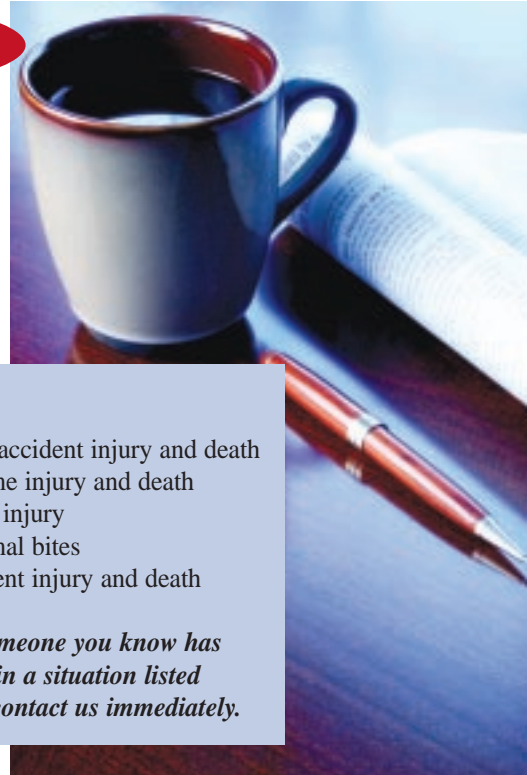
As our practice continues to grow, so do the legal needs of our many, diverse clients. Someone referred you to us because of word-of-mouth about our assertive handling of civil litigation matters involving serious injuries or wrongful death.

However, many clients also ask if we handle other legal matters—and we often do.

### **We also counsel on...**

- ◆ Accident-related amputation
- ◆ Any type of work-related injury
- ◆ Birth-related injury or death
- ◆ Brain and spinal cord injury
- ◆ Construction-site accident injury and death
- ◆ Defective-product injury and death
- ◆ Medical negligence or malpractice injury and death
- ◆ Motorcycle-accident injury and death
- ◆ Nursing home injury and death
- ◆ Punch-press injury
- ◆ Serious animal bites
- ◆ Truck-accident injury and death

*If you or someone you know has been involved in a situation listed above, please contact us immediately.*



### **PERSONAL INJURY PRACTICE**

- Free consultation
- Home appointments available
- 24-hour emergency service
- No recovery, no fee.  
We do not get paid unless you do.
- Trial attorneys

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

# Theme-park injuries

Parents and kids love the excitement of the rides, the food, and the noise of theme parks.

As parks add attractions to compete for thrills and uniqueness, visitors suffer 7,000 injuries every year. Inflatable-slide rides collapse and injure toddlers. Slow kiddie-ride cars derail and harm youngsters. High-acceleration roller coasters and free-fall drop towers subject adult riders to back and neck harm.

Injuries may come from a combination of inappropriate rider behavior, inadequate operator training, poor maintenance, ride malfunctions, and design defects.

Park guests are also potentially subject to injuries resulting from personal assaults, negligent security, and slips and falls.



## A derailed kiddie ride

At the 2008 Wisconsin State Fair, a kiddie ride malfunctioned, injuring a five-year-old girl. The accident happened when the girl's car derailed and crashed into a fence, leaving her with a bruised knee and injuries to her neck, back, and elbow. The girl was treated at a local hospital; her injuries were not serious.

*If you have been injured at an amusement park, please contact legal counsel.*



## NEGLIGENCE

Under the law, negligence is inattention that causes a person harm.

Negligence can take two forms: *action*, such as a mason carelessly dropping a heavy brick off a scaffold; or *failure to act*, when a business owner disregards repairing a broken step on a stairway in a dimly lit corridor.

### A crushed foot

As directed, an auto-repair patron moved his car to a numbered parking spot. As he left his car, a dealership employee driving another vehicle failed to see him and ran over his foot. His crushed foot developed into a complex injury, damaging the peroneal nerve and causing constant pain, color and temperature changes, and loss of hair on his foot.

A former highly paid stockbroker, the injured man attempted to work for more than a year, but medications and burning pain forced him to stop. His attorney then sued the dealership, alleging its employee negligently failed to keep a proper lookout. The parties reached a significant settlement prior to trial.

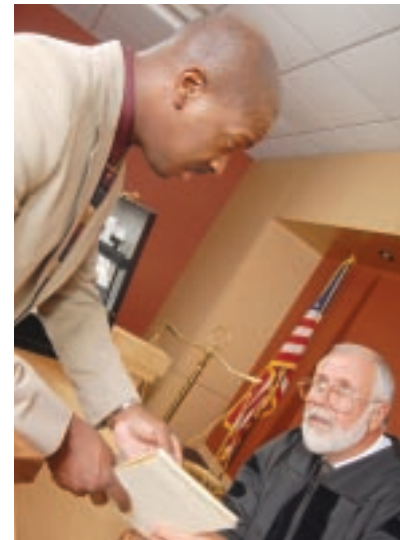


## When insurers won't pay MEDICAL BILLS

According to the law, insurance companies have a good-faith responsibility to deal fairly with customers.

This means coverage providers and their agents must actively seek ways to pay all fair benefits promised to policyholders, not to disallow them.

Sometimes, when policyholders need them most, insurers redefine their obligations and services to avoid paying promised benefits. Common tactics include denying claims or dragging them out so long that insureds simply get tired of fighting and give up.



### Her insurer said "No"

A 32-year-old doctoral student suffered career-ending brain injuries in a head-on collision with a negligent driver. When the other driver's insurance failed to cover all her medical expenses, she filed an underinsured-motorist claim with her own auto insurance plan, which entitled her to \$1.5 million in benefits. Her insurer refused to pay for several years, claiming she had no head injury. Her attorney sued the insurer and its agent, alleging bad faith, breach of contract, and violations of a state unfair trade practices statute. A jury awarded her significant compensatory and punitive damages, plus attorney fees and prejudgment interest.

# FOR YOUR SAFETY

## Recalled product roundup

Here are some recently recalled products you may have in your home or at work:

- ✓ **TWIE, also known as Tradewinds International Enterprises, Inc.**, has recalled 152,000 “Sky Champion” Wireless Indoor Helicopters. Onboard rechargeable batteries can catch fire and burn consumers
- ✓ **Babies “R” Us, Burlington Coat Factory/Baby Depot, Meijer Distribution, Inc., Nebraska Furniture Mart, ShopKo, Target Stores, and Wal-Mart** have voluntarily recalled 600,000 Simplicity Brand Drop Side Cribs with sides that can detach and trap or suffocate infants.
- ✓ **Worldwise, Inc.**, has called back 223,000 SlyDog™ Retractable Dog Leashes that have metal collar clasps which can bend or break, causing the leash to recoil suddenly and forcefully, and harm users.
- ✓ **Wolf Appliance, Inc.**, has recalled 24,000 Wolf Appliance Gas Ranges. Delayed gas ignition in the 18-inch oven can cause a burst of flames when the range door is opened and burn users.
- ✓ **Razor USA, LLC**, asks buyers to return 103,000 Razor® PowerWing™ Three-Wheeled Scooters, which have sharp edges on foot-platform undersides that can cut children.
- ✓ **Giftco, Inc.**, recalled 36,000 Harry Potter Bookends. The paint contains excessive levels of lead, violating the federal lead-paint standard.



# Railroad-crossing DANGERS

In mid-2008, the Federal Highway Administration proposed a dangerous blanket policy requiring only stop or yield signs at every railroad crossing in the nation.

While this may save railroads millions, it flies in the face of research that has found collisions are more likely to occur at crossings with stop signs than with any other warning system.

A stop sign is considered a “passive” warning as opposed to gates and flashing lights, which are considered “active” cautions.

## A hazardous crossing

In 2000, Indiana resident Sheryl Bechard drove her car through a railroad crossing maintained by CSX, a railroad corporation. She was struck by an Amtrak train, causing her serious injuries and killing her daughter, a passenger in the vehicle. Even though a prior death had occurred at the crossing, this second tragedy took place because the railroad had placed only stop signs, not gates and flashing lights, at the location.

*Please drive safely through railroad crossings.  
Obtain legal counsel if you have been injured at a railroad crossing.*

# AS WE SEE IT

Some politicians or media commentators complain one-sidedly about our civil justice system and trial attorneys. Often, they phrase the issues as they appear in the left-hand box of the chart below.

We have had the benefit of helping people who have been harmed by others’ carelessness, such as people injured by drunk and reckless drivers, negligent property owners, or by the actions of uncaring corporations.

We think the way we view our civil justice system and trial attorneys is more accurately stated in the right-hand box.



<b>HOW SOME PEOPLE SEE IT.</b>	<b>HOW WE SEE IT.</b>
Insurance companies vs. trial lawyers	HMOs vs. patients needing care
Pharmaceutical manufacturers vs. trial lawyers	Drug makers vs. patients requiring safe medications
Car makers vs. trial lawyers	Car makers vs. driver and passenger safety
Doctors vs. trial lawyers	Physicians vs. health insurers
Nursing homes vs. trial lawyers	Nursing homes vs. elderly residents and their families
Manufacturers vs. trial lawyers	Manufacturers vs. injured consumers
Railroads vs. trial lawyers	Railroads vs. drivers injured at crossings
Corporations vs. trial lawyers	Unsafe products vs. harmed consumers
Small businesses vs. trial lawyers	Small businesses vs. injured employees

### **Martindale-Hubbell Bar Register of Preeminent Lawyers**

Skousen, Gulbrandsen & Patience, PLC, has earned a Preeminent AV rating in the *Martindale-Hubbell® Law Directory* for our legal capabilities and devotion to professional ethics. Since Martindale-Hubbell bases assessments on surveys of members of the bar and of judges, we take pride in our colleagues' recognizing and respecting the quality of our legal work.

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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.



## **Track your teen's driving**

Parents worry about teenagers' driving behavior and safety. Now, with today's electronics and global-positioning technology, any parent can verify where and how their teen is driving. Costing \$200 to \$1,500, a real-time tracking device that manufacturers claim installs quickly and easily will permit a parent to locate a teen's vehicle by phone or computer.

On the phone, an automated voice responds to prompts.

On a computer, a parent can map/locate a car the teen is driving and monitor how fast the vehicle is moving as well.

Some systems permit parents to set alarms if a teen drives outside an authorized area or exceeds a preset speed. Other systems have features that let parents remotely disable the vehicle, lock or unlock doors, or obtain a daily, weekly, or monthly log of locations and speeds. Others feature theft alarms and notifications.

Parents whose teens experience accidents or receive tickets should obtain legal counsel.

## **PREMISES LIABILITY**

Employees injured through the negligence of business owners who fail to protect them from physical harm can call on attorneys for help.

Businesses have a legal duty to provide sensibly safe passage for employees and all others who enter their grounds.

### **Jewelry employee injury**

A woman who managed jewelry sales and repaired watches fractured her wrist and patella when she tripped over a steel cart while entering a darkened stockroom. A light sensor had malfunctioned, leaving her in unsafe darkness. She required several pin insertion and removal surgeries and lost strength in her hand. As a result, she had difficulty working on computers, attaching clasps to necklaces, and repairing jewelry and timepieces.

Her attorney sued the shop's owner, alleging failure to maintain or repair the light, which had not worked properly for several years. A jury found her partially responsible, but awarded her significant damages.