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THIRD QUARTER 2005
**LOCKE MEREDITH,
SEAN FAGAN &
CHAD DUDLEY**

WON

***\$19.4 MILLION**

BRAIN DAMAGE CASE

***\$16.4 MILLION**

CHEMICAL EXPOSURE

\$11.2 MILLION

BRAIN DAMAGE CASE

\$5.4 MILLION

BRAIN DAMAGE CASE

***\$3.0 MILLION**

CHEMICAL LUNG DAMAGE CASE

\$1.75 MILLION

JONES ACT/SHIP INJURY

***\$1.4 MILLION**

BRAIN DAMAGE/DISC INJURY

\$1.25 MILLION

SPINE & DISC INJURY

* Judgments include legal interest

EBR jury awards injured man \$5.4 million

Last month, we won a major victory for one of our clients who was injured while working at the Air Liquide Process and Construction, Inc., plant in Geismar. For further details, see the article below. Sean Fagan, Chad Dudley, and the entire office staff also participated and aided the efforts of this case.

Originally published in the Thursday, June 23, 2005, edition of *The Advocate*
By Adrian Angelette, *Advocate* staff writer

An East Baton Rouge Parish jury awarded \$5.4 million to a brain-damaged man for injuries he suffered while on the job.

The plaintiff's attorney, Locke Meredith of Baton Rouge, said the plaintiff was working in the plant while a company—ITEQ Tank Services—was testing a three-inch PVC pipe.

During the testing, Meredith said the pipe and a metal spigot exploded, sending pieces of debris flying.

Some of the flying debris hit the plaintiff in the left forehead, fracturing some bones in his face and causing his brain to bleed, Meredith said.

Brain cells in the area of the injury also died, leaving behind a hole in the plaintiff's brain, Meredith said.

During trial, doctors who had evaluated the plaintiff testified that he had been severely injured and that the injuries will remain.

"All of the doctors testified that he will never work again and will need someone to care for him for the rest of his life," Meredith said. The plaintiff was "also rendered childlike," Meredith said, and will have the mental and emotional capacity of a ten-year-old boy.

Meredith said that before the trial began, ITEQ admitted it was negligent in the way it tested the pipe and because it did not clear away all people while the tests were being performed.

The trial was held to determine the extent of the plaintiff's injuries and to award damages, Meredith said.

Meredith said he had a choice of venues for the trial because of the location of the companies involved, and he chose East Baton Rouge Parish.

The jury awarded the damages after deliberating for about 1 hour and 45 minutes.

ITEQ was covered by National Union Fire Insurance Co. of Pittsburgh.

Attempts to get comments from John Baay and Emily Greenfield, who represented the insurance company at trial, were unsuccessful on Wednesday.

The largest portion of the jury's award to the plaintiff—\$3 million—is to cover future medical and personal-care expenses.

The jury also awarded \$325,000 for disability and impairment; \$325,000 for physical pain and suffering; \$325,000 for mental pain and anguish; \$71,000 for past medical expenses; \$685,390 for lost earnings; and \$325,000 for lost enjoyment of life.

The jury also awarded \$300,000 to the plaintiff's wife for loss of consortium.

Meredith said legal interest in the case continues to accumulate. He estimated it's currently \$1.5 million.

State District Judge Mike Caldwell presided over the trial.

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Medical bills and bankruptcy

A study appearing in Harvard University's *Health Affairs* has linked bankruptcy and medical bills.

Researchers who conducted in-depth surveys of nearly 2,000 individuals who filed for personal bankruptcy in 2001 found that roughly one in two filed for bankruptcy because of medical bills resulting from illness or injury.

Nearly half of respondents reported that their medical expenses forced them to file for bankruptcy, even though 75 percent had health-care coverage. Filers averaged nearly \$12,000 in out-of-pocket medical costs for co-payments and deductibles after they became ill. Many also lost their jobs due to their illnesses.

Bankruptcy legislation

In 2001, nearly 1.5 million Americans filed for bankruptcy. In 2005, Congress passed legislation that makes it more difficult for individuals to declare bankruptcy. At the same time, however, our nation is facing escalating medical costs, increasing numbers of Americans who are paying more for health coverages at work, and more who are also losing health coverages.

DOG BITES

According to dogbitelaw.com, America is experiencing an epidemic. In a ten-year period, dog ownership grew by two percent, but bites increased by 33 percent. Insurers paid \$345 million in claims in 2003. Financial losses due to dog bites exceed \$1 billion annually.

Americans love their pets, and most dogs are safe. However, dogs still bite five million people annually, with 800,000 bites requiring medical attention. Far too many bite victims who need medical care are children, who are frequently bitten on the face.

On average, 15–20 people die from dog bites every year.



Class actions

The "Class Action Fairness Act of 2005," signed into law in early 2005, is unfair to consumers and workers. It will take most class actions out of state courts and force them into the already overcrowded and overburdened federal court system.

This class-action bill, weighed down with special-interest benefits, will make it much more difficult for those who have been harmed by corporate and other wrongdoers to obtain compensation.

Personal trust class action

The following personal trust class-action case settled in 2004 illustrates the potential value of class-action lawsuits litigated in state courts.

When several banks merged, the purchasing bank notified beneficiaries that there had been personal trust overcharges and that fees would be reduced. Nearly 6,500 plaintiffs brought a class action alleging that for nearly 20 years the banks had overcharged fees for managing personal trusts and were now failing to properly compensate trust beneficiaries.

Beneficiaries' attorneys argued that the defendants...

- should have paid compound, not simple, interest to beneficiaries.
- owed beneficiaries compensation for lost use of trust funds.
- owed plaintiffs profits from overcharged fees.
- were liable for punitive damages.

The banking defendants settled for damages of \$35 million. On appeal, the defendants also settled for profits banks made on overcharged fees for \$33 million.

Dogs that bite

Some insurers are refusing to cover homes with certain pet breeds. Insurance data show that dogs most likely to bite are Akitas, Alaskan malamutes, chows, Doberman pinschers, German shepherds, Great Danes, huskies, pit bulls, St. Bernards, and rottweilers.

A \$20,000 dog bite

A woman who was visiting a friend's apartment was bitten on her calf by the landlord's dog, which broke its chain to attack her. The wound became infected and required skin-graft surgery, which left permanent scars. Medical expenses exceeded \$20,000. The woman sued and the parties settled after jury selection.

AUTO ACCIDENT

Q After being in an auto accident, a driver is sometimes contacted by the other driver's insurer. Here is what most auto insurance agents recommend:

Q: Should a driver give a statement to the other person's insurance company?

A: No. Unless their agent or attorney agrees, a driver should say nothing.

Q: How could making a statement hurt?

A: Most people are friendly and want to answer questions honestly and fully. That could hurt a driver's case if he or she makes

remarks that somehow increase their own liability or reduce the other driver's responsibility. Insurance company representatives are trained to elicit these kinds of statements.

Q: So how should drivers respond if agents pressure them?

A: Drivers should tell representatives that they have attorneys and that all further contact should be directed to insurance agents or attorneys.

Q: Is there anything else drivers should do?

A: Yes. As soon as they're done with this kind of call, drivers should write a short record covering the conversation, noting date, time, topics, and whatever else seems important. Stay in touch with insurance agents and attorneys.

Secret settlements

Secret justice conceals risk and can even kill. Back in 2000, consumers began hearing about a number of dreadful vehicle crashes linked to Firestone tires. They learned that although Firestone had recalled six million-plus tires, more than 200 drivers and passengers had died and been injured by Firestone's products.

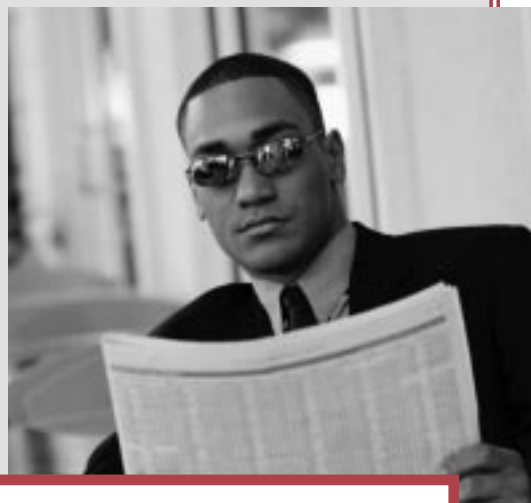
A shocking revelation was that although those harmed had sued, reports and information about this hazardous product had been sealed in secret court agreements. Wrongdoers can avoid public exposure by asking judges to approve secret agreements in which victims agree to silence in exchange for compensation.

Americans later read newspaper articles about a similar pattern of secret settlements involving...

- sexually abusive priests in the Catholic Church.
- systemic autoimmune disease related to leaking silicone breast implants.
- medical societies protecting incompetent physicians who have repeatedly committed medical malpractice.

Nearly 30 states have passed laws or promulgated court rules to keep such records open to public scrutiny to prevent additional harm or injury. But corporations, defense lawyers, and other backers of court secrecy keep finding new ways to hide serious problems from the clear light of day.

Secret justice for the few is no real justice for all.



FOR YOUR SAFETY

Recalled product roundup

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

- ✓ **American Suzuki Motor Corporation** has recalled 30,000 Suzuki 2004-2005 model year Vinson and 2005 KingQuad ATVs with faulty throttles that can injure riders.
- ✓ **Elegant Kids 2000, Inc.**, asks parents to return 34,500 Soother Baby Pacifiers, banned under federal law after failing federal safety tests. Nipples separate from bases and can choke infants or small children.
- ✓ **Whirlpool Corporation** has recalled 40,000 KitchenAid® ProLine® toasters with heating elements that can start fires.
- ✓ **MGA Entertainment, Inc.**, has called back 300,000 Bratz™ Stylin' Scooters™ with wheels that can break and harm young riders.
- ✓ **Elec-Tech International Co., Ltd.**, of China and Applia Consumer Products, Inc., of Miramar, Florida, recalled 500,000 Black & Decker®-brand ProBlend® blenders with blades that can break and injure users.
- ✓ **Nature's Finest** voluntarily recalled about 727,000 Nature's Finest Gel Candles, which can create a high flame and start fires.

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- 8250 Injured in an auto accident: What are my rights?
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The information included in this newsletter is not intended as a substitute for consultation with an attorney. Specific conditions always require consultation with appropriate legal professionals.