

## Electronic Newsletter

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## The Law Firm of Stephen M. Reck Settles Truck Accident Case for \$585,000

[Attorney Stephen Reck](#) has reached a confidential settlement for \$585,000 on behalf of a client who was in a collision with a tractor trailer and suffered a spine injury that required surgery. The collision occurred on I-95 when the truck changed lanes and drove directly into the client's car, which was then driven 1/4 mile along the jersey barriers. The defense claimed that the car caused the accident by speeding, which was proven false by an independent eye witness who was traveling behind the vehicle. The defense also argued that the client's injuries were pre-existing. The case was resolved at mediation.

**Remember we are here if you need a referral to an attorney in a different area of law.**

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## Toyota Slow to Respond on Safety Issues



Toyota's President Akio Toyoda apologizing for the global recalls

The NY Times reported that "Toyota's recalls and disclosures in recent months are part of a lengthy pattern in which the automaker has often reacted slowly to safety concerns, in some instances making design changes without telling customers about problems with vehicles already on the road, an examination of its record shows." Read [more](#).

## CA Medical Board Admits to Supervision Error

The [Los Angeles Times](#) reported that the California Medical Board put a doctor "with a flawed disciplinary history in charge of monitoring another troubled doctor who, while under supervision, allegedly mishandled an abortion leading to a patient's death." On Tuesday, the board "acknowledged it had made a mistake." The regulators allegedly "violated their own rules by naming" a physician "who had recently emerged from administrative probation, to supervise the probation of" another doctor. The rules require such overseers to "have clean disciplinary records."

## Illinois Supreme Court: Medical Malpractice Damages Cap Unconstitutional

[Bloomberg News](#) reported that "The Illinois Supreme Court struck down the state's \$500,000 cap on awards for pain and suffering in medical malpractice lawsuits against doctors, finding that the limits set by the Legislature violate the state constitution's separation of powers principle."

## Blogger: Tort Reform is Anti-Democratic

In a blog at the [Atlantic Online](#), Andrew Cohen wrote, "As we brace ourselves for yet another round of wrangling over the tail and not the dog, let's all stipulate that 'tort reform' is one of the most blatantly anti-democrat concepts to have hit the legal system in the past century." Supporters "of tort reform, invariably corporatists and others who believe in this self-defeating supply-side notion of justice, have scammed or otherwise brainwashed millions of Americans into thinking that tort reform will save them from despicable 'trial lawyers,' a convenient target group in this ever-litigious world." Cohen says, "Make no mistake--the 'reform' in 'tort reform' is about eliminating or reducing the ability of trial juries to act as levelers of the playing field; as avengers of otherwise toothless victims; as the voice of a community in meting out justice."

## British Medical Journal Retracts Study Linking Vaccine to Autism

*The Lancet*, a major British medical journal, last month

New to our mailing list? To read our prior newsletters, click [here](#).

## Toyota Death Count Rises

[USA Today](#) reported that as of Feb. 15th, at least 34 deaths are alleged to have resulted from sudden acceleration in Toyota vehicles since 2000.

## Amputee Sues Hospital for Malpractice

The [Chicago Tribune](#) reported that "Dawn Dubsy, the Chicago woman whose battle against malaria was the subject of a Tribune series last year, is suing the hospital where she first received treatment, contending that medical malpractice allowed her condition to deteriorate so thoroughly that her arms and legs had to be amputated." She alleges that despite her malaria diagnosis, "Northwestern Memorial's doctors did not treat it aggressively enough in the early stages."

## Hospital Infections Linked to 48,000 Deaths in 2006

The [Los Angeles Times](#) "Booster Shots" blog reported that research published last month in the *Archives of Internal Medicine* "estimates that 48,000 people died in 2006 after developing sepsis or pneumonia during their hospital stays." [AFP](#) reported that "the two hospital-acquired infections...account for about one-third of the 1.7 million infections US patients pick up every year while in hospital." Furthermore, "they are...responsible for nearly half of the 99,000 deaths a year from hospital-acquired infections reported by the Centers for Disease Control and Prevention (CDC)."

## U.S. News Ranks Top Nursing Homes

retracted a flawed study that had linked the measles, mumps and rubella vaccine to autism and bowel disease. "Since the controversial paper was published, British parents abandoned the vaccine in droves, leading to a resurgence of measles. Subsequent studies have found no proof that the vaccine is connected to autism, though some parents are still wary of the shot." The journal says it never should have published the study. Read [more](#).

## Inadequate Remedies for Vet Malpractice



Veterinarians and their industry advocates "contend that mistakes occur only in a tiny fraction of the nearly 190 million veterinary visits for dogs, cats, birds and horses each year, and that there is adequate monitoring and discipline when they do happen." But owners of pets that were victims of vet errors say "they were ignored, minimized or outright denied by a system that devalues the bond between pets and their owners and fails to hold veterinarians sufficiently accountable when they make mistakes." Read [more](#).

## Visitors to World's Tallest Tower Get Stuck in Otis Elevator



The 57 elevators in the Burj Khalifa, the world's tallest tower, located in Dubai, United Arab Emirates, are supplied by Otis Elevator Co., located in Farmington. Last month, one of the elevators malfunctioned, trapping 15 people for 45 minutes in an elevator 124 floors above ground. "Because the elevator was apparently stuck between floors, rescuers had to drop a ladder into the shaft so those inside could crawl out. On the observation deck, about 60 more people were stranded and some began to panic." Read [more](#).

## FDA Poised to Change Medical Device Approval Process

The [Wall Street Journal](#) reported that an internal FDA memo indicated that the agency is considering proposals to change its fast-track medical device approval process called 510(k), which is intended for devices that are similar to products that have already received approval. The memo also raises concerns that device makers are increasingly hiring private companies to pre-review products, which may prevent further FDA scrutiny before the agency approves the device.

The [AP](#) noted that the "510(k) system is popular among manufacturers because it is a faster, cheaper path to market than the review process for novel devices, which must undergo rigorous medical testing." The approval process "has drawn scrutiny from the Government Accountability Office, which last year identified 20 types of high-risk devices that slipped through FDA." The agency "has formed an internal panel to review and improve the medical device approval process."

## CPSC Chief Warns Kids' Product Makers Over Safety

The [AP](#) reported that Consumer Product Safety Commission Chairwoman Inez Tenenbaum delivered "a stern warning to the makers of toys, cribs and other children's products, telling them to put safety first - or face potential fines, lawsuits or other actions."

Get U.S. News & World Report's rankings of the best nursing homes in the country, [here](#).



## Officer Who Shot Chimp Struggling



The NY Times discusses Stamford Police Officer Frank

Chiafari's struggles with anxiety and Post-Traumatic Stress Disorder in the aftermath of his fatal encounter with Travis the Chimp last year. Chiafari was forced to shoot Travis after the bloody chimp opened the door of his police cruiser and appeared ready to attack. Read [more](#).

## Workers Logged Long Hours Before Fatal Blast

The [AP](#) reported that some workers building a Middletown, CT power plant that exploded last month "had been spending more than 80 hours a week there before the blast .... One employee said workers smelled gas less than an hour beforehand and were told to open doors wider for air." Erik Dobratz, "the son of pipefitter Ray Dobratz," who was killed in the explosion, "said his father had told him he was working 12 hours a day, seven days a week, for six months."

## Product Recall System Called Flawed

A column in the [Philadelphia Inquirer](#) discussed a New York child who was injured by a snow thrower which "had been recalled more than three years earlier by MTD Products Inc., of Cleveland, because of similar wheel-rim explosions." The story "illustrates some troublingly persistent flaws in the recall system." One lawyer said, "the MTD cases raise questions about consumers' vulnerability to product defects and even about the legal process itself."

Tenenbaum said the CPSC "stands ready to be creative in the use of our enforcement authorities," adding that "safety legislation passed in 2008 gives the commission new powers, 'and we are not afraid to use them.'" Tenenbaum's comments were "her sharpest admonition to industry officials since taking over as chairman eight months ago," and follow "pointed questions from Congress about the months-long lag time to tell the public about recalls of defective products."

## Pfizer Faces Another Whistleblower Lawsuit

### Suit Alleges Impromptu Promotion of Lipitor

[The Day](#) reported that a lawsuit against Pfizer, filed by former company executive Jesse Polansky of Maryland, claims that for more than seven years, Pfizer has engaged in a "deliberately false and misleading campaign" to push the cholesterol-fighting drug Lipitor for use in millions of patients for whom the drug was not recommended. "According to the lawsuit, as many as 14.6 million people considered at 'moderate risk' of a heart attack were targeted by Pfizer for Lipitor therapy whose benefits were suspect. Pfizer realized that by off-label marketing to the balance of 'moderate risk' patients, it could increase its revenues by billions of dollars." Pfizer denies the allegations.

## Springsteen Ticket Buyers Will Get Refund

### Ticketmaster Charged with Unfair Practices



Ticketmaster and its affiliate TicketsNow last month reached a settlement with the Federal Trade Commission over charges that they used "deceptive bait-and-switch tactics" to sell tickets to 16 Bruce Springsteen concerts last year, including one in Hartford. The Law Tribune reported that when "thousands of consumers tried to buy tickets via Ticketmaster's web site, they were unknowingly redirected to TicketsNow, a resale site that charged as much as four times more than the face value of each ticket. In some cases, consumers purchased 'phantom tickets' that the reseller didn't even possess." The FTC charged Ticketmaster and its affiliates with deceptive and unfair practices in violation of Section 5 of the FTC Act. "The settlement calls for Ticketmaster to refund the difference between the original price of each ticket -- \$95 maximum -- and the amount charged by TicketsNow -- up to \$400." FTC Chairman Jon Leibowitz estimated that consumer restitution would top \$1 million.

## Vets: Burn Pits Caused Health Problems



Some "returning veterans have reported leukemia, lymphoma, congestive heart problems, neurological conditions, bronchitis, skin rashes and sleep disorders -- all of which they attribute to burn pits on dozens" of US bases in Afghanistan and Iraq. "The military needs to step up and address this problem," said John Wilson of the advocacy group Disabled American Veterans, which maintains a registry of more than 500 veterans with disorders they blame on burn pits." The Times notes that the Pentagon "says the pits do not cause serious long-term health problems," but "some health experts," including Dr. Anthony Szema, chief of the allergy section at the Veterans Affairs hospital in Northport, New York, disagree. Read [more](#).

## McDonald's Sued for Hot Grease



Courtesy of [Torts Prof Blog](#): A McDonald's drive-thru customer in Virginia "was allegedly burned by the grease from a chicken sandwich. When he took a bite, 'the grease from the inside of the chicken sandwich spread out all over my bottom lip, my top lip, down onto my chin.' When he complained to a McDonald's employee, another employee allegedly stated, 'This is what happens to the sandwiches when they aren't drained completely.'"

## First Wrongful Death Suit Alleging Deadly Denture Cream



"The widow and daughter of a Miami man who died at a South Carolina nursing facility in 2008 have filed a lawsuit against the maker of his denture adhesive, claiming his paralysis and death were a result of toxic Poligrip." The problem is allegedly related to excessive levels of zinc. 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.

## Why Freedom-Loving Nations Should Oppose International Efforts to Disarm Civilians



An [article](#) by David Kopel examines Jewish armed resistance to the Holocaust, citing numerous examples that refute the idea that all violence is necessarily immoral. He concludes that people of good will should support the right of potential genocide victims to possess defensive arms. "The historical record shows that, almost without exception, genocide is preceded by a very careful government program that disarms the future victims of genocide. Genocide is almost never attempted against an armed population. Armenia, Bosnia, Cambodia, China, Guatemala, Rwanda, the Soviet Union, Sudan, Uganda, Zimbabwe and Nazi Europe are among the places where genocidal tyrants made very sure that the victim populations were as disarmed as possible; only after disarmament did genocide begin."



## 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](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](#).

**\* Advertising Material \***



"Winter in Waterford" by Gershon Camassar

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

## Celebrity Trainer Sued Over Diet Pills



Jillian Michaels, trainer on TV's "The Biggest Loser," faces several suits alleging her

Maximum Strength Calorie Control pill supplement contains a "potentially lethal" ingredient called citrus aurantium, which has been linked to high blood pressure and cardiac problems.



### 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



**Remember we are here if you need a referral to an attorney in a different area of law.**