

Electronic Newsletter

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The Law Firm of Stephen M. Reck, LLC

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Greetings!

We hope you have been enjoying our newsletters. This month, in addition to firm news, we look at pharmacy errors, head injuries, trucking accidents, cyber bullying, "gun free school zones", problems at the FDA, and much more. We trust you will find this information useful.

We appreciate your confidence, and want to thank our clients and friends for your continued loyalty.

The Law Firm of Stephen M. Reck, LLC



In This Issue

Plaintiff Awarded Post-Judgment Interest Against State

The Law Firm of Stephen M. Reck Files Claim Against State of Conn. DCF

Toxic Water at Camp Lejeune

Speed, Volume Lead to Pharmacy Errors

Seniors Mixing OTC and Prescription Drugs

"Gun-Free" Zones Invite Danger

New Report on Electronic Aggression

Truck Drivers Should Watch Out for the Rest of Us

Doctor Urges Skiers to Wear Helmets

Head Banging May Be Hazardous to Rockers' Health

FDA Documents Show Rush to Approve Medical Devices

Medtronic Paid Doc \$19 Million

Peanut Plant Knew Products Contaminated

Fisher-Price Play Yards Recalled

Pool Drains Still a Risk to Small Children

Help Us Build Our Mailing List

Dropping Auto Insurance Is Wrong Way to Save Money

Early C-Sections: Increased Risks for Babies

Higher Co-Pays Keep Seniors From Getting Mental Health Care

New Surgical Safety Checklist Reduces Errors

Prevention of Work-Related Hazards Through Design

DEP Safety Tips

Most E.R. Doctors See Cases of Suspected Police Brutality

Consumers Need Effective FDA and Court Remedies

Recall Central

Plaintiff Awarded Post-Judgment Interest Against State



First Case in Which Interest Awarded Against State of Conn.



In what appears to be the first decision of its kind, the New London Superior Court (Martin, J.) awarded plaintiff Herbert Hicks post-judgment interest on top of a \$472,048.00 verdict against the State that was upheld by the Appellate Court in June. Mr. Hicks was successfully represented at trial and on appeal by [Attorney Stephen M. Reck](#).

On November 29, 2001, Mr. Hicks was rounding a sharp curve on Route 94 in Glastonbury when he encountered a large D.O.T. dump truck in his lane of travel. Mr. Hicks swerved to avoid the D.O.T. truck, which caused his crane truck to flip over and crash. Mr. Hicks, who suffered severe injuries, was knocked unconscious as a result of the crash and had no memory of the accident. He sued the State pursuant to Conn. Gen. Stat. § 52-556, which allows persons injured by the negligent operation of State-owned vehicles to sue for damages. A copy of the decision awarding interest is available [here](#).

The Law Firm of Stephen M. Reck Files Claim Against State of Conn. DCF

[Attorney Scott D. Camassar](#) has filed a notice of claim with the Connecticut [Claims Commissioner](#) in order to file suit on behalf of two young New London girls who allege they were sexually abused while in foster care.

The claim alleges that the State of Connecticut, Department of Children and Families (DCF), its agents, servants or employees, were negligent in various ways including: placing the girls with an unsuitable foster mother; failing to protect the girls from physical and sexual abuse and neglect; failing to properly monitor the care of the girls; failing to properly supervise or require supervision of an older boy with two young girls; and mistreating and/or neglecting the girls.

The State has not yet responded to the claim.

Toxic Water at Camp Lejeune

From at least 1957-1987, some of the drinking water plants at U.S. Marine Corps Base Camp Lejeune were contaminated with volatile organic compounds including TCE (trichloroethylene), DCE (dichloroethylene), PCE and benzene. Anyone who resided at Camp Lejeune between 1957-1987 should [register](#) to receive updated information and notifications regarding the ongoing Water Study. To learn more, click [here](#).

Speed, Volume Lead to Pharmacy Errors

Major Chains Dominate Safety Panels



A [USA Today investigation](#) shows employees of major drugstore chains or supermarket pharmacies accounted for nearly one in four of the 295 pharmacists on the panels assigned to oversee prescription drug safety for the American public. Those same pharmacies have policies emphasizing speed and high volume when filling prescriptions, which often leads to medication errors according to a USA Today [special report](#).

Seniors Mixing OTC and

Attorney Spotlight



Read Scott Camassar's [article](#) on Connecticut law and cyber bullying.

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Know someone who might enjoy our newsletters? Forward our newsletter to them and ask them to check it out. As always, if you know someone with a legal problem, we appreciate your kind referrals. Thank you.

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



Dropping Auto Insurance Is Wrong Way to Save Money

Don't be one of the [people](#) who canceled their auto insurance as a way to cut costs in these tough economic times. If you get hit by someone with no insurance (or with inadequate coverage), you need your uninsured motorist (or underinsured motorist) coverage to fall back on. Not to mention if you get sued, you need liability coverage. Find other ways to save money.

Higher Co-Pays Keep Seniors From Getting Mental Health Care

A study published last month in *The Journal of the American Medical Association*, which analyzed the records of 43,892 Medicare beneficiaries who had been hospitalized for a mental illness between 2001 and 2006, indicates that seniors who were hospitalized for a psychiatric illness were less likely to get recommended follow-up care if their Medicare plans required that they pay more for mental health care than for

Prescription Drugs

According to a study published recently in the *Journal of the American Medical Association*, almost 70% of older adults who take prescription medications also use non-prescription drugs, dietary supplements, or both, researchers say, and one in 25 older adults is at risk of suffering a bad reaction to a poor combination of drugs.

Scientists say seniors also are using more medications than in the past. Almost one third take more than five prescription drugs, and more than half rely on a combination of five or more prescription drugs, over-the-counter drugs and dietary supplements.

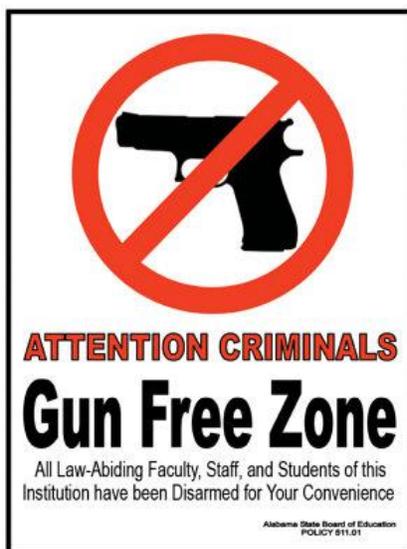
The study, published recently in the *Journal of the American Medical Association*, analyzed a nationally representative sample of more than 3,000 adults, ages 57 to 85, who were surveyed between June 2005 and March 2006. Read [more](#).

"Gun-Free" Zones Invite Danger

Signs Prohibiting Guns on Premises Are an Invitation to Killers

Few events are more horrifying than a mass murder committed at a school or other "soft target." Researchers recently have developed a profile of the typical mass murderer, known as "active shooters" or "active killers."

After a lone gunman shot 47 people, 30 fatally, at Virginia Tech in April 2007--in just 11 minutes--law enforcement again reviewed its tactics and determined that rather than waiting for back-up, the first officer on scene should make an immediate entry and aggressively attack the shooter. While it was once considered suicide for a lone officer to take on an active killer, researchers now know that too many victims will die in just a few minutes unless the killer is stopped.

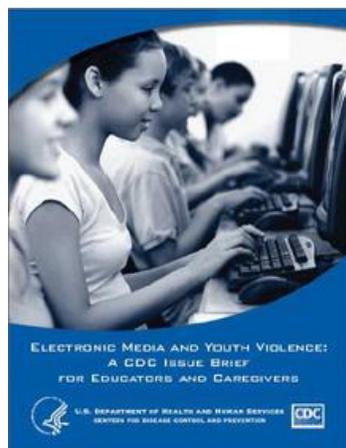


"The other statistic that emerged from a [study](#) of active killers is that they almost exclusively seek out 'gun free' zones for their attacks." In most states, concealed weapons are prohibited at schools and colleges, even for those with

permits to lawfully carry such weapons. While many malls and workplaces post signs at their entrances prohibiting firearms on the premises, some tacticians now believe "the signs themselves may be an invitation to the active killers."

Research suggests that lawfully armed civilians may be one of the best deterrents to mass shootings. As prominent criminologist [John Lott](#) has observed, "Few would know that a quarter of the public-school shootings were stopped by citizens with guns before uniformed police could arrive."

New Report on Electronic Aggression



Electronic aggression is defined as any kind of harassment or bullying that occurs through email, chat rooms, instant messaging, websites, blogs, or text messaging. A newly released paper from the CDC summarizes what is known about youth and electronic aggression, provides strategies for addressing the issue with young

other medical care.

The study found "that these co-payments act as a pretty potent barrier to getting appropriate care," said Dr. Amal N. Trivedi, assistant professor of community health at the Warren Alpert Medical School at Brown University and an author of the study. "We have solid evidence that people who get appropriate care after leaving the hospital are less likely to be readmitted to the hospital and have better mental health outcomes," he said. Read [more](#).

Early C-Sections: Increased Risks for Babies

An analysis of more than 13,000 births published last month in the *New England Journal of Medicine* concludes that thousands of babies are put at needless risk of respiratory problems, hypoglycemia and other medical issues by scheduling cesarean deliveries too early. Elective cesarean deliveries performed after 37 or 38 weeks of pregnancy had up to four times the risk of serious complications compared with procedures done after 39 weeks. The study found even deliveries that were just one, two or three days shy of 39 weeks carried a 21% increased risk of complications. "It looks like a day or two makes a difference," said Dr. John Thorp, a professor of obstetrics and gynecology at the University of North Carolina at Chapel Hill and coauthor of the study. Read [more](#).

New Surgical Safety Checklist Reduces Errors

A new study in the [New England Journal of Medicine](#) says a simple checklist helps reduce surgical errors. View the [checklist](#).

Prevention of Work-Related Hazards Through Design

The National Institute for Occupational Safety and Health (NIOSH) is leading a national initiative called [Prevention through Design](#) (PtD) that addresses occupational safety and health needs by eliminating hazards and controlling risks to workers "at the source" or as early as possible in the life cycle of items or workplaces. PtD principles are applied to the design of work premises, tools, equipment, machinery and work methods including their construction, manufacture, use, maintenance and ultimate disposal or re-use. Read

people, and discusses the implications for school staff, education policy makers, and parents and caregivers. To get the report [here](#).

[more](#).

To read [Scott Camassar's](#) short article on Connecticut law and cyber bullying, click [here](#).

DEP Safety Tips

Get the Connecticut Dept. of Environmental Protection's outdoor safety tips [here](#).

Truck Drivers Should Watch Out for the Rest of Us

After analyzing almost 46,000 accidents involving cars and tractor trailers, [AAA](#) says most are caused by errors of the cars' drivers. AAA reminds drivers to always drive at a safe speed; stay alert to traffic signals and road conditions; use turn signals; avoid driving alongside or immediately behind big trucks; never change lanes abruptly around a truck; slow down to let trucks have the right of way; and never cut in front of a truck, especially when it may need to



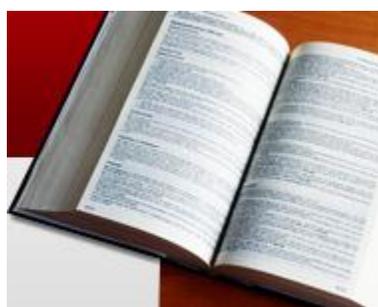
Head Banging May Be Hazardous to Rockers' Health

While there has been little formal research into the practice, a recent study indicates that head banging by rock musicians increases the risk of head and neck injury. Anecdotal reports of head banging-induced injury also include hearing loss, stroke and mild traumatic brain injury. Read [more](#).



Most E.R. Doctors See Cases of Suspected Police Brutality

A survey of 315 emergency room physicians, contained in the *Emergency Medicine Journal's* January issue and based on 2002 data, indicates that nearly 98% of emergency room physicians believe some patients were victims of suspected excessive force by police. However, most of the suspected incidents went unreported because no laws require physicians to alert authorities. The survey is believed to be the first doctors' account of suspected police brutality, according to H. Range Hutson, the lead author and assistant professor of emergency medicine at Harvard. Read [more](#).



Doctor Urges Skiers to Wear Helmets



Dr. Robert Williams, a pediatric anesthesiologist, avid skier and medical adviser to the ski patrol at Smugglers' Notch, is urging skiers and snowboarders to wear helmets. Research indicates that if they wore helmets, 7,700 head

injuries (44% of the total) could be prevented or reduced in severity each year. Read [more](#).

Consumers Need Effective FDA and Court Remedies

Noting that "FDA approval doesn't guarantee that a drug will be 100 percent safe," the [Atlanta Journal-Constitution](#) says that both the FDA and the tort system should work to hold companies accountable and make it so that "when the FDA gets it wrong, the tort system offers insurance to harmed consumers that they can seek corrective justice."

Peanut Plant Knew Products Contaminated

Peanut Corp. of America, the peanut butter manufacturer tied to the recent nationwide salmonella outbreak, knowingly shipped products in 2007 and 2008 after internal tests found bacterial contamination in violation of food safety regulations. The latest salmonella outbreak has sickened at least 501 people in 43 states and is believed to have contributed to eight deaths. Read [more](#). For the latest information from the CDC, click [here](#).

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](#).

FDA Documents Show Rush to Approve Medical Devices

Critics of the FDA's medical device approval process say the Bush administration had "finally made the device approval process so meaningless that it's intolerable to the scientists who work there" and that "Virtually everything gets approved, no matter what."

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.

The F.D.A. has a three-tiered approval process for

medical devices that requires varying amounts of proof, depending on factors such as complexity. Critics charge that the FDA requires very few devices to complete the most rigorous reviews, and instead clears most devices to with minimal oversight. "In 2007, 41 devices went through the most rigorous process, compared with 3,052 that had abbreviated reviews." Read

[more.](#)

Medtronic Paid Doc \$19 Million

Amid a "growing movement for more detailed disclosure of the financial ties between doctors and outside interests," the [Wall Street Journal](#) reports that "A prominent spine surgeon and researcher at the University of Wisconsin received \$19 million in payment over five years from Medtronic Inc., one of the country's largest makers of spinal devices."

Fisher-Price Play Yards Recalled

On January 15th, the CPSC recalled "200,000 potentially deadly play yards with Fisher-Price's Rainforest theme, the alert raising questions about the promptness of the warning and whether other models could have the same flaw." About "1,350 consumers complained that one or both sides of the Rainforest play yard had collapsed, with many reported injuries that included a broken nose, a mild concussion and a broken wrist." The play yards "are often used as portable cribs and have a bassinet attachment" and "when the rails collapse, babies can fall out, get trapped or gain access to unsafe areas." Read [more.](#)

Pool Drains Still a Risk to Small Children

Safety advocates say "children's lives are at risk in swimming pools across the country as government agencies waffle on how to enforce a new federal law" requiring new drain covers on pool filtration systems. "The covers prevent children from being caught in the suction, disemboweled and completely eviscerated -- 'turning your insides basically into your outsides,' said Alan Korn, public policy director of [Safe Kids USA](#), a Washington-based nonprofit organization." But many pools are not in compliance with the law, which went into effect December 19, although pool operators have known about it for more than a year. 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.

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