

Inaugural Electronic Newsletter

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The Law Firm of Stephen M. Reck, LLC

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Greetings!

We are pleased to send you this first edition of our firm's electronic newsletter. In our continuing efforts to better serve our clients and friends, we have developed this newsletter to keep you informed of what's new here as well as interesting legal developments. We have also redesigned our firm's website and invite you to visit it often. We hope you find the information in this e-newsletter informative and useful, and hope you will forward it to friends or family that would be interested in the content. As always, we appreciate your recommendation if you know someone that could use our help.



Sincerely,

Stephen M. Reck

The Law Firm of Stephen M. Reck, LLC

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The Law Firm of Stephen M. Reck Launches New Website

www.stephenreck.com

We are pleased to announce the total re-design of our firm website, with the help of James Nicholas of EasywebCreations.com. We hope you enjoy the new look and find the site easy to use. Check back often for new information including firm news and legal developments. To see the new site, click the link above.

Attorney Scott D. Camassar Joins the Firm

Scott D. Camassar recently joined the Law Firm of Stephen M. Reck, LLC, after almost eight years at a firm in New London, where he represented plaintiffs in all types of personal injury cases, followed by five years at a Hartford law firm, where he represented plaintiffs and defendants in serious injury and death claims. Scott has handled all types of civil cases including catastrophic injury and wrongful death cases; construction site accidents; defective product cases; dog bite claims; fall down cases; fraud cases; medical malpractice litigation; auto and motorcycle crashes; negligent security claims; nursing home abuse and neglect cases; trucking accidents; and uninsured/underinsured motorist claims. [Read more.](#)

Attorney Spotlight



We are pleased to announce that Attorney Scott D. Camassar has joined the Firm. Reach him directly at sdcamassar@gmail.com or call (860) 535-4040.

Caps on Damages: Justice Denied

David A. Hyman, professor of law at the University of Illinois College of Law, discusses the real-world consequences of caps on damages in the Sept. 15th issue of *Forbes*. "The elderly, the poor, the unemployed and their surviving families are getting hurt in disproportionate numbers. Many deserving victims of medical malpractice can't even find a lawyer to represent them. Any suit that might require extensive discovery, the testimony of

Supreme Court Upholds \$472,048 Verdict For Injured Motorist Against State

State Never Offered to Settle Before Trial

The Connecticut Supreme Court recently upheld a \$472,048.00 verdict in favor of a Groton City Fire Captain, Herbert Hicks, in his case against the Department of Transportation and State of Connecticut. Herbert Hicks was represented at trial by Attorney Stephen M. Reck. The jury found that 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. [Read more.](#)

Nursing Home CEO and Physicians Sued for Wrongful Death of Norwich Man



Termini is alleged to have used nursing home funds to launch Category 5 Records, pictured here.

Attorney Scott Camassar has filed a wrongful death lawsuit on behalf of the estate of a Norwich man who died after developing gangrene in his legs while a patient in a nursing home. Although the Haven Healthcare chain had filed for bankruptcy court protection, The Law Firm of Stephen M. Reck is also seeking to hold the patient's doctors accountable for their own poor care, along with Haven's CEO Raymond Termini, who is being investigated for using nursing home funds to furnish a lavish lifestyle and start a Nashville record company. Attorney Camassar is also seeking to sue the State of Connecticut Ombudsman's office for allowing the nursing homes to operate at a substandard level and for failing to respond to the family's complaints about poor care. The case has received widespread media attention including front-page coverage by the Hartford Courant (read the article [here](#)). To learn more about this complex case, or to talk to a lawyer about suspected nursing home mistreatment or neglect, call The Law Firm of Stephen M. Reck.

Man Left for Dead Settles Lawsuit Against Ambulance Corps

The Stonington Ambulance Corps has agreed to settle a lawsuit filed by stonemason Kevin Crandall, who alleged that two of its EMTs stopped resuscitation efforts after they mistakenly determined he was dead, resulting in brain damage from lack of oxygen. The terms of the settlement are confidential.

Mr. Crandall had been struck by lightning in May 2005 while building a stone wall. After responding to the call, ambulance president Victor Lima and former member Iona Lyons stopped resuscitation efforts and covered Crandall with a blanket. Lyons also told a police dispatcher to cancel the paramedics rushing to the scene. A few minutes later, when Police Lt. Keith Beebe noticed Crandall was still alive, he was rushed to the hospital. State protocols require EMTs to continue cardiopulmonary resuscitation until paramedics, who have more training, get to the scene and take over for them, or a doctor tells them to stop resuscitation efforts. Lima and Lyons were later disciplined by the state Office of Emergency Medical Services for violating the protocol that required them to try to resuscitate Mr. Crandall.

The State's investigation found Lima and Lyons "failed to conduct a proper patient assessment" and, in doing so, "failed to recognize the patient was actually alive." The two did not contest the findings and the state placed the two EMTs on a one-year probation and ordered them to undergo retraining.

Attorney Reck was prepared to take the case to trial, and had retained experts to testify that Mr. Crandall's

high-priced experts or protracted court proceedings can't get off the ground." [Read more.](#)

Attorney Camassar Speaks at Seminar

On September 19, 2008, Attorney Scott Camassar was a featured speaker at the NBI seminar *Building Your Civil Trial Skills*, in Hartford. To learn about upcoming NBI seminars, click [here](#).

Down Syndrome Buddy Walk a Huge Success



Sam, age 2, leader of "Team of Sam"

Despite the rain, hundreds of people turned out at Hammonasset State Park on September 27th for the Connecticut Down Syndrome Congress (CDSC) annual Buddy Walk. Attorney Camassar, who attended with his family, was proud to be a member of Team Sam, which raised \$1,492. "Sam is one of the sweetest kids you'll ever meet," said Camassar. The event raised over \$94,000 for the CDSC, which helps "provide the important services that enhance the quality of life for individuals with Down syndrome and their families." To learn more about the CDSC and how you can help, visit their [website](#).



RI Supreme Court Rejects Social Host Liability

In *Willis v. Omar*, No. 2007-164 (July 9, 2008), the Rhode Island Supreme Court rejected the plaintiff's invitation to create a new cause of action against social hosts when guests or drunk drivers leave their parties after consuming alcohol and then cause injury or death on the highway. The Court held that social hosts do not owe a duty to third persons for injuries caused by intoxicated guests who were drinking at the host's home, in the absence of a "special relationship." The Court said it was up to the Legislature to create such a duty. [Read more.](#)

What is the "Loss of Chance" Doctrine?

injuries were caused by the actions of the EMTs and that continuous resuscitation reduces the risk of hypoxic (lack of oxygen) injury.

Appellate Court Upholds Judgment for Town of Glastonbury

Attorney Camassar Successfully Defended Town in Drainage Case

In *Boyne v. Town of Glastonbury*, the Appellate Court recently upheld the trial court's decision in favor of the Town of Glastonbury, which was sued by a resident for alleged unlawful drainage onto residential property. In 2006, the plaintiff Boyne sued the Town seeking a temporary and permanent injunction, and damages, to stop the Town from using a decades-old drainage ditch that runs along the northern edge of his residential parcel. Attorney Scott D. Camassar defended the Town, which won on a motion for summary judgment, and argued the appeal May 20th.

Boyne and his ex-wife bought their house in September 1997. The Town installed the storm water drainage system in 1972, which included ditch in question. The ditch, with steep sidewall embankments, is 12 feet in depth at its deepest point, and 25-35 feet wide at its widest point. Typically, there is no more than a few inches of water trickling through the bottom of the ditch. Storm water has never breached the sidewall embankments or flooded the higher elevations of the property or the yard. Despite the fact that the ditch was present when he bought the house, Boyne sued the Town alleging unlawful drainage in violation of Conn. General Statutes § 13a-138, trespass, private nuisance and public nuisance. The Appellate Court affirmed the decision in favor of the Town. Boyne now wants the Conn. Supreme Court to hear the case.

Legal News: Municipalities Cannot Shift Liability for Snow and Ice on Public Sidewalks to the State

In many cities and towns, municipalities have enacted ordinances that shift the responsibility for snow and ice on municipal sidewalks to the abutting property owner. In *Rivers v. City of New Britain*, 288 Conn. 1 (2008), the Connecticut Supreme Court recently held that when the State of Connecticut owns the land abutting a public sidewalk, municipalities cannot shift the duty to clear snow and ice from the sidewalk (or liability for damages caused by a fall on snow or ice), even if the municipality has such an ordinance making the abutting property owner liable. [Read more.](#)

Medicare Cuts Hospital Reimbursements for Malpractice

On Oct. 1st, Medicare, the government health insurance program for the nation's elderly and disabled, began reducing reimbursements for many hospital-acquired conditions such as surgical-site infections, certain catheter-related infections, advanced bed sores, injuries resulting from falls and trauma, signs of poor blood-sugar control such as diabetic ketoacidosis and hypoglycemic coma, and deep-vein thrombosis and pulmonary embolism following certain orthopedic surgeries. Medicare also is targeting the "never events" (events that should never happen in a hospital) such as the wrong kind of surgery, surgery on the wrong body part or surgery on the wrong patient, for which it will eliminate payment altogether. The agency estimates the savings from paying hospitals a lower rate for preventable hospital-acquired conditions will amount to \$21 million a year. Several private insurers have announced plans to follow Medicare's lead.

Forcing hospitals to bear the cost of preventable complications is accelerating efforts by hospitals to tighten up their safety systems and treatment protocols. According to 2002 data from the Centers for Disease Control and Prevention, the most recent available, patients acquire an estimated 1.7 million infections each year in U.S. hospitals, leading to about 99,000 annual deaths. Nearly one third of these are urinary-tract infections, 22% are surgical-site infections, 15% are pneumonias and 14% are bloodstream infections. There are about 750,000 sepsis cases every year in the U.S., resulting in more than 200,000 patients deaths. Observers believe Medicare's new stance on reimbursement is likely to result in steps by hospitals to increase prevention and early diagnosis of infections that can lead to sepsis.

Some believe the new Medicare rule has advantages and disadvantages. While efforts to reduce or eliminate preventable complications is a worthy goal,

In *Peterson v. Ocean Radiology Associates, P.C.*, 109 Conn. App. 275 (2008), the Connecticut Appellate Court recently discussed the "loss of chance" doctrine in the context of a medical malpractice case. In a loss of chance case, a party may be held liable for negligent acts, or the negligent failure to act, which causes an individual to lose a chance to avoid some form of physical harm from a preexisting medical condition. "In such cases, the plaintiff must show that if proper treatment had been given, better results would have followed." [Read more](#)



Attorney General Seeks Ban on Toxic BPA in Baby Bottles

Connecticut's Attorney General Richard Blumenthal is urging manufacturers of baby bottles and formula containers to stop using the toxic chemical bisphenol A (BPA) in their products in light of the recent studies linking the toxin to potential health problems. BPA, which hardens plastic, is used in the lining of baby formula containers. Studies demonstrate that even a small amount of BPA damages infant neurological, reproductive, and immune systems.

The New Jersey and Delaware AGs joined Blumenthal in sending letters to baby bottle manufacturers Avent, Disney First Years, Gerber, Dr. Brown, Playtex and Evenflo; and formula makers Abbott, Mead Johnson, PBM Products, Nature's One and Wyeth. "I am alarmed by recent studies confirming that BPA leaches from these products into the foods they hold," Blumenthal said in the letters. "The preventable release of a toxic chemical directly into the food we eat is unconscionable and intolerable." [Read more.](#)

CPSC Product Recalls

To read about recent recalls and product safety news from the U.S. Consumer Product Safety Commission, click [here](#).

The Worst Insurance Companies



The AAJ identifies the ten "worst insurance companies for consumers," based on a comprehensive investigation of thousands of court records, SEC and FBI documents, state insurance department complaints and investigations, news accounts from around the country, and the testimony

some fear that the rule changes could result in doctors and hospitals becoming much more selective about which patients they treat. Another concern is that hospitals will try to pass the costs onto patients, and that patients will receive hospital bills for the preventable medical errors or conditions they suffer.

Bush Administration Sought to Undermine Consumer Protections

No Accountability for Dangerous Products



The American Association for Justice (AAJ) states that "In a stealth effort coordinated at the highest levels of the Bush administration, multiple federal agencies were repeatedly ordered to usurp state law and undermine consumer protections, according to documents obtained through repeated FOIA requests". The newly released documents describe how the administration's top priority has been helping corporations escape accountability for dangerous products.

"This is the real Bush legacy," said AAJ President Les Weisbrod. "In effect the Bush administration made the safety of Americans secondary to corporate profits." Read the [report](#).

Experts Conclude Pfizer Manipulated Neurontin Studies

Stephanie Saul of the New York Times recently reported that "The drug maker Pfizer earlier this decade manipulated the publication of scientific studies to bolster the use of its epilepsy drug Neurontin for other disorders, while suppressing research that did not support those uses, according to experts who reviewed thousands of company documents for plaintiffs in a lawsuit against the company. Pfizer's tactics included delaying the publication of studies that had found no evidence the drug worked for some other disorders, 'spinning' negative data to place it in a more positive light, and bundling negative findings with positive studies to neutralize the results, according to written reports by the experts, who analyzed the documents at the request of the plaintiffs' lawyers." One of the experts who reviewed the documents concluded that they demonstrate "a publication strategy meant to convince physicians of Neurontin's effectiveness and misrepresent or suppress negative findings." Read the article [here](#).

Conn. Supreme Court: Ban on Same-Sex Marriage Unconstitutional

Dissent Says Court Usurped the 'Legislative Prerogative'

In a landmark 4-3 decision known as *Kerrigan v. Commissioner of Public Health*, the Connecticut Supreme Court ruled that "the state statutory prohibition against same sex marriage violates the constitution of Connecticut," including the due process provisions of article first, §§ 8 and 10, and the equal protection provisions of article first, §§ 1 and 20. The ruling strikes down the state's civil union law, Conn. General Statutes §§ 46b-38aa et seq., passed by the legislature in 2005, which established the right of same sex partners to enter into civil unions and conferred on them all the rights and privileges that are granted to spouses in a marriage. The civil union law, however, defines "marriage" as "the union of one man and one woman." The Court concluded that, "in light of the history of pernicious discrimination faced by gay men and lesbians, and because the institution of marriage carries with it a status and significance that the newly created classification of civil unions does not embody, the segregation of heterosexual and homosexual couples into separate institutions constitutes a cognizable harm", namely, the denial of the right to marry a same sex partner. The Court also held that (1) Connecticut law discriminates on the basis of sexual orientation, (2) sexual orientation constitutes a quasi-suspect classification, similar to gender classifications, for purposes of the equal protection provisions of the state constitution, and therefore, state statutes discriminating against homosexuals are subject to heightened or intermediate judicial scrutiny, and (3) the state failed to sufficiently justify its prohibition on same sex marriages. [Read more](#).

of former insurance agents and adjusters. The list includes companies from a wide range of insurance fields, including auto, homeowners, health, life, and disability insurers. The worst: Allstate, based on its "concerted efforts to put profits over policyholders". Read the report [here](#).

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



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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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