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Millions of cars are being recalled for unsafe airbags

Millions of cars are being recalled due to the danger of unsafe airbags manufactured by Takata Corp.

The problem is that the airbags may explode with too much force in a crash, and shoot metal fragments into vehicle occupants. This type of malfunction has been responsible for more than 100 deaths and serious injuries.

The recall affects almost all major auto makers, including GM, Ford, Chrysler, Honda, Toyota, Mazda, Nissan, Subaru, Mitsubishi and BMW.

The New York Times has reported that Takata knew about the defect years before it notified federal regulators (although the company disputes this).

The problem seems to be more likely to occur with driver's-side airbags than with passenger airbags, and is

more likely to happen in areas with a lot of heat and humidity.

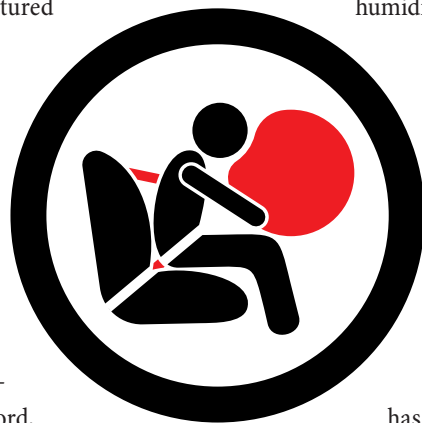
Initially, the National Highway Traffic Safety Administration called for airbag recalls only in Southern states, but it recently changed its mind and is asking for nationwide recalls.

So far, the agency is asking for recalls only of driver's-side airbags, but some manufacturers have been recalling passenger airbags as well.

A shortage of replacement airbags has meant frequent long delays in getting the problem fixed. Most manufacturers have

been putting a priority on replacing driver's-side airbags in cars in warmer areas.

A list of affected car models can be found at <http://goo.gl/8PxAxP>. You can also see if your car is subject to a recall by entering its VIN number at <http://www.safercar.gov/Vehicle+Owners/vin-lookup-sites>.



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Consumer Safety
summer 2015

Legal Matters®

Slip-and-falls can cause serious consequences for the elderly

As the U.S. population ages, slip-and-falls among the elderly have become a major issue. More than 2.4 million people a year over the age of 65 suffer injuries in falls that are serious enough to require a visit to an emergency room, according to the Centers for Disease Control. That's double the number from just 10 years ago.

And during the past 10 years, more than 200,000 senior citizens died after falls. In fact, falls are now the leading cause of death among Americans over 65.

If you're a senior who has experienced a fall (or if you have an older family member who has fallen), it's wise to seek medical attention, and also to talk with an attorney – even if it initially seems like everything is okay.

When older people fall, the consequences aren't always immediately obvious. Sometimes it takes a while before the full effect of an injury is felt. Unless you've taken steps to document the circumstances of the fall, your



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ability to obtain legal compensation for the harm may disappear.

For instance, many falls result in a concussion or traumatic brain injury. You might be surprised to learn that more than 40% of all such injuries are caused by falls – that's more than are caused by auto accidents, sports inju-

ries, and criminal assaults put together.

But unless you see a doctor, a mild traumatic brain injury could go undiagnosed.

What's worse, the typical symptoms of a traumatic brain injury include memory problems, impaired thinking and movement,

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LA LEY EN ESPAÑOL...

La escuela fue responsable por una lesión ocurrida en un vestidor

Un tribunal determinó una escuela pública era responsable luego de que un estudiante que había estado payaseando en un vestuario resultara gravemente herido al ser empujado contra un armario roto que tenía un borde dentado y oxidado.

La escuela había sabido por meses acerca del armario roto y también tenía conocimiento de que los estudiantes payaseaban regularmente en el vestidor.

A través de los años muchos municipios han tratado de protegerse de demandas como ésta mediante leyes que

indican que no pueden ser considerados responsables de las decisiones que tomen sus empleados hacen en materia de reparaciones y mantenimiento.

Pero en este caso, el Tribunal Supremo de Connecticut determinó que aún así se podía demandar a la escuela. Afirmó que si bien la escuela en general podía tener un amplio margen

en la toma de decisiones para el mantenimiento, el peligro que representaba el armario roto era tan grande y tan obvio que la escuela en realidad no tenía otra opción en el asunto y tenía la responsabilidad legal de arreglarlo de inmediato.

Familia demanda por accidente deportivo a pesar de haber firmado un "relevo"

Si alguna vez se ha inscrito en una carrera o ha jugado en una liga deportiva recreativa, probablemente ha firmado un "relevo". Se trata de un formulario mediante el cual se promete no demandar a la liga o al organizador del evento por los daños que pudiera sufrir al participar en el evento.

Aunque por lo general estos relevos de responsabilidad son válidos, debe saber que no siempre evitan que las víctimas sean compensadas por lesiones.

Por ejemplo está el caso de Richard Angelo, un atleta de 53 años de edad del área de Boston, que se inscribió en un triatlón en Burlington, Vermont. Firmó un relevo de responsabilidad donde prometía no demandar si resultaba herido.

El día de la carrera el Lago Champlain - el lugar para el componente de natación de la carrera- estaba inusualmente agitado. Los organizadores decidieron de todos modos celebrar la carrera tal y como estaba previsto. Menos de una hora después de empezar la carrera, Angelo, un padre de dos hijos que estaba físicamente en forma, tuvo que ser extraído de la marejada por un bote de rescate. Poco después su muerte fue

pronunciada en un hospital cercano.

La viuda de Angelo demandó al organizador del evento por la negligencia de decidir continuar con la carrera a pesar de que tenía conocimiento de las condiciones peligrosas del lago.

El organizador alegó que no podía ser demandado debido al relevo de responsabilidad. Pero un tribunal de Massachusetts dictaminó que aunque Angelo había prometido no demandar por cualquier daño sufrido en el evento, en este caso la demanda había sido presentada por la viuda de Angelo y su patrimonio y ninguno de ellos había firmado un relevo o prometido no demandar.

Los proveedores de salud no pueden divulgar información privada

Existe una ley federal llamada HIPAA que requiere que cualquier persona con acceso a sus registros médicos tiene que tratarlos con confidencialidad. Esto incluye a médicos, enfermeras, hospitales, compañías de seguros y farmacias. Las personas que violen la ley pueden afrontar sanciones por parte del gobierno.

Recientemente, sin embargo, algunos tribunales también han permitido que las víctimas - las personas cuya información se divulgue indebidamente - demanden por daños y perjuicios.

Por ejemplo, una farmacéutica de Walgreens llamada Audra Withers accedió indebidamente los registros médicos de un paciente y supuestamente los dio a conocer a su marido. La paciente, Abigail Hinchy, era la ex-novia de su marido con quien había tenido un hijo. Withers aparentemente descubrió información en cuanto a si Hinchy tenía una enfermedad de transmisión sexual y si había dejado de tomar las pastillas anticonceptivas poco antes de quedar embarazada.

Según Hinchy, el marido amenazó con revelar la información a la familia de ésta a menos que ella retirara la demanda de paternidad. Eventualmente se lo informó a varias personas y como resultado de ello se enteró el padre de Hinchy.

El Tribunal de Apelaciones de Indiana aprobó la decisión del jurado contra Walgreens de más de \$1 millón debido al incidente.

En otro caso Emily Byrne le pidió específicamente a su ginecólogo que no le diera información personal a un hombre con quien estaba involucrada. Pero cuando en una demanda de paternidad el abogado del hombre entregó una citación al consultorio del ginecólogo, el consultorio entregó los registros sin antes informarlo a Byrne o al juez del caso.

El Tribunal Supremo de Connecticut sostuvo que Byrne podía demandar al consultorio médico por daños y perjuicios por la violación de la confidencialidad.

Restaurant responsible for auto accident on nearby road

Here's yet another case that shows that you should always have an attorney investigate any auto accident, and never just assume that the other driver is the only person who is at fault.

Joe Annocki was driving his motorcycle on the Pacific Coast Highway in Malibu, California, when he crashed into a car driven by Terry Turner. Turner was pulling out of the parking lot of a restaurant.

The highway had temporary dividers at that point, so patrons could only make a right turn out of the restaurant. Turner attempted to make a left turn, encountered the dividers (which weren't very visible from the restaurant driveway), and tried to back up, at which point Annocki was unable to avoid crashing into him.

Annocki's family members sued the restaurant. They claimed that the restaurant could easily have installed a "Right Turn Only" sign at the driveway, and that it was irresponsible not to do so because the restaurant owners knew the dividers were hard to see and

could have foreseen the danger of customers trying to make a left turn.

The California Court of Appeal sided with Annocki's family. It said the restaurant had a legal duty to take reasonable, inexpensive steps to protect its patrons and others where it could see they would be encountering a danger.

It didn't matter that the crash occurred on the highway and not on the restaurant's property.

Most people in the Annocki family's position wouldn't have realized that they might be able to collect additional compensation for their loss from the restaurant's insurance company. That's why it's always wise to talk to a lawyer about any injury.



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Slip-and-falls can cause serious consequences for the elderly

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trouble with vision or hearing, and personality changes or depression. Many people attribute these problems in seniors to Alzheimer's disease, dementia, or simply "getting older."

And yet the real cause of the condition could be a brain injury that resulted from a slip-and-fall.

Another problem with falls is that they can cause subtle injuries or weaknesses that make a senior more likely to fall again in the future. Falls can lead to fractures of the spine, hip, forearm, leg, ankle, pelvis or hand, which can be highly debilitating and lead to a stint in a nursing home. Many older people never quite recover from a series of problems that begin with a fall.

And while most young people who recover physically from a fall are not left with any emotional scars, the same is not always true of seniors. Seniors who have a bad fall often develop a profound fear of falling again, which leads them to curtail a lot of

their activities. This can lead to depression as well as declining physical health.

So when an elderly person falls, it's wise to speak to an attorney and document the circumstances, so that if the person is injured or develops symptoms



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later, it may be possible to obtain compensation.

In general, property owners have a legal duty to take reasonable steps to prevent circumstances that can lead to slip-and-falls, such as ice and snow accumulation, broken pavement, slippery floors, and the like.

In addition, businesses that cater to older people may need to take special steps to protect them - such as nursing homes, assisted living facilities, senior centers, medical supply stores, medical office buildings, pharmacies and hospitals. These businesses may need to take extra care to make sure stairways have handrails on each side, steps have safety treads, walkways are free of tripping hazards, and entrances and exits are unobstructed and easily accessible.



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