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"An East Texas law firm with a history of helping injured people."

SAFETY & THE LAW

Fall 2007

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ROBERTS & ROBERTS

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RANDELL (RANDY) C. ROBERTS
STEVEN S. SCHULTE • KAREN R. ROBERTS

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THE DANGERS ASSOCIATED WITH WINDOW COVERING CORDS

Consumer Product Safety Commission (CPSC) staff and industry recently analyzed fatal incidents involving young children and window covering cords. The study was done to better understand how to prevent these deaths and to determine the effectiveness of the voluntary safety standard for window covering cords.

The current voluntary safety standard for these products prohibits cord loops, restricts continuous loops and chains by requiring tension devices, and requires prevention of loops in the inner cord of horizontal blinds.

To comply with the voluntary safety standard, the industry made three major design changes: (1) it eliminated single-tassel loops from horizontal blind pull cords (these loops were strangulation hazards for young children—now, almost all cords end in two separate tassels); (2) it supplies tension devices for all vertical blinds, which eliminates a free-hanging loop when installed; and (3) it assembles all horizontal blinds with inner cord stops on the pull cords, to prevent the formation of a loop when pulling on the inner cords.

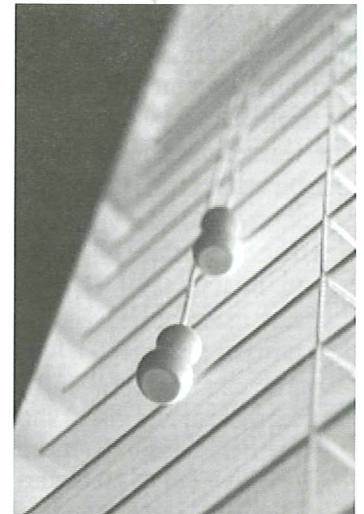
To address the hazards present in existing blinds purchased before these actions, the industry offers consumers free repair kits to retrofit their horizontal or vertical blinds to conform with the latest voluntary safety standard.

To conduct the window cord covering study, CPSC reviewed investigations of 66 fatal incidents involving children and window covering cords that occurred between 1996 and 2002. (These incidents do not represent a statistical sample.) The hazard patterns were deduced from what was known about the product, the ligature (cord) marks on the victim, and information provided in police reports and investigator interviews with people familiar with the incidents. The victims ranged in age from 8 months to 78 months old.

CPSC identified three leading hazard scenarios and the associated window covering cord products. These included:

- Strangulation in a loop that was part of the product's configuration, such as single tassel cords in horizontal-type blinds and free hanging cord loops in vertical-type blinds. The majority of these incidents involved the continuous loop of vertical blinds or draperies.
- Strangulation in a loop formed by a cord that was knotted or tied up in some way. The majority of these incidents involved the pull cords of horizontal blinds.
- Strangulation in a loop formed in the inner cord of a horizontal blind.

Approximately sixty-one percent (40 out of 66) of the incidents involved products with a cord-lift control system (typically used with horizontal blinds). Thirty-six percent (24 out of 66) of the incidents involved products with a continuous-loop control system (typically used with vertical blinds and draperies).



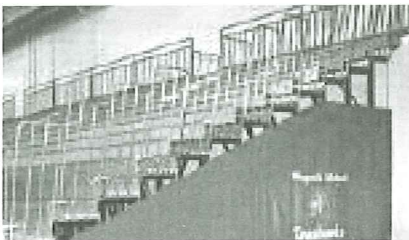
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BLEACHER HAZARDS

According to Consumer Product Safety Commission (CPSC), 19 people died in incidents associated with falls from bleachers between 1980 and 2003. Since 2001, at least 3 deaths have occurred from falls from bleachers in high schools or at a school gym. In 2002, an estimated 3,350 children under the age of 15 were admitted into hospital emergency rooms with injuries associated with falling from, or through, bleachers.

Falls from bleachers can occur when guardrails are missing from the backs or open sides of bleachers. Falls also can occur when there are big enough openings between components in the seating and guardrails. Bleachers can pose additional hazards if they are not operated or maintained properly, or if they are missing adequate components that assist in access and egress, such as aisles, handrails, and non-skid surfaces.

Many bleachers in facilities today pose a fall hazard, especially to children. This is due, in part, because these bleachers may have been built and installed when the building codes did not require guardrails and allowed big enough openings that permitted a child to fall through them.



To address bleacher-related injuries, CPSC issued voluntary guidelines in 2000 that provide recommendations for retrofitting bleachers to prevent falls *from* bleachers. The guidelines also include information about preventing falls *on* bleachers. The guidelines are summarized below.

- Guardrails should be present on the backs and portions of the open ends of bleachers where the footboard, seatboard, or aisle is 30 inches or more above the floor or ground below.
- The top surface of the guardrail should be at least 42 inches above the leading edge of the footboard, seatboard, or aisle.
- Any opening between components of the guardrail or under the guardrail should prevent passage of a four-inch sphere.
- Any opening between the components in the seating (i.e. between the footboard, seatboard, and riser) should prevent passage of a four-inch diameter sphere where the footboard is 30 inches or more above the ground and where the opening would permit a fall of 30 inches or more.
- Materials and methods used for retrofitting should prevent the introduction of new hazards, such as bleacher tipover, bleacher collapse, guardrail collapse, and contact or tripping hazards.
- Bleachers should be thoroughly inspected, at least quarterly, by trained personnel.
- Aisles, handrails, non-skid surfaces, and other items that assist in access and egress on bleachers should be incorporated into any retrofit project where feasible.
- The option of replacing bleachers as opposed to retrofitting should be considered.

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- Falls, Fires, and Electrical Accidents
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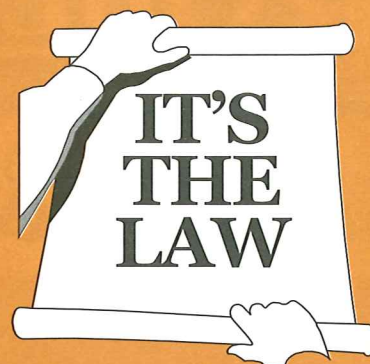
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FILING CLAIMS – HOW LONG DO THEY HAVE TO PAY

Question:

I filed a claim on my insurance policy, but I have not heard from my insurance company. Do I have any rights?

Answer:

Yes. The Prompt Payment of Claims Act requires insurance companies in Texas to quickly investigate and, if owed, pay the claims of their policyholders.

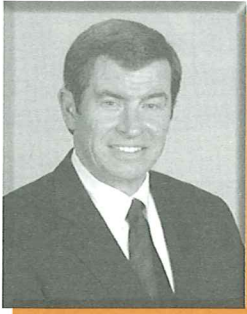
Once the insurance company receives proof of a loss, it must either accept or reject the claim in writing within 15 business days and pay the claim, if owed, within 5 more business days. In addition, the insurance company must state its reasons in writing if it rejects your claim.

If the insurance company violates this law, it is liable for your attorney's fee and the 18% interest penalty along with the amount of your claim.



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THE ATTORNEYS OF ROBERTS & ROBERTS



RANDELL (RANDY) C. ROBERTS

Randy has been recognized in Time, Newsweek, Ladies Home Journal, and the Texas Lawyer as well as on CNN and NBC's Dateline for his role in uncovering the documents that led to the recall of the Firestone Radial ATX and Wilderness lines of tires. His ground breaking case against Firestone is featured in

McGraw-Hill's college textbook on corporate crime entitled Criminology and the Criminal Justice System. Randy has been named a "Texas Super Lawyer" by Texas Monthly because of his success in representing people injured by unsafe products. He is Board Certified in Personal Injury Trial Law by the Texas Board of Legal Specialization.



BRUCE L. ROBERTS

Bruce attended the University of Texas School of Law, graduating in 1981. After working for a year in the Twelfth Court of Appeals for the State of Texas, he joined his brother in forming the law firm now known as Roberts & Roberts. In addition to being

Board Certified in Personal Injury Trial Law by the Texas Board of Legal Specialization, he has also been recognized as a Civil Trial Advocate by the National Board of Civil Trial Advocacy. He is a member of the State Bar College of the State of Texas.



KAREN R. ROBERTS

Karen received her J.D. in 1994. She devotes her practice to representing people injured by unsafe practices and products. She serves as a Trustee with ATLA's National College of Advocacy (NCA) and has attained the status of "Fellow" with the NCA. She is Chair-elect of the Texas Trial

Lawyer's Board of Advocates. Karen is also a member of the College of the State Bar of Texas, an honorary society chartered by the Supreme Court of Texas.



SEAN W. HESTER

Sean attended Baylor University Law School where he earned his Doctorate of Jurisprudence (J.D.) in 1992.

Sean practiced law as a solo practitioner representing injured people for many years before joining the law firm of Roberts & Roberts. In addition to trying lawsuits, Sean has

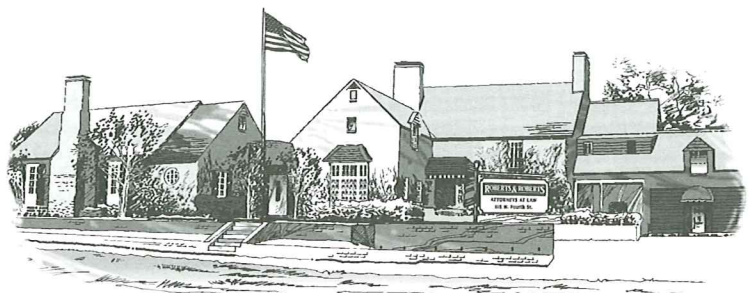
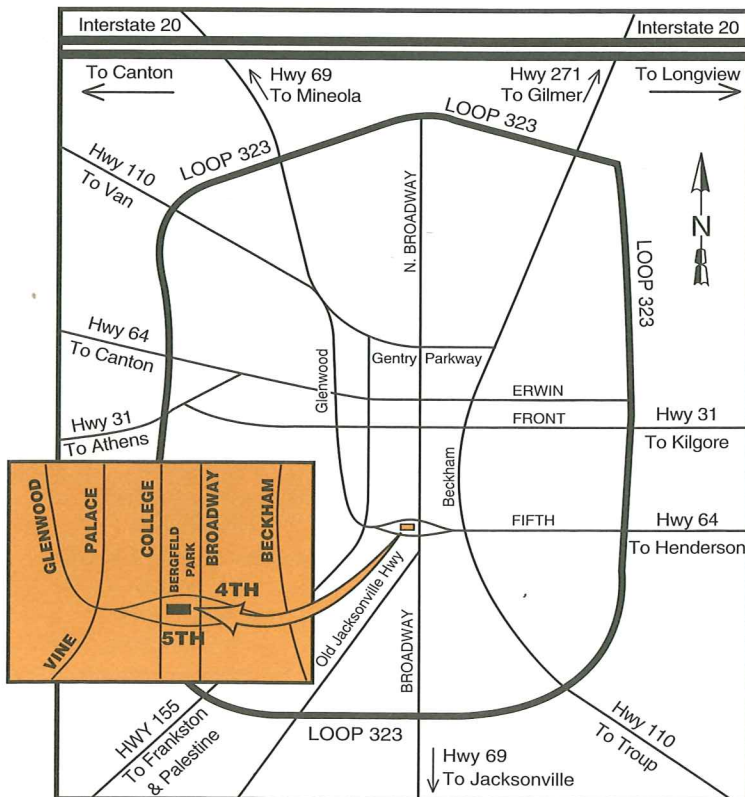
handled several appeals. Sean was selected as a "Texas Super Lawyer-Rising Star" by Texas Monthly which is an honor given to only 2.5% of Texas Attorneys each year. Sean is Board Certified in Personal Injury Trial Law by the Texas Board of Legal Specialization.



STEVEN S. SCHULTE

Steven received a Doctorate of Jurisprudence (J.D.) and a Master of Laws (LL.M.) in Taxation from Southern Methodist University's Dedman School of Law in 2005 and in 2006 respectively. While in law school, Steven participated in the SMU civil legal clinic as a student

attorney and as chief counsel. In addition to the civil clinic, Steven served as a legal research assistant for a sole practitioner in Dallas, Texas. Steven also has experience working as an extern with the United States Department of Justice, Bureau of Alcohol, Tobacco and Firearms.



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CONSUMER PRODUCT WARNINGS & RECALLS

- **TOY CELL PHONES** – Battat Inc. has recalled approximately 300,000 toy cell phones because the metal pin inside the hinge of the cell phone flip-top can fall out, posing a choking hazard to young children. The recall affects Parents Magazine Record-A-Voice Toy Cell Phones bearing date codes 090106 through 101206, sold in polka dot, swirl, floral and stripe patterns, with the Parents logo visible inside the flip-top and on the battery compartment cover. Please contact Battat Inc. for a free replacement product or refund.
- **SPAS** – Coast Spas Manufacturing Inc. has recalled approximately 8,000 Coast Spas with Franklin electric motors because the circulating pump and motor assembly can overheat, posing a fire hazard. The recall affects Coast Spas with Franklin Electric Motors, manufactured from January 2002 through October 2004. Please contact Coast Spas Manufacturing, Inc. to arrange for the installation of a free retrofit by a service technician.
- **BAMBOO GAME SETS** – HaPe International Ltd. has recalled approximately 5,000 Bamboo Collection Game sets because they could contain lead paint, which is toxic if ingested by young children. The recall affects Anima-Bamboo Collection Games, which contain 38 bamboo pads, 4 ghosts, and 1 dice, sold at Target stores nationwide from December 2006 through April 2007. The product's packaging is an orange box with the words "Anima" and "BAMBOO Collection Games" printed on each side. Please visit your nearest Target to return the games for a full refund, including applicable sales tax.
- **PAYLESS CHILDREN'S SHOES** – Payless ShoeSource Inc. has recalled approximately 690,000 children's Airwalk Compel clog shoes because plastic rivets used to attach the strap to the shoe can detach, posing a choking hazard to young children. The recall affects Airwalk Compel clog shoes sold in pre-walk sizes 3 through toddler size 10. The flexible shoes have air ventilation holes on the top and side, and plastic rivets with the Airwalk logo attached to the strap. Please contact Payless ShoeSource Inc. to receive a refund or exchange the shoes.
- **PIER 1 GLASSWARE** – Pier 1 Imports has recalled approximately 180,000 pieces of Pier 1 glassware because they can crack or break unexpectedly, posing a laceration hazard. The recall affects glassware pieces involving large and small tumblers, goblets, and margarita glasses sold by Pier 1 Imports nationwide, on its web site (<http://www.pier1.com>), and in their April 2007 catalog from January 2007 through April 2007. The glassware was manufactured in China. Please contact Pier 1 Imports for a refund or merchandise credit.
- **HALOGEN TABLE LAMPS** – Winsource Industries Ltd. has recalled approximately 97,000 halogen table lamps because they can short circuit, posing a fire hazard. The recall affects table lamps with a plastic base and two extendable arms connecting the base to a halogen lamp, with item number 101988 printed on the bottom of the lamp base. The recalled lamps were sold exclusively at Lowe's retail outlets nationwide from April 2006 through March 2007. Please stop using these lamps immediately and contact Lowe's retail outlet for a full refund.
- **KITCHEN STOOLS** – CBOCS Distribution Inc. has recalled approximately 2,600 Rooster Kitchen Stools because they can unexpectedly collapse during use, causing a consumer to fall to the floor. The recall affects the Rooster Kitchen Stool, which is about two feet tall and one foot in diameter. It has light brown wood and has a rooster painted on the seat. "Made in China" and item number 260161 are

printed on a sticker under the seat. The recalled stools were sold at Cracker Barrel Old Country Store locations nationwide from February 2007 through March 2007. Please return the stools to any Cracker Barrel Old Country Store for a full refund.

- **LITTLE GIRLS' CAPRI PANTS** – Mervyns has recalled approximately 228,000 Little Girls Capri Pants with Snap Roll Cuff because the buttons inside the waistband of the pants can detach, posing a choking hazard to young children. The recall affects Ellemenno brand Capri pants sold in girls' sizes 4, 5, 6, 6x, 7, and 8, and in a variety of colors including light grey, tan, coral and light aqua blue. "VN 69047" is printed on the product care label located inside the waist of the pants. Please return the pants to any Mervyns store for a refund.

- **GE DISHWASHERS** – General Electric Consumer & Industrial has recalled approximately 2.5 million GE dishwashers because the liquid rinse-aid can leak from its dispenser onto the dishwasher's internal wiring, which can cause an electrical short, overheating, and the risk of a fire. The recall affects GE built-in dishwashers sold under the following brand names: Eterna, GE, GE Profile, GE Monogram, Hotpoint, and Sears-Kenmore. Please contact General Electric for a free repair, a \$150 rebate toward the purchase of a new GE dishwasher, or a \$300 rebate toward the purchase of a new GE Profile or GE Monogram dishwasher.

- **SEA KAYAK PADDLE FLOATS** – NRS has recalled approximately 1,000 Sea Kayak Paddle Floats because the plastic tubes used to inflate the paddle float could break and deflate, posing a drowning hazard to consumers. The recall affects NRS Sea Kayak Paddle Float, an inflatable device that is attached to one side of the paddle to help the kayaker re-enter the kayak in open water. The paddle float is yellow and black, and measures 15 inches wide by 28 inches long, before inflation. The paddle floats have inflation tubes that are clear or translucent. Please contact NRS for a free replacement paddle float.

- **OFF-ROAD MOTORCYCLES** – KTM North America Inc. has recalled approximately 20,000 off-road motorcycles because the seal around the fuel tank can loosen, allowing fuel to leak, posing a fire hazard to consumers. The recall affects Model Year 2005: 250SX-F; Model Year 2006: 200XC, 200XC-W, 250XC-W, 250SX-F, 250XCF-W, 300XC, 300XC-W, 400EXC-G, 450XC-G, 450EXC-G, and 525EXC-G; Model Year 2007: 125SX, 144SX, 250SX, 250SX-F, 450SX-F, 505SX-F, 200XC, 250XC, 300XC, 450XC, 200XCW, 250XCW, 300XCW, 400XCW, 450XCW, 525XCW, 250XC-F, and 250XCF-W. Please contact a KTM dealer for a free repair.

- **TABLE LAMPS** – Curry & Company has recalled approximately 1,500 table lamps because the light sockets have a defect which poses electrical shock and fire hazards. The recall affects Curry & Company table lamps that range in height from 26 to 34 inches. The lamps include model numbers 6037, 6038, 6039, 6040, 6043, 6044, 6045, 6046, 6047, 6048, 6632, 6633, 6685, 6913, and 6954. Please contact Curry & Company for further information on these recalled lamps.

- **VOLVO XC90 SUVs** – Volvo Cars of North America has recalled approximately 42,200 Volvo XC90 SUVs because the jack crank handle can be misplaced under a bracket that contains the battery, posing a risk of a battery short circuit and a subsequent fire (NHTSA Recall #07V-221). The recall affects the 2005 Volvo XC90 SUV. Please contact your Volvo dealer for further information on this recalled vehicle.

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Defective Product	\$5,750,000
Auto Accident	\$5,000,000
Gas Explosion	\$4,100,000
Electrical Accident	\$4,000,000
Trucking Accident	\$3,250,000
Oil Field Accident	\$2,300,000
Motorcycle Accident	\$1,800,000
Inadequate Premises Security	\$1,725,000
Loading Dock Accident	\$1,665,000
Auto Accident	\$1,520,000
Lumber Company Accident	\$1,500,000
Auto Accident	\$1,500,000
Defective Product	\$1,400,000
Railroad Crossing Accident	\$1,200,000
Auto Accident	\$1,125,000
Construction Accident	\$1,100,000

*Results obtained depend on facts of each case.

You may obtain more information about product recalls by visiting www.RobertsLawFirm.com or by calling the Consumer Product Safety Commission at 1-800-638-2772, the U.S. Department of Transportation Auto Safety Hotline at 1-800-424-9393, or the Food and Drug Administration at 1-800-332-1088.

The information in this newsletter is extracted from contemporary safety literature. The original sources are available upon request.