

ROBERTS & ROBERTS

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

SAFETY & THE LAW

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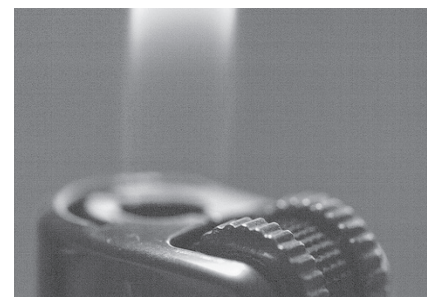
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CIGARETTE LIGHTERS

In 2004, the Consumer Product Safety Commission ("CPSC") voted to issue an Advance Notice of Proposed Rulemaking to gather information for a possible mandatory safety standard for cigarette lighters to prevent mechanical malfunction of lighters. The current voluntary safety standard for lighters addresses the risk of fire, death, and injury associated with the mechanical malfunction of lighters.

From 1997 through 2002, CPSC staff estimated that 3,015 injuries resulting from malfunctioning lighters were treated in United States hospital emergency rooms. Most of these injuries involved thermal burns to the face, hands, and fingers.



For the same time period, CPSC received 256 incident reports related to cigarette lighter malfunctions and failures. Sixty-five percent of these cigarette lighter failures resulted in fires, leading to three deaths and six serious injuries. The societal costs due to deaths, injuries, and property losses from mechanical malfunctions of lighters are about \$38 million. This estimate is based on an annual average of 2 deaths, 990 injuries, and \$500,000 in property losses estimated using CPSC's Injury Cost Model.

Researchers report that the problems with lighters usually have something to do with the manufacturing process. Many lighters have no guarding mechanism to prevent flint debris from entering the lighter during use. If the flint prevents a part called a "jet" from going all the way down, butane could escape. Sometimes the flame does not go out and continues to burn. This phenomenon can melt the lighter, and it takes little time for the entire lighter to go up in flames. A flint guard on top of the valve would stop debris. This guard would cost less than a penny per lighter.

There are approximately 900 million cigarette lighters sold in the United States each year. About 400 million of these are imported from China. The process of rulemaking for a federal standard would allow for additional fact-finding about deaths and injuries, and about industry conformance to the voluntary standard.

CHILD-RESISTANT LIGHTERS

CPSC has a mandatory standard for child-resistant cigarette lighters which addresses the hazard of children under five years old starting fires with lighters. The standard for child resistance applies to imported as well as domestically-manufactured disposable and novelty lighters.

As a result of the mandatory standard, an estimated 100 fire deaths associated with children playing with lighters were prevented in 1998 alone. Children under age five accounted for 170 of the deaths in 1994 and 40 of the deaths in 1998.

In 1994, there were 10,400 residential fires associated with children playing with lighters. By 1998, that number declined to 5,500 fires.

Even lighters with child-resistant mechanisms are not childproof, so all lighters should be kept out of the reach of children.

Roberts & Roberts is listed in the Martindale-Hubbell® Bar Register of Preeminent Lawyers™.

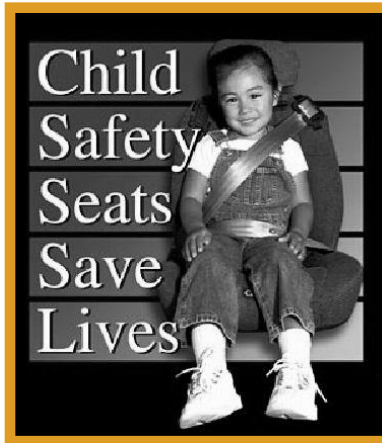
NEW RATING SYSTEM FOR CAR SEATS

The United States Department of Transportation (“DOT”) has created a new five-star government rating system to grade child safety seats. The rating will indicate how easy a seat is to properly install.

According to National Highway Traffic Safety Administration (“NHTSA”) data, seven of ten child safety seats are either the wrong size for the child or are seriously misused, which reduces their effectiveness in a crash. When properly used, child restraint systems reduce fatal injury by seventy-one percent for infants and by fifty-four percent for toddlers in passenger cars.

All car seats rated by NHTSA meet minimum federal safety standards and crash performance standards. They differ, however, in their ease of use in four basic categories.

- Securing the Child
- Vehicle Installation Features
- Evaluation of Labels
- Evaluation of Instructions



The five-star rating system helps consumers evaluate the four basic categories. Five stars represent the highest rating and one star signifies the lowest rating.

- ★★★★★ Excellent features on this child restraint for this category.
- ★★★★ Above average features on this child restraint for this category.
- ★★★ Average features on this child restraint for this category.
- ★★ Below average features on this child restraint for this category.
- ★ Poor features on this child restraint for this category.
- N/A Does not contain any features that require a rating.

DOT will continuously rate new models as they are introduced into the marketplace. A list of current rankings is available at www.nhtsa.gov/CPS/CSS/Rating/Index.cfm. To learn more about child safety seats, visit www.robertslawfirm.com.

Remember, the best car seat is the one that fits your child properly, is easy to use, and fits in your vehicle correctly. To help ensure that you have installed your car seat correctly, consider having it checked at an inspection station or by a certified child passenger safety technician.

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Our Attorneys Specialize in Representing Victims of:

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- Unsafe Equipment, Products, and Toys
- Toxic Chemical Exposures
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- Watercraft and Swimming Accidents
- Unsafe Premises
- Insurance Claims
- Industrial and Construction Accidents
- Falls, Fires, and Electrical Accidents
- Sports, Guns, and Recreational Accidents
- Professional Malpractice, including Legal Malpractice
- Oil Field Accidents
- Nursing Home Neglect
- On-The-Job Injuries

THE INITIAL CONSULTATION IS FREE.

The attorney's fee is a percentage of your recovery. You are not obligated to pay any attorney's fee, court costs, or other legal expenses unless you are compensated.

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YOUR RIGHTS IF INJURED BY THE GOVERNMENT

Question:

I was injured in an accident in which the government was at fault. Do I have any rights?

Answer:

Yes, but you must act quickly. Many adults injured in Texas know a lawsuit should be filed within two years of their injury to avoid losing their rights. Fewer people know that if their claim is against the government, they need to notify the government much sooner to avoid losing their rights.

The Texas Tort Claims Act requires that you give Texas governmental bodies written notice of your claim within six months after the accident and it specifies what must be included in that notice. If your claim is against a city, that city may have a charter or ordinance that provides shorter and more detailed notice requirements, which must be complied with as well.



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.



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 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.



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.



MICHAEL ACE

Mike attended Baylor University (B.B.A. 1980) and Baylor University School of Law (J.D. 1982). He began his legal career in 1982 with the Tyler law firm now known as Ramey & Flock. Mike has always concentrated his practice in personal injury and civil trial law. In 1990, he was awarded Certificates of Special Competence in

Personal Injury Trial Law and Civil Trial Law by the Texas Board of Legal Specialization. He has also had the privilege of serving on the Texas Supreme Court Pattern Jury Charge Committee. In 2000, Mike was credentialed by the National Mediation Academy and has served as a mediator in a variety of personal injury and civil trial matters.



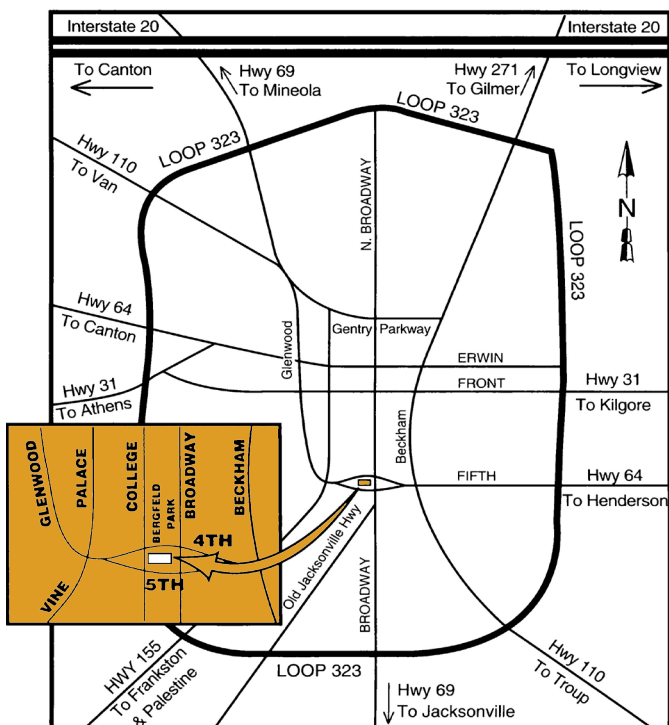
STEVEN S. SCHULTE

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.



Located beside Bergfeld Park on Broadway.



CONSUMER PRODUCT WARNINGS & RECALLS

■ **WARMING POLAR BEARS**—Avon Products Inc. has recalled approximately 113,000 “Cozy Warming Polar Bears,” a plush product that features a buckwheat-filled pouch that is heated in a microwave oven and inserted into the bear because the pouch can overheat and ignite in the microwave. The warming bears are about 17 inches long and were sold by Avon independent sales representatives from July 2007 through February 2008, for about \$13, or as part of a gift set for about \$100. Please contact Avon Products Inc. for more information relating to this recall.

■ **JCPENNEY DEEP FRYERS**—JCPenney has recalled approximately 27,000 Cooks Deep Fryers because they may have a faulty heating element that can cause the fryers to overheat, posing a fire and burn hazard. The recalled deep fryers have a brushed stainless steel exterior, a wire mesh basket with a handle, lid with window, black handles, and one-third-gallon capacity. “Cooks” is stamped on the side of the deep fryer and model number 22016 is on the bottom. They were sold at JCPenney stores nationwide from August 2007 through January 2008 for about \$50. Consumers are advised to return the recalled deep fryers to their nearest JCPenney store for a refund.

■ **POLARIS ATVS**—Polaris Industries Inc. has recalled approximately 11,300 Polaris ATVs because a retention bolt can come loose, causing the rear wheels to lock up, which poses a risk of serious injury to the rider. The ATVs affected by the recall are 2006-2008 Polaris “Outlaw” ATVs with independent rear suspension. They were sold at Polaris dealers nationwide from January 2006 through January 2008 for between \$6,900 and \$7,400. Please contact Polaris Industries Inc. for more information relating to this recall.

■ **OFF-ROAD MOTORCYCLES**—Kawasaki Motors Corp. has recalled approximately 200 Kawasaki off-road motorcycles because one or more of the motorcycle’s frame welds could be missing or made incorrectly, allowing the frame to crack or break, which poses a risk of serious injury to riders. This recall involves the 2008 green Kawasaki KLX140A8F/B8F off-highway motorcycles. They were sold by Kawasaki motorcycle dealers nationwide between January 2008 and February 2008 for about \$2,700. Consumers are advised to contact their authorized Kawasaki dealer to arrange for a free inspection and repair.

■ **TOY AIRPLANES, CARS, MOTORCYCLES**—S.U. Wholesale Inc. has recalled approximately 5,000 toy airplanes, cars, and motorcycles because they contain excessive levels of lead, which violates the federal lead paint standard. The recalled toys are “X Force Commander” toy airplanes, which include six jet airplanes in green, red, blue, silver, black, and yellow; and Super Famous Toy Cars and Motorcycles, which include a toy car in yellow or red, and a motorcycle in gray. The recalled toys were sold at Dollar Stores nationwide from September 2006 through November 2007, for about \$1. Please return the recalled toys to the store where they were purchased for a refund.

■ **FORD MUSTANG VEHICLES**—Ford Motor Co. has recalled approximately 434,600 Ford Mustang vehicles because the vehicles fail to comply with a neck injury requirement of the occupant crash protection standard. The vehicles affected by the recall are 2005-2008 Ford Mustangs. Dealers will recalibrate air bag control modules so that the air bag deploys with the proper force to protect small women.

■ **TOY SUNDAE SETS**—Battat Inc. has recalled approximately 22,000 toy sundae sets because the wooden cherries on top of the toy sundae pose a choking hazard to young children. The sets affected by the recall include six wooden scoops of ice cream, three cherries that attach to the top of the ice cream scoops, banana slices, and a spoon and bowl. The ice cream scoops are green, pink, brown, yellow, and purple, and the model number is DPCI-204-12-0526. The recalled sets were sold at Target Stores nationwide from December 2006 through December 2007, for about \$10. Consumers are advised to return the recalled sets to any Target store for a refund.

■ **RUG WARMERS**—WarmlyYours has recalled approximately 200 WarmlyYours rug warmers because the cord can come loose from the plug and cause sparks or flames, posing a fire hazard to consumers. The rug warmers affected by the recall are Comfortplus Under Area Rug Warmers, which are cream-colored, and have a nonslip pad, tan nylon edging, and a black electrical cord. The recalled rug warmers were sold in three sizes: small, medium, and large. The model numbers are UAH-3646-120, UAH-4979-120, and UAH-7999-120. They were sold by WarmlyYours retail and flooring stores nationwide, and online at various websites, for between \$200 and \$600. Please contact WarmlyYours for more information relating to this recall.

■ **ELECTRIC TOASTERS**—Salton Inc. has recalled approximately 12,000 electric toasters because they can turn on without bread in the slots and can ignite items placed on top of it, posing a fire hazard. The recalled toasters are Farberware, model FCT200 or FCT100; Hoffritz, model HZT2 and HZT2M; and Russell Hobbs, model RH2MT. The recalled models were sold online and by retail liquidators nationwide from January 2000 through December 2007, for between \$40 and \$50. Please contact Salton Inc. for more information relating to this recall.

■ **RECARO CHILD SEAT**—Recaro North America has recalled approximately 7,500 Recaro convertible child seats because the harness could disconnect from the harness connector when a child is placed in the seat. The recalled seats are Recaro Como and Signo convertible child restraints manufactured before December 18, 2007, with color model codes of 330.00 and 331.00. Recaro is issuing a safety recall kit that contains two rubber caps for installation on the harness connector, along with an instruction sheet.

■ **CADILLAC VEHICLES**—General Motors Corp. has recalled approximately 4,600 Cadillac vehicles because an indicator of the tire pressure monitoring system (TPMS) is not working as designed, which could lead to loss of control of the vehicle and an increased risk of a crash. The recall affects 2008 Cadillac STS and STS-V passenger vehicles. Dealers will reprogram the remote control door lock receiver.

■ **BMW MOTORCYCLES**—BMW of North America has recalled approximately 1,400 BMW motorcycles because the fuel lines may have been damaged during production and could develop a leak. The leak could occur through the fabric inlay at the end of the line or through a crack in the actual line, and could cause a fire. The models affected by the recall are 2007 BMW G650X Challenge, G650X Country, and G650X Moto motorcycles. Dealers will inspect and replace the fuel lines free of charge.

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*...and Getting Results!****Defective Product**
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\$5,000,000**Gas Explosion**
\$4,100,000**Electrical Accident**
\$4,000,000**Trucking Accident**
\$3,250,000**Oil Field Accident**
\$2,300,000**Auto Defect**
\$2,000,000**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.