

ROBERTS & ROBERTS

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

SAFETY & THE LAW

Spring 2008

IN THIS ISSUE:

PLAYGROUND SAFETY



LADDER-RELATED INJURIES
ARE PREVENTABLE



ANSWERS TO LEGAL QUESTIONS



CONSUMER PRODUCT RECALLS

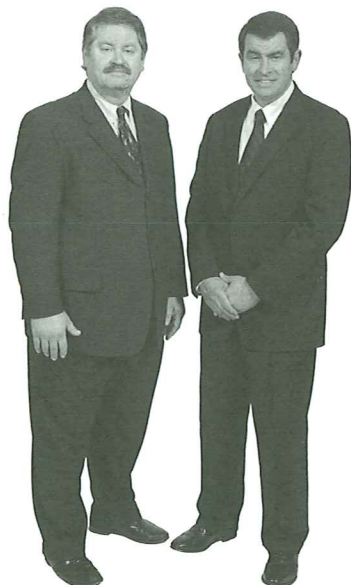
ROBERTS & ROBERTS

ATTORNEYS AT LAW

118 W. Fourth St. • Tyler, Tx 75701-4000

903-597-6000

1-800-248-6000



BRUCE L. ROBERTS

RANDELL (RANDY) C. ROBERTS

To read about us in the national media,
visit our website at www.RobertsLawFirm.com

PLAYGROUND SAFETY

Each year, approximately 50,000 children go to hospital emergency rooms with injuries related to home playground equipment. About 80 percent of the injuries occur when children fall from play equipment.

Several children die on home playgrounds each year. These deaths occur when children get entangled in and strangle from ropes, cords, or leashes attached to play equipment, or when clothing drawstrings and items worn around children's necks catch on the equipment. These deaths also occur when their heads or necks are trapped in narrow spaces, when they fall from the equipment, or when they are struck by play equipment that moves or tips.



Consumer Product Safety Commission has offered the following safety tips pertaining to playground equipment.

Choose a Site

When planning a home playground, choose a location away from roads and driveways and visible from the home. In addition, create a site free of injury-causing obstacles like fences, low overhanging tree branches, overhead wires, tree stumps and roots, large rocks, bricks, and concrete.

Select Protective Surfacing

One of the most important ways to reduce the likelihood of serious head injuries is to install shock-absorbing protective surfacing under and around playground equipment.

Anchor and Assemble Equipment Correctly

Follow the manufacturer's instructions for anchoring. Be sure anchors are buried or are covered with protective surfacing. Exposed anchors, hooks, and bolts can create tripping hazards or lead to other injuries.

For correct assembly of a play set, follow the manufacturer's instructions. For instance, install the play equipment on level ground with adequate surfacing and anchoring. Use proper hardware and tighten all connections. In addition, use lightweight swings, instead of heavy seats of metal or wood, to minimize injuries if a child is struck by a swing. To prevent other potentially hazardous conditions, check all openings on the play equipment like ladder rungs, posts, and railings, and eliminate hanging ropes of any kind.

Protect Against Falls

Because the largest single cause of visits to hospital emergency rooms for playground-related injuries is falls, be sure that all play equipment rungs, steps, and stairs are evenly spaced. In addition, play equipment should have guardrails, barriers, and handrails to protect against falls.

Maintain Play Equipment

Keeping a play set in good condition is essential to reducing injuries. You should save the manufacturer's instructions so that you may order parts that break or wear out.

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

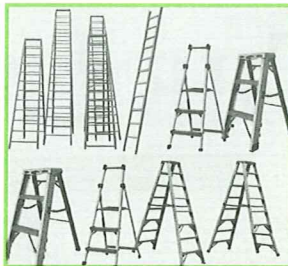
LADDER-RELATED INJURIES ARE PREVENTABLE

More than 160,000 Americans are treated in hospital emergency rooms each year for ladder-related injuries. That number has soared by 50 percent in 16 years. Many of these accidents could have been prevented if home owners had selected the proper type of ladder for their needs and observed basic safety precautions.

Extension Ladders

Best For: Reaching high points near walls, including climbing onto roofs.

Biggest Danger: Setting up the ladder improperly. If the ladder is positioned at a low angle—with the base positioned far from the wall—it may seem stable at first. However, it easily could slide back at the ground or floor level when you climb past the ladder's midpoint. Ideally, the ladder should be at a 75-degree angle from the ground or floor. If you must position a ladder at slightly less than 75 degrees, or on a slick or loose surface, tie the ladder legs to fixed objects or to stakes that are driven securely into the ground.



Stepladders

Best For: Situations where there is no wall against which to safely lean an extension ladder, and for indoor uses above eight or nine feet like changing light bulbs on a chandelier hanging in a two-story great room.

Biggest Danger: Losing your balance when using both hands for a task. Unlike an extension ladder, a stepladder cannot draw stability from a wall.

Platform Ladders

Best For: Providing a safe standing area at a fixed height. Platform ladders are similar to conventional stepladders except that they include a small platform area near the top.

Step Stools

Best For: Most indoor tasks requiring you to reach up to seven or eight feet like painting, changing lightbulbs, or reaching items stored on high shelves. When possible, use a step stool instead of a stepladder to minimize risk. The steps of most step stools are wide enough to fully support the feet.

Aluminum vs. Fiberglass

Aluminum ladders are light and easy to maneuver. They are preferable if carrying a heavy ladder around could cause you back or muscle problems. Fiberglass ladders (and wood ladders) typically weigh more than aluminum. Fiberglass ladders are preferable if you are going to be working near electrical wires. Remember, never use an aluminum ladder near power lines, and never touch power lines while on any type of ladder.

ROBERTS & ROBERTS

Our Attorneys Specialize in Representing Victims of:

- Bodily Injury and Wrongful Death
- Truck, Auto, and Motorcycle Accidents
- Unsafe Equipment, Products and Toys
- Toxic Chemical Exposures
- Unsafe Medical Devices and Drugs
- 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.

**If you know of someone who is injured, call Roberts & Roberts...
The call costs you nothing. It can mean everything.**

903-597-6000 • 1-800-248-6000

All calls are answered 24 hours a day, 7 days a week.

www.RobertsLawFirm.com



YOUR RIGHTS WHEN INJURED BY AN UNDERINSURED MOTORIST

Question:

I was injured by a driver who did not have enough insurance to cover my damages. Do I have any rights?

Answer:

Yes. You have a right to compensation under your own auto insurance policy. If your policy has a provision called "uninsured/underinsured motorists coverage," and the other driver does not have enough insurance to fully compensate you, your insurance company must pay the balance of your damages up to the amount of your policy. This insurance is also available to you if you are injured by a "hit and run" driver, or if the other driver has no insurance.

Be careful. You may lose your right to these benefits if you settle with anyone without first obtaining your insurance company's consent.



This newsletter is printed
on recycled paper.

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.



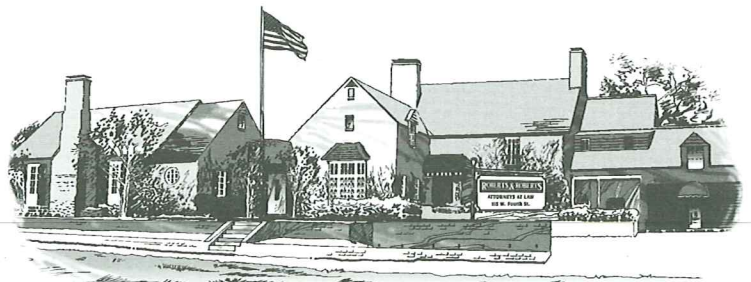
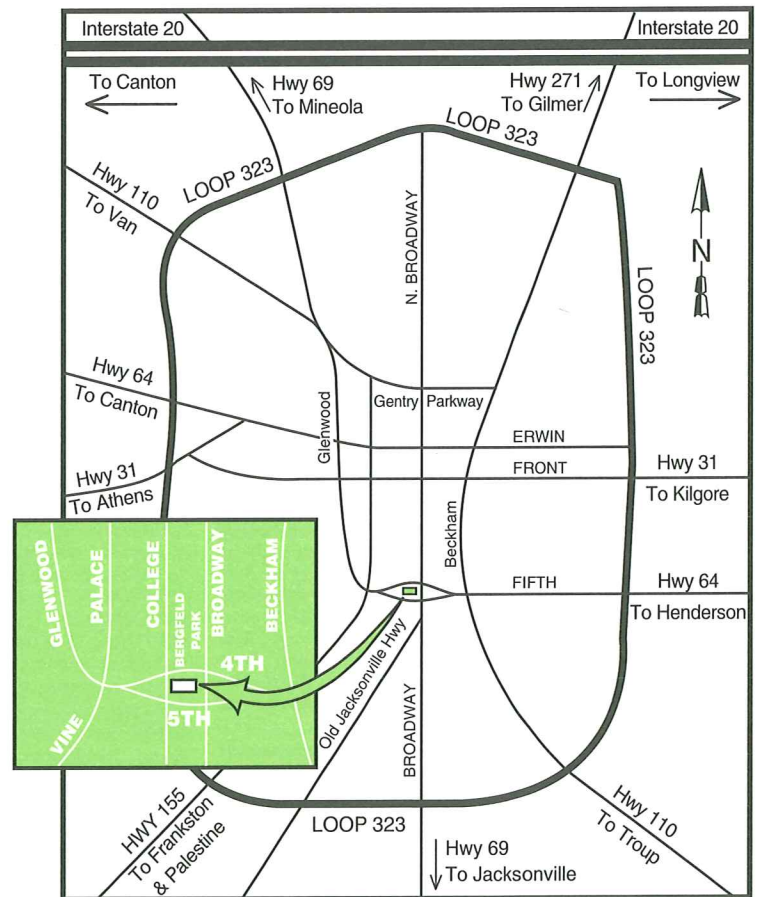
STEVEN S. SCHULTE

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.



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.



Located beside Bergfeld Park on Broadway

Return Service Requested

CONSUMER PRODUCT WARNINGS & RECALLS

■ **CHILDREN'S JEWELLED SANDALS** – Nordstrom, Inc. has recalled approximately 1,800 children's sandals because the jewel decorations on the shoes can detach, posing a choking hazard to young children. The models affected by the recall are children's Calypso jeweled sandals sold in toddler and little girl's sizes and sold at Nordstrom stores nationwide and on Nordstrom.com during February 2007. The shoes are tan and white with gold straps that have three jeweled flowers on the top. "Nordstrom" and a flower pattern are embossed on the upper sole of the shoes. Toddler sizes were sold with an ankle strap. Consumers should immediately return the recalled sandals to any Nordstrom store or Nordstrom.com for a full refund.

■ **CERAMIC COOKTOPS** – BSH Home Appliances Corp. has recalled approximately 2,000 ceramic cooktops because the cooktop can turn itself on when switched off, creating a potential fire hazard if flammable items are left on the cooktop. The cooktop has electric and induction heating elements with a black ceramic glass surface, models CIT302DS/01 and CIT362DS/01 with date codes between 8606 and 8612. The model number and date code can be found on the underside of the cooktop. The cooktops were sold at appliance and specialty stores nationwide from October 2006 through March 2007. Consumers are advised to disconnect the cooktop at the circuit breaker when not in use, never leave anything on the cooktop when it is unattended, and to contact BSH Home Appliances for a free in-home repair.

■ **BICYCLE CRANKSETS** – Cannondale Bicycle Corp. has recalled approximately 2,900 Cannondale bicycles with carbon cranksets because the cranksets could break, posing a fall hazard to users. Models affected by the recall are cranksets used on the following bicycle models. 2007 Road Bikes: Synapse Carbon SL1 Compact drive; Ironman 1, Si Carbon Standard drive; System 6 Team 1 Compact drive and Standard drive; System 6 Team 3 Compact drive and Standard drive; and Cyclocross SL1 1 Compact drive. 2007 Mountain Bikes: Taurine 1 SL and Rush Carbon 2. 2007 Framesets & Cranksets: Synapse SL Si; System 6 Team SI Ironman 613 SL; CAAD 9 Cyclocross Si; and All carbon Si road and mountain cranksets. 2008 Road Bikes: System 6 Liquegas 3 Compact and Standard Drive. All were sold at authorized Cannondale dealers nationwide from June 2006 through May 2007. Cannondale dealers will inspect the bicycle cranksets to determine if a free replacement is needed.

■ **BUTTERFLY NECKLACES** – GeoCentral has recalled approximately 19,000 Butterfly Necklaces because the metal clasp on the necklace contains high levels of lead. Lead is toxic if ingested by young children and it can cause adverse health effects. Models affected by the recall are necklaces consisting of a multicolored butterfly pendant on a multicolored seed bead 16-inch necklace. Consumers are advised to return the items to the store where purchased for a refund or to contact GeoCentral for information on how to obtain a refund.

■ **FIREWORKS** – Far East Imports has recalled approximately 13,600 missile fireworks because they can travel in an unexpected and dangerous direction, which could pose injury hazards to bystanders. Models affected by the recall are 300 Shot Saturn Missiles, a 200-gram multishot device that consists of 300 individual missiles with a single fuse for ignition. Consumers should contact Far East Imports for a replacement product.

■ **DODGE RAM** – DaimlerChrysler Corp. has recalled an estimated 5,060 pickup trucks because the fuel tank could become damaged under some crash conditions, which can cause fuel to leak and cause a fire. Models affected by the recall are 2007 Dodge Ram 2500 pickup trucks with 34-gallon fuel tanks. Dealers will install a fuel tank shield onto the front frame cross member.

■ **CRIBS** – Simplicity, Inc. has recalled approximately 40,000 cribs because the assembly instructions provided with the cribs incorrectly instruct consumers how to attach the crib's drop side. If improperly installed, the drop side can disengage from the crib, posing fall and entrapment hazards for the child. Additionally, the metal locking pins on the drop side can pop off, presenting a choking hazard. Models affected by the recall are Nursery-in-a-Box Cribs, part of the Nursery-in-a-Box furniture set which also includes a changing table and clothing organizer, model numbers 8910 and 8050 with serial numbers 3005 HY through 0806 HY. The cribs were sold at department stores and children's product stores from August 2005. Consumers are advised to contact Simplicity to receive correct assembly instructions or to download the assembly instructions from the firm's website.

■ **COUNTERFEIT TOOTHPASTE** – The Colgate-Palmolive Co. has recalled an unspecified number of counterfeit toothpaste tubes because they may contain diethylene glycol (DEG) and may also lack fluoride. Models affected by the recall are counterfeit toothpaste containing several label errors that make it easy to recognize, most significantly, one that marks it as "manufactured in South Africa." The label may also include misspellings like "isclinically," "SOUTH AFRICA," and "South African Dental Association." For more information, please contact Colgate at 800-468-6502.

■ **THERMADOR BUILT-IN OVENS** – BSH Home Appliances Corp. has recalled approximately 42,000 Thermador built-in ovens because they can have gaps in the insulation where over-heating can occur. When used in the self-cleaning mode, the heat buildup can cause nearby cabinets to overheat, which poses a fire hazard. Models affected by the recall are Thermador built-in ovens: single models C271B, C301B, SEC271B, and SEC301B; combination models SEM272B, SEM302B, SEMW272B, and SEMW302B. The recalled ovens have date codes between FD8403 and FD8701. Consumers are advised to contact BSH Home Appliances immediately for additional information.

■ **TOY BARBEQUE GRILLS** – Schylling has recalled approximately 2,300 Play Wonder barbeque grills because the circular ash tray attached to stainless steel legs of the grill could contain sharp edges, posing a laceration hazard. Models affected by the recall are Play Wonder Barbeque Grill sold at Target stores from December 2006 to February 2007 for about \$10. Consumers are advised to return the toy grills to Target for a full refund.

■ **VOLVO CARS** – Volvo Cars of North America has recalled approximately 38,700 Volvo passenger vehicles because the fuel pressure sensor on the left end of the fuel rail could transmit incorrect fuel pressure information to the engine control module. This series of events could cause the check engine light to illuminate. In addition, temperature changes and vibrations could cause the joints of the circuit board of the fuel pressure sensor to crack. Models affected by the recall are 2003-2004 Volvo S60 and V70 vehicles. Dealers will replace the fuel pressure sensor.

■ **MICHELIN MOTORCYCLE TIRES** – Michelin has recalled an estimated 20,000 Michelin front motorcycle tires because the tires could have defective treads. Models affected by the recall are Michelin Pilot Power 2CT and Pilot Power 120/70 ZR 17 (58W) front motorcycle tires manufactured in France. The company will replace the recalled Pilot Power front tires identified by a "Made in France" label and the following markings on the sidewall: DOT 6UCW 980T or DOT 6UCW 979T.

ROBERTS & ROBERTS

Nationally Recognized as
Fighting For Injured People...

CNN TEXAS SUPER LAWYERS
TIME TEXAS MONTHLY
NEWSWEEK TEXAS LAWYER
DATELINE NBC TIME ANNUAL

...and Getting Results!*

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

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.

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