

ROBERTS & ROBERTS

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

SAFETY & THE LAW

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THE TOP FIVE HIDDEN HOME HAZARDS

The home is a place that is supposed to give families a feeling of safety and security. However, for many families, an injury or death of a loved one can turn this place of happiness into one of tragedy. Each year, 33.1 million people suffer injuries related to consumer products in the home.

To keep us informed of dangers, Consumer Product Safety Commission has identified the Top Five Hidden Home Hazards involving products that people may be using everyday, but are unaware of the dangers they can cause. Simply by being aware of these Top Five Hidden Home Hazards, many lives can be spared, and life-altering injuries avoided.

1. Magnets—Since 2005, there has been one reported death, 86 reported injuries, and about 8 million magnetic toys recalled. As the number of products with magnets has increased, so has the number of serious injuries to children. In several hundred incidents, magnets have fallen out of various toys, and in several cases, have been swallowed by children. You should watch carefully for loose magnets and magnetic pieces and keep them away from younger children (less than 6 years of age). If you have a recalled product with magnets, stop using it, call the company today, and ask for the remedy.

2. Recalled Products—Each year, there are about 400 recalls for toys, clothing, children's jewelry, tools, appliances, electronics, and electrical products. But once a product gets into the home, the consumer has to be on the lookout. You should be aware of the latest safety recalls to keep dangerous recalled products away from family members.

3. Tip-Overs—There is an average of 22 deaths reported each year from tip-over incidents. Furniture, televisions, and ranges can tip over and crush young children. Deaths and injuries occur when children climb onto, fall against, or pull themselves up on television stands, shelves, bookcases, and dressers. You should verify that furniture is stable, and for added security, anchor furniture to the floor or wall. You should not leave items on top of furniture or appliances that tempt children to climb.

4. Windows and Coverings—There is an average of 12 reported deaths each year from window cords. Children can strangle on window drapery and blind cords that can form a loop. Parents should use cordless blinds, or cut looped cords, install a safety tassel at the end of each pull cord, and use a tie-down device. You should never place a child's crib or playpen within reach of a window blind.

5. Pool and Spa Drains—There were 15 injuries and 2 fatalities between 2002 and 2004. The suction from a pool drain can be so powerful that it can hold an adult under water, but most incidents involve children. The body can become sealed against the drain or hair can be pulled in and entangled. Before using a pool or spa, you should inspect it for entrapment hazards, and particularly, check to make sure appropriate drain covers are in place and undamaged.

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

BICYCLE SAFETY

Currently, only 19 states and the District of Columbia have enacted some form of helmet legislation, most of which covers riders younger than 15. Children ages 10 to 14 are at the greatest risk for traumatic brain injury.

If your child has a helmet, make sure it fits correctly. It should be worn level and cover the forehead. The straps always should be fastened. Make sure the straps are adjusted and are snug enough so that the helmet cannot be pulled or twisted around the head. If the helmet is ever damaged or involved in a crash, get a new one.

Just My Size—Hand-me-down bicycles do not work for everyone in the family. Riding a bike that is the right size goes far in keeping children safe. Use the following tips when sizing up a bike:



- The seat should be high enough for the rider to sit on and still touch the ground with the balls of his or her feet;
- The rider should be able to reach the handlebars comfortably; and
- The rider should be able to place feet flat on the ground when stopping.

Be Seen To Be Safe—Whether biking on a road or on a trail, one has to be seen to be safe. Wearing bright or reflective clothing, and using reflectors or reflective tape on bikes, help a rider's visibility. You should wear something that will not get caught in your chain. Also, wear sneakers—instead of sandals or cleats—when biking; they will help in gripping the pedals.

Sharing The Road—Bicyclists often share the road with cars. Riders should adhere to the following basic rules for both their safety and the safety of others:

- Use bike lanes or designated bike routes when possible;
- Ride on the right side of the street, traveling in the same direction as cars;
- Stop at all stop signs and obey street lights just as cars do; and
- When passing other bikers or people on the street, always pass to the left.

The most common injuries on trails are from people stopping and not letting people behind them know. It is important to follow the traffic patterns and keep it flowing. If you are passing, let people know. Use signals like you would on the road. Trails are narrow and, if you're looking at scenery, pull off to the side so that others can safely get through. If you're not paying attention to your riding, you may be interfering with someone else's riding.

ROBERTS & ROBERTS

Our Attorneys Specialize in Representing Victims of:

- | | |
|---|---|
| ■ Bodily Injury and Wrongful Death | ■ Industrial and Construction Accidents |
| ■ Truck, Auto, and Motorcycle Accidents | ■ Falls, Fires, and Electrical Accidents |
| ■ Unsafe Equipment, Products, and Toys | ■ Sports, Guns, and Recreational Accidents |
| ■ Toxic Chemical Exposures | ■ Professional Malpractice, Including Legal Malpractice |
| ■ Unsafe Medical Devices and Drugs | ■ Oil Field Accidents |
| ■ Watercraft and Swimming Accidents | ■ Nursing Home Neglect |
| ■ Unsafe Premises | ■ On-The-Job Injuries |
| ■ Insurance Claims | |

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 YOUR CAR IS A TOTAL LOSS

Question:

My car is a total loss because of an accident I had with a careless driver. His insurance company has only offered to pay me the fair market value of my car. Do I have any other rights?

Answer:

Yes. In addition to paying you the fair market value of your car, the insurance company must pay the towing and storage fee at the salvage yard. It must also reimburse you for the sales tax you will have to pay to get another car of similar value as well as for the cost of the new license plates and title. The sales tax is 6.25%. Getting new license plates will cost \$60 to \$70 and transferring title to another car into your name will cost \$28.



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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

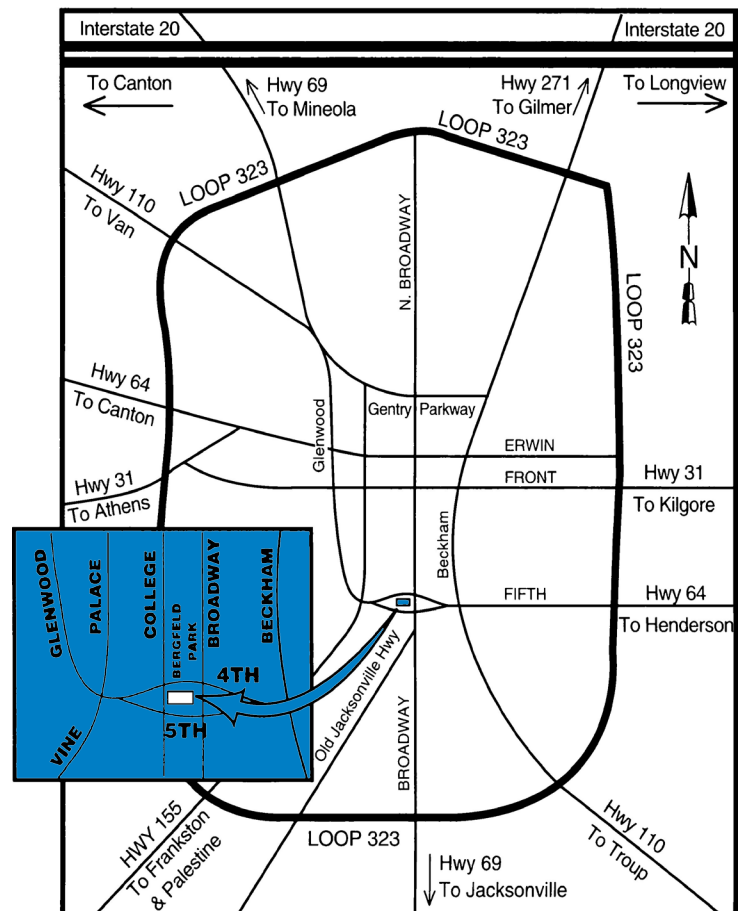
counsel. In addition to the civil clinic, Steven served as a legal research assistant for a sole practitioner in Dallas, Texas. Steven also has experience working as an extern with the United States Department of Justice, Bureau of Alcohol, Tobacco and Firearms.



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 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.

CONSUMER PRODUCT WARNINGS & RECALLS

■ **TOY BLOCKS** – eeBoo Corp. has recalled approximately 170,000 Tot Tower toy blocks because the plastic covering on the block can detach and choke a child. Models affected by the recall are Tot tower toy blocks covered in plastic laminate film and sold in sets of 10 at specialty and gift stores from January 2003 through September 2007 for about \$20. Please return the item at the place of purchase for a refund or contact eeBoo for a replacement.

■ **RED WAGONS** – Tricam Industries Inc. has recalled about 15,000 red metal wagons because the paint contains excessive levels of lead. Models affected by the recall are red metal wagons with a red steel bucket, a black handle, a black steel axle support, and black tires, bearing model number MH1250. The items were sold at Tractor Supply Co. stores nationwide from September 2002 through November 2007 for about \$30. Please contact Tricam Industries for instructions on how to return the wagon for a refund.

■ **BOYS' JACKETS** – Gap Inc. has recalled approximately 16,200 fleece-lined boys' jackets because the items have a waist drawstring with a toggle that could become snagged or caught in small spaces or doorways, posing an entrapment hazard to children. The models affected by the recall are Gap Warmest Jacket boys jacket, style number 513573. The item was sold exclusively at Gap Outlet stores nationwide from September 2007 through December 2007 for about \$50. Please contact your local Gap Outlet store for a full refund.

■ **DIGITAL TIMERS** – Intermatic Inc. has recalled approximately 8,500 digital timers because the items may have been wired incorrectly, which poses an electrical shock hazard. The models affected by the recall are Intermatic DT27 digital self-adjusting timer with a date code of 04B. The recalled product is a lamp and appliance timer and is packaged as either the DT27C Heavy Duty Digital Timer or the DT27CL Time All Digital Lamp and Appliance Self-Adjusting Timer. Retailers, including Home Depot and Lowe's, sold the timers from February 2007 through December 2007 for between \$15 and \$25. Please contact Intermatic for a free replacement.

■ **PACIFIERS** – Shims Bargain Inc. has recalled 45,000 BabyTown pacifiers because they pose a choking hazard. The models affected by the recall are BabyTown model 39864 pacifiers sold in a four-pack of assorted colors at Dollar stores from March 2004 through December 2007. Consumers are advised to return the items to the stores where they were purchased for a refund.

■ **POTTERY BARN CANDLES** – Pottery Barn has recalled about 185,000 decorative candles because they are coated with a material that can ignite. The models affected by the recall are round and egg-shaped decorative candles sold in three sizes, in green, red, and white with gold glitter and leaf designs, and sold at Pottery Barn stores from September 2007 through December 2007 for between \$10 and \$20. Consumers are advised to return the candles to Pottery Barn for a full refund.

■ **JOHN DEERE TRACTORS** – Deere & Company has recalled an estimated 5,400 John Deere tractors because the forward drive pedal can get stuck, posing a risk of loss of control and injury to the operator and bystanders. The models affected by the recall are John Deere Compact Utility Tractors, serial numbers: LV3203H000001 through LV3203H000010; LV3203H190001 through LV3203H193434; LV3203H393093; and LV3203H394001 through LV3203H396669. The serial number plate is located on the tractor's frame above the right front wheel. Consumers should stop using the recalled vehicles immediately and contact a John Deere dealer for a repair.

■ **FRAGRANT JAR CANDLES** – Wick & Petal Co. has recalled about 1,300 Wick & Petal jar candles because they can burn with a high flame, posing a fire hazard. The recalled candles have a cylindrical shape and a chrome lid. The lid has a white label with a picture of the fragrance, the fragrance name, and Wick & Petal Co. printed on it. Consumers are advised to return the candles to the place of purchase for a full refund.

■ **MAGNETIC BUILDING SETS** – Battat Inc. has recalled an estimated 125,000 magnetic building system sets because magnets inside the building pieces can fall out and can be swallowed or aspirated by young children. The models affected are Battat Magnabild magnetic building systems: 293-piece, item number BB1502H, and 180-piece, item number BB1431H, sets. Please contact Battat Inc. for a free replacement product.

■ **HONDA MOTORCYCLES** – American Honda Motor Co. has recalled approximately 25,500 motorcycles because some may have improperly welded vent pipes in the bottom of the fuel tank. The models affected by the recall are Honda CBR1000RR motorcycles from the 2006-2007 model years. Please contact your local Honda dealer for an inspection and replacement of the fuel tank.

■ **MERCEDES BENZ DIESEL PASSENGER VEHICLES** – Mercedes Benz USA LLC has recalled 9,000 passenger vehicles with diesel engines because the crankshaft sensor could fail due to separation of bond wires from the lead frame in the sensor, resulting in an interruption in the electrical connection in the chip housing of the sensor. When this happens, the vehicle may lose power rather than enter a limp-home mode. Additionally, the vehicle cannot be restarted after failure of the electrical connection in the sensor, increasing the risk of a crash. The models affected by the recall are 2007 Mercedes Benz E211, GLX164, M164, and R251 with diesel engines. Please contact your Mercedes dealership for more information.

■ **MOTORCYCLE HELMETS** – VCAN International has recalled approximately 29,000 VCAN and Outlaw motorcycle helmets because they do not comply with the penetration, strap retention, and labeling requirements of the safety standard for motorcycle helmets. In the event of a crash, the wearer of one of these helmets may not be adequately protected and become seriously injured. The models affected by the recall are V530, sizes XS, S, M, L, XL, and XXL. VCAN will notify owners and replace the helmet.

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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.