

ROBERTS & ROBERTS

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

SAFETY & THE LAW

Summer 2009

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ROBERTS & ROBERTS

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STEVEN S. SCHULTE • MICHAEL ACE

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EXTENSION CORD SAFETY

When selecting an extension cord for use with a power tool or high-powered machine, cord length is not the only thing that should be considered. Improper use of extension cords can easily cause appliances to overheat and can lead to a fire.

Before choosing a cord, check the gauge. The gauge of a wire relates to its thickness and the total wattage rating that the cord can handle. Thicker cords can power higher wattage appliances and will be marked with a lower gauge rating. The current capacity of the cord also diminishes with length.



The wattage necessary to power a tool should be indicated either on the tool itself or in the manufacture's booklet. If you are using one extension cord to power two tools, be certain to add the wattage rating of both tools together to determine the necessary gauge for your cord.

In addition, be sure that the extension cord you select is suitable for outdoor work. Using an indoor cord outdoors could lead to electric shock and create a fire hazard.

The following are additional extension cord safety tips from the National Safety Council:

- Always look for an independent testing laboratory's certification mark on the extension cord, which indicates that the cord has been tested for safety.
- Store all cords indoors when not in use; outdoor conditions can lead to deterioration over time.
- Always unplug extension cords when not in use; the cord will continue to conduct electricity as long as it is plugged into the wall.
- Inspect extension cords before use, and discard any that are cut or damaged. Even a single exposed wire can lead to severe burns and a potential fire.
- Most cords have polarized plugs—one blade that is wider than the other. These are designed to prevent electric shock by properly aligning circuit conductors. If a plug does not fit, do not force it. Instead, have a qualified electrician install a new outlet.

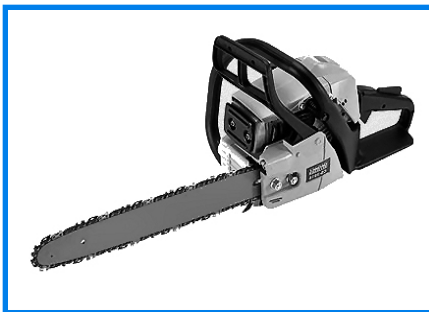
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OPERATING CHAINSAWS SAFELY

Chainsaws can be a great labor-saving tool to clear debris after a disaster. But if not operated properly and with respect, they can cause severe injury and death.

If you are not familiar with using and maintaining a chainsaw, read your owners manual, consult a more detailed publication, or ask a dealer for more information.

Follow these steps, from the Federal Emergency Management Agency, to help protect yourself and others from chainsaw-related injuries. Remember, safety features cannot substitute for knowledge.



- Look for anti-kick nose guards, quick-stop brakes, and wraparound hand guards on any chainsaw you use. Kickback accounts for almost one-third of all chainsaw accidents.
- Wear snug-fitting protective equipment including goggles, a face and head mask, ear protection, gloves, boots, and heavy-duty clothing, and wear all protective equipment properly.
- Do not overreach or cut above shoulder height; it is very difficult to control the chainsaw in awkward positions.
- Do not operate a chainsaw in a tree or from a ladder unless you have been specifically trained and are equipped to do so.
- When cutting a spring pole or other tree under stress, permit no one but the feller to be closer than two tree lengths when the stress is released.
- Do not operate a chainsaw when tired, if you have been drinking alcohol, or if you have been taking prescription medication or non-prescription drugs.
- Do not smoke while refueling your chainsaw. Move the chain saw at least ten feet away from the fueling point before starting the engine.
- Use gasoline powered chainsaws only in well-ventilated areas.
- Sharpen the saw regularly.

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Our Attorneys Specialize in Representing Victims of:

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| • 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 |
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| • Insurance Claims | |

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YOUR RIGHTS IN REPAIRING YOUR CAR

Question:

My car was damaged in an accident and I need to get it repaired. The insurance company is trying to tell me where to get my car repaired. It is also insisting that I use reconditioned and non-factory made parts. Do I have any rights?

Answer:

Yes. Texas has a "freedom of choice law" for auto repairs covered under an insurance policy. It prevents an insurance company from restricting your right to select the mechanic or the repair shop that fixes your car. This law also prohibits an insurance company from specifying the brand, type, kind, age, or condition of the parts that are used to repair your car.



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.



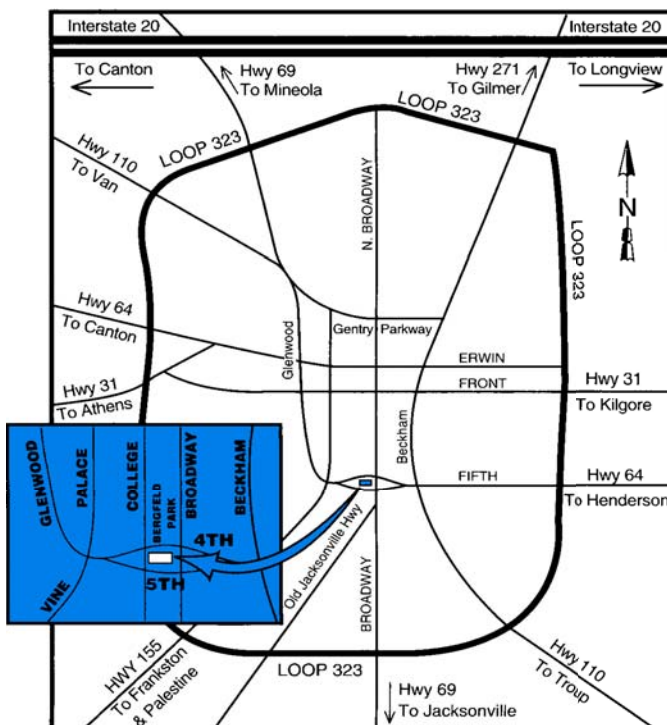
STEVEN S. SCHULTE

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.



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CONSUMER PRODUCT WARNINGS & RECALLS

■ **ELECTRIC BLOWERS**—Toro Company has recalled approximately 900,000 electric blowers because the impeller, a rotating component, can break and cause pieces of plastic to fly out of the blower. The model affected by the recall is the Toro Power Sweep electric blower model 51586, manufactured between 2000 and 2002, with serial numbers ranging between 000055100 and 220255609. The blowers were sold from January 2000 through late December 2002 for about \$32. Please contact Toro Company for a replacement blower.

■ **HOCKEY HELMETS**—Reebok-CCM Hockey U.S. Inc. has recalled an estimated 1,000 hockey helmets because the chin strap can unexpectedly disengage while in use. This recall involves models RBK and CCM brand hockey helmets. These recalled helmets have a HECC sticker with date code JUN 2013. They were sold from May 2008 through July 2008 for between \$80 and \$200. The Consumer Product Safety Commission (CPSC) has advised consumers to return helmets to the place of purchase for a free replacement.

■ **BUGGY STROLLERS**—Regal Lager Inc. recalled an estimated 1,600 buggy strollers because the frame handle could fail to latch properly and break, posing a fall hazard to small children. Models affected by the recall are Phil & Ted's Dash Buggy strollers, article #7-1080005 (red), and article #7-10080005 (black). These models come with a metal frame with three wheels, a cloth seat, and a canopy. They were sold from July 2008 through September 2008 for between \$500 and \$600. Please contact Regal Lager Inc. for a replacement stroller frame.

■ **MINI COOPERS**—BMW of North America has recalled approximately 28,450 Mini Cooper S cars for an exhaust pipe condition that can cause burns. Models affected by the recall are 2007-2008 Mini Cooper S vehicles. Consumers are advised to contact Dealers of the Mini Cooper S vehicles, who will replace the tailpipe extension with a new, shortened version.

■ **OFFICE CHAIRS**—Teknion LLC has recalled an estimated 60,000 office chairs because bolts holding the seat to the frame can loosen and separate, posing a fall hazard to consumers. Models affected by the recall are all Contessa office chairs shipped prior to June 30, 2008. They were sold from January 2004 through June 2008 for between \$1,470 and \$1,625. Consumers are advised to contact a Teknion dealer for a free repair if any of the four bolts are loose or missing.

■ **CRIBS AND FURNITURE**—Munire Furniture Inc. has recalled about 3,000 cribs and 6,000 matching furniture pieces because the red paint underneath the black finish paint on some of the cribs and matching furniture exceeds federal lead limits. Models affected by the recall are Newport Rubbed Black 4-in-1 cribs and matching wood furniture, which were sold from April 2006 through November 2008 for about \$600 for the crib and between \$700 to \$1000 for the matching furniture pieces. Additional accessories were sold for about \$170. Please contact Munire Furniture Inc. for replacement coupons to exchange the products for another product free of charge.

■ **HIGH CHAIRS**—Evenflo Company Inc. has recalled an estimated 95,000 high chairs because plastic caps and metal screws on both sides of the high chair can loosen and fall out, posing both fall and choking hazards to children. Models affected by the recall are Evenflo Majestic high chairs made before January 23, 2007, and sold from January 2006 through May 2007 for between \$80 and \$110. Consumers are advised to contact Evenflo for a free repair kit.

■ **SKI BINDINGS**—Atomic Skis USA has recalled approximately 125,000 ski bindings because the heel housing can crack and release the bindings unexpectedly, which can cause the skier to lose control or fall and suffer injuries. The recall includes heel components of these Atomic alpine ski bindings: Race 310, Race 412, RaceRace 310, RaceRace 412, Xentrix 310, Xentrix 311, Xentrix 412, C310, C311, C412, CR310, CR412, R310, R412, SX310, SX412, Device 311, Device 412, Centro 310, Centro 412, and Dynamic ADX 312, RD10, X412, and Centro 412. The bindings were sold at authorized Atomic USA ski dealers from 1998 through 2005 for between \$150 and \$350. Please contact an Atomic USA ski dealer for an inspection and a free repair, if needed.

■ **COOKWARE SETS**—Fingerhut has recalled approximately 9,000 cookware sets because the handles can break, posing a burn hazard to consumers. Models affected by the recall are Chef's Mark 15-piece cookware sets with model number 515 and Fingerhut product code H663. The sets were sold from January 2008 through October 2008 for about \$80. Please contact Fingerhut for a free repair kit.

■ **LAND ROVER VEHICLES**—Land Rover has recalled more than 19,100 Land Rover Range Rover vehicles because they may have misaligned front drive-shafts that can lead to a loss of ability to drive the vehicle. Models affected by this recall are 2003-2005 Range Rover vehicles. Consumers are advised to contact Land Rover Range Rover dealers, who will install a revised design of the propeller shaft, the flange kit, and heat shield kit.

■ **KAWASAKI MOTORCYCLES**—Kawasaki Motors Corp. has recalled approximately 4,700 Kawasaki motorcycles because trapped road debris may interfere with free movement of the rear brake pedal, preventing full release of the rear brake and a risk of overheating damage and brake failure. Models affected by this recall are 2008 models of Kawasaki ZG1400A8F/A8FL and ZG1400B8F/B8FL motorcycles. Customers may contact Kawasaki for a reimbursement. (Kawasaki has not yet provided a remedy plan)

■ **COOPER TIRES**—Cooper Tire & Rubber Co. has recalled approximately 1,700 Cooper CS4 Touring (VR) tires because they may have been cured for an inadequate amount of time. The condition can lead to tread separation, which can lead to a loss of vehicle control and a crash. Models affected by this recall are Cooper CS4 Touring (VR) tires, size 215/55R17, produced between September 7, 2008, and October 11, 2008. Please contact Cooper Tire & Rubber Co. for a replacement, mounting, and balance of any defective tire.

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.

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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

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.*

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