

ROBERTS & ROBERTS

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

SAFETY & THE LAW

Winter 2008

IN THIS ISSUE:

THE POISONING HAZARD
ASSOCIATED WITH PORTABLE
GENERATORS



ALL-TERRAIN VEHICLE SAFETY



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 • SEAN W. HESTER
RANDELL (RANDY) C. ROBERTS
STEVEN S. SCHULTE • MICHAEL ACE

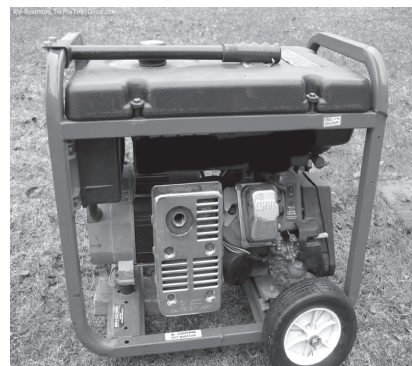
To read about us in the national media,
visit our website at www.RobertsLawFirm.com

THE POISONING HAZARD ASSOCIATED WITH PORTABLE GENERATORS

According to the Consumer Product Safety Commission ("CPSC"), in 2005, at least fifty-five people died of carbon monoxide poisoning associated with portable generators.

The exhaust of engine-driven generators contains toxic levels of carbon monoxide. One running portable generator can produce as much carbon monoxide as hundreds of idling cars.

Low to moderate carbon monoxide exposure may cause headaches, fatigue, and nausea, while exposure to extremely toxic levels of carbon monoxide will quickly cause symptoms of disorientation, confusion, loss of consciousness, and ultimately, death.



To alert consumers to the carbon monoxide poisoning hazard associated with portable generators, CPSC developed a new warning label for these products. The label emphasizes that using portable generators indoors will lead rapidly to death.

Underwriters Laboratories has adopted the same label in its new procedures for certifying portable generators. Any manufacturer that wants the Underwriters Laboratories certification must place the new warning label on its generators. In addition, to be certified by Underwriters Laboratories, generators must have ground fault circuit interrupters to help prevent electrocution.

You should adhere to the following safety tips to help protect you from carbon monoxide poisoning.

- Never use a portable generator indoors, including in the home, garage, basement, shed, or any partially-enclosed area—even an area with ventilation. Because of the extremely high carbon monoxide levels present in generator exhaust, opening doors and windows or using fans will not prevent carbon monoxide build-up indoors.
- Only use a portable generator outdoors in a dry area, far away from doors, windows, air conditioning units, and vents which can allow carbon monoxide to come indoors.
- Install battery-operated carbon monoxide alarms or plug-in carbon monoxide alarms with a battery backup in your home. You should also test the alarms frequently and replace dead batteries.
- Plug appliances into heavy-duty, outdoor-rated extension cords before plugging the extension cords into the generator.
- Because carbon monoxide from generators can rapidly lead to full incapacitation and death, you should get to fresh air immediately if you start to feel dizzy or weak.

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

ALL-TERRAIN VEHICLE SAFETY

Too many All-Terrain Vehicle ("ATV") riders—young and old—are dying or are experiencing life altering injuries from incidents involving ATVs.

An estimated 740 people died in 2003 in incidents associated with ATVs. In 2004, there were an estimated 136,100 emergency room treated injuries associated with ATVs. About a third of all deaths and injuries involved victims under 16 years old. The Consumer Product Safety Commission ("CPSC") has reported that ridership has continued to grow, with 6.2 million four-wheeled ATVs in use in 2003.



The major ATV manufacturers agreed in Consent Decrees in 1988, and in subsequent voluntary action plans, that they would not manufacture three-wheel ATVs, that they would place engine size restrictions on ATVs sold for use by children under 16, and that they would offer driver-training programs.

CPSC recommends that all ATV riders adhere to the following safety tips every time they ride an ATV.



Children and young people under the age of 16 should not ride adult ATVs.



All ATV-riders should take a hands-on safety training course.



Always wear a helmet and safety gear such as boots and gloves while on an ATV.



Never drive an ATV on paved roads, and never drive an ATV while under the influence of drugs or alcohol.



Never drive a single-rider ATV with a passenger, and never ride these vehicles as a passenger. There are some ATVs that are designed for two riders. Passengers on tandem ATVs should be at least 12 years old.

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 RIGHT TO COMPENSATION FOR LOSS OF USE WHEN YOUR CAR IS BEING REPAIRED

Question:

My car is at the garage being repaired by the other driver's insurance company. Am I entitled to be compensated for the loss of the use of my car, even though I do not need to rent another car?

Answer:

Yes. The law provides that you are entitled to compensation for the loss of the use of your car while it is being repaired. This is the reasonable rental value of a substitute car.

You do not have to rent a replacement or actually spend money for alternative transportation to be entitled to compensation for the loss of the use of 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.



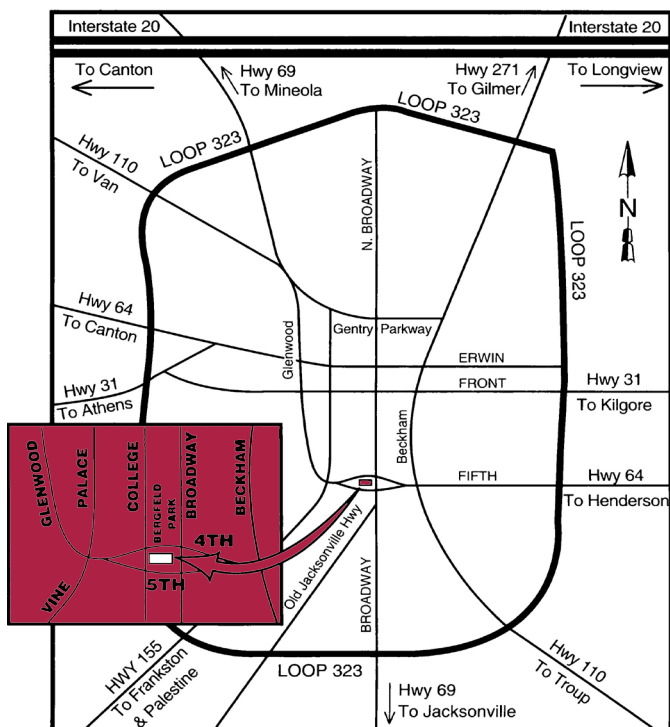
STEVEN S. SCHULTE

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.



Located beside Bergfeld Park on Broadway.



CONSUMER PRODUCT WARNINGS & RECALLS

■ **BICYCLES**—Electra Bicycle Company LLC has recalled approximately 9,500 bicycles because interior alignment tabs of the chain guard can be pushed against the chain, causing it to derail, which poses a risk of injury to riders. The models affected by the recall are The Classic 3, Original 3, Royal 8, and Sport 3. They were sold by authorized Electra Bicycle dealers nationwide from January 2007 through June 2008 for between \$400 and \$850. Please contact Electra Bicycle Company for more details relating to this recall.

■ **INDOOR LIGHTING FIXTURES**—Lithonia Lighting has recalled approximately 1,200 indoor lighting fixtures because a thermal protector could be missing, posing a risk of overheating and fire. The recalled lighting fixtures are ceiling-mounted "downlight fixtures". The fixtures were sold at electrical distributors and by electrical sales representatives nationwide from April 2007 through May 2008 for between \$60 and \$80. Please contact Lithonia Lighting for a free replacement fixture.

■ **REMOTE-CONTROL TOYS**—Redcat Racing has recalled approximately 1,400 remote-control toys because the remote-control unit can lose its signal, causing the toy vehicle to lose control, which poses a risk of injury to the user or bystanders. The recalled toys were sold in an assortment of body types and colors by dealers nationwide from March 2007 through April 2008 for between \$260 and \$400. Please contact Redcat Racing for a replacement remote control.

■ **PAINTBALL GUN REMOTE LINE ADAPTERS**—Real Action Paintball Inc. has recalled approximately 2,000 Paintball Gun Remote Line Adapters because they can burst when overtightened, posing serious impact and laceration hazards to consumers. The recalled model has a black cylinder used to connect a paintball gun to a pressurized CO2 tank. The adapters were sold online at www.RAP4.com from October 2006 through April 2008 for about \$40. Please contact Real Action Paintball Inc. for a free replacement adapter.

■ **PARACHUTE FIREWORKS**—Fireworks Over America has recalled approximately 84,250 parachute-with-streamer fireworks because they can become entangled in overhead power lines. The model affected by the recall is an Oh Chute Parachute with Streamer Fireworks in a light blue cylinder with white clouds (Model No. FOA #2085). They were sold by various fireworks stores nationwide from April 2007 through June 2008. Please contact Fireworks Over America for a refund.

■ **HONDA MOTOR CO. INC.**—American Honda Motor Co. Inc. has recalled approximately 42,000 Honda all-terrain vehicles because if the rubber CV (constant velocity) boots are punctured or torn, the joint will become contaminated and severe binding could occur, resulting in the sudden loss of steering control and posing a risk of injury or death to riders. The recall includes Model Year 2007-2008 Honda TRX420 ATVs, also known as the Honda FourTrax Rancher 4X4. They were sold by Honda ATV dealers nationwide from January 2007 through May 2008 for between \$5,300 and \$5,600. Honda is notifying registered owners.

■ **SUNL ATVS**—SunL Group Inc. has recalled approximately 144 SunL youth ATVs because they lack front brakes, a manual fuel shut-off, and padding to cover the sharp edges on the handlebar assembly. The ATVs were sold without a tire pressure gauge or adequate flag pole bracket, which could cause young drivers to lose control. The recall pertains to SunL SLA90 ATVs, which were intended for children between 12 and 15 years old. They were sold by SunL Group dealers nationwide and web retailers from May 2005 through March 2007 for between \$400 and \$500. Please contact SunL Group for instructions on how to receive a full refund.

■ **PROPANE STORAGE TANKS**—American Welding & Tank LLC has recalled approximately 11,000 conversion underground propane storage tanks because rust inside the propane tanks can cause an odor to fade, which is designed to alert customers of propane leaks. The recalled models include 120 gallon to 1,000 gallon underground propane storage tanks which were previously converted from aboveground to underground storage tanks between January 2005 and April 2008. Retail propane companies have been notified of the recall and consumers will be contacted.

■ **WOODEN TOYS**—Earthentree has recalled approximately 375 wooden toys because they have small parts, or they can break into small parts, posing a choking hazard. The recalled toys violate the federal rattle standard, and some of the toys also have a string longer than 12 inches, which can pose a strangulation hazard to young children. The recalled toys were sold on Earthentree's website and at fairs, trade shows, and retail stores nationwide from December 2007 through May 2008 for about \$7 to \$34. Please contact Earthentree for an exchange or refund.

■ **CHRYSLER VEHICLES**—Chrysler has recalled approximately 5,500 Chrysler 300, Dodge Charger, and Magnum vehicles to fix a manufacturing glitch that could cause a nut to loosen and detach from the wheel. The recall affects 2008 Chrysler 300, Dodge Charger, and Magnum vehicles. Dealers will replace the rear axle hub nuts.

■ **NISSAN SENTRA VEHICLES**—Nissan North America has recalled approximately 170,000 Nissan Sentra vehicles to fix a brake master cylinder problem that can cause the brake fluid to leak, the brake warning light to illuminate, and failure of the brake circuit. The models recalled are 2007-2008 Sentra vehicles equipped with Robert Bosch master cylinders. Dealers will inspect the master cylinder/break booster assembly. If brake fluid leakage is detected, dealers will replace the master cylinder with a new one.

■ **RADIAL SPORT TIRES**—American Pacific Industries has recalled approximately 4,740 Spector Advanta radial sport utility vehicle tires for a defect in the rubber on the bead area that could cause the tires to lose air pressure while the vehicle is being driven. The recalled models are Spector Advanta SUV Rowl radial light-truck tires manufactured between February 3 and March 1. Please contact American Pacific Industries for further information relating to this recall.

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.