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Know your rights.
Learn how to
protect yourself
and your family.

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CLAIMS/CASES

- Automobile Accidents
- Dangerous Products
- Medical Malpractice
- Nursing Home Negligence
- Industrial Accidents
- Construction Accidents
- Recreational Accidents
- Explosions, Electrocutation
- Insurance Claims
- ...and many others.

U.S. News & World Report ranks MMMPA one of the top law firms in the country!

Every year, one of the most respectable news agencies and publications in the nation, *U.S. News & World Report*, publishes the results of a national survey of the nation's top law firms. Recently, *U.S. News* reported that **Monsees, Miller, Mayer, Presley & Amick, P.C.**, ranks as one of the top law firms in the country.

Law firms are ranked and evaluated in a number of categories, including medical malpractice and personal injury litigation. MMMPA is ranked in the highest category both regionally and nationally. This is an honor for which each attorney and employee deserves credit. The approach at MMMPA is a team approach to providing the finest in legal services. This honor also reflects MMMPA's conscientious and caring approach to our clients' needs.

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When the dog



Who is liable when a dog bites? Typically, the dog owner is responsible for severe personal injuries caused by a dog. The owner or his/her insurance company usually must compensate the victim for injuries. Owners and dog-bite victims should note the following:

- State dog-bite statutes are known as "strict liability" statutes. This means that the victim does not have to prove negligence on the part of the owner, just that she/he owns the dog that bit the victim.
- Where there is no statute, the "one bite" rule often applies. Basically, this means that if the dog bit anyone before, the owner is on notice that the dog is a bite risk and the owner must take appropriate precautions—for example, making sure the dog is fenced, on a leash, and restrained from running free. In these cases, the victim must prove that the dog owner knew about the dog's bite history.
- Dog fighting is illegal, but if the dog is a fighter and known to be so, the owner must protect the public from him.

About 4.7 million people suffer dog bites every year, and approximately 800,000 require medical attention. Protect your rights and understand your liability in the event of a dog bite by contacting our office.



REFERRALS

We want you to think of us as your law firm. If you have legal matters that need attention, please let us know. If we cannot handle the matter, we will refer you to a firm that can. Please feel free to refer us to your family, friends, and neighbors for their legal needs. We welcome the opportunity to help.

Good people who happen to be good lawyers.

HOW TO GET YOUR **medical records**

Your medical records are among the most important pieces of information that you will need if you are the victim of a personal injury. Your medical records prove that you sustained the injury, and your case will hinge on what these records say about your condition. It may not always be easy to retrieve these records.

The federal Health Information Portability and Accountability Act (HIPAA) gives patients the right to copies of their medical records from any medical provider, with a few exceptions. Under HIPAA, you are entitled to your own records, someone else's records if you are their representative or legal guardian, your children's medical records, and, in some cases, a deceased person's records. Under HIPAA, you should receive your records within 30 days of your request. The provider is allowed to charge a fee for copying the records. If you want to see the original records, they must show them to you, but they are only required by law to give you a copy, not the originals.

It is often advisable to get copies of your medical records as soon as possible. Our office can assist you, or you can do it yourself.



KEEP IN MIND:

- Your request should be in writing, and you should keep a copy of it.
- You must fill out a release form—HIPAA rules require it.
- You will need to include personal information in the request, including name, address, date of birth, and possibly Social Security Number.
- You should give the dates of the records you want, especially hospital records.
- Discuss with your attorney which records are important to your case.
- Carefully review your records to make sure they are complete and accurate. Errors can be made and it is up to you to correct any inaccuracies.



Emotional damages

Among the types of damages that can occur as a result of an accident, the best known are physical injuries and property damage. Less well known, and sometimes more difficult to prove, are emotional damages. You may hear these referred to as “pain and suffering.”

Pain and suffering, and emotional distress are considered “noneconomic” damages. Often to be eligible for pain and suffering, and emotional-distress damages, you have to have endured physical injury requiring medical care; you can't just be upset by the accident.

There is the stress and strain of suffering the pain, as well as the treatment of the injury, along with the emotional trauma of the accident itself, and the anxiety and depression that can accompany a prolonged recovery or a permanent disability.

While there are genuine reasons for emotional distress, there is no clear proof of how much, if any, emotional distress you suffered. To protect your rights and maximize your damages for emotional distress, you should:

- **Visit a psychiatrist or other specialist** who can give you a diagnosis and testify to the emotional distress you endured. If you have been diagnosed with something like posttraumatic stress disorder based on your emotional distress, you have a better chance of recovering more damages for it.
- **Keep a record of incidents that demonstrate your distress.** For example, if you cannot sleep or if you are having flashbacks to the accident, write this information down in a journal, along with the date and time and other details, so you can present it to a jury or to the insurance company.

Be Aware of Recalls

Protect your family!

Baja Motorsports mini-bikes and go-carts

Recall reasons: Gas caps can leak or detach from the fuel tank, causing a fire and burn hazard, and the throttle can stick due to an improperly positioned fuel line and throttle cable, causing sudden acceleration.

Models recalled:

Baja Motorsports mini-bikes with model numbers on the fenders and/or decorative fuel tanks beginning with HT65, MB165, WR65, MB196, DB30, WR90, and DR90.

Baja Motorsports go-carts with model numbers BB65, SD65, DN65, and TR65 on the roll cage.

Made in China; sold for between \$200 and \$2,000.

Take action:

Do not use these vehicles.

Contact Baja Motorsports for a free replacement gas cap and to schedule a free repair of the fuel line and throttle cable—(888) 863-2252 between 10 a.m. and 7 p.m. ET, M-F; or www.bajamotorsports.net.

Kawasaki 2010 KLX110 off-road motorcycles

Recall reason: Faulty ignition-switch housing can allow water to enter and activate the electric starter, posing a serious hazard of injury or death.

Models recalled:

Kawasaki off-road motorcycles in green color, 2010 model year KLX110CAF and KLX110DAF.

Made in Thailand; sold for about \$2,100.

Take action:

Stop using these vehicles immediately.

Contact a local Kawasaki Motorcycle dealer to schedule a free repair—(866) 802-9381 between 8:30 a.m. and 5 p.m. PT, M-F; or www.kawasaki.com.

Husqvarna riding lawn tractors

Recall reason: Fire hazard caused by fuel line that can come in contact with moving parts when the tractor is in use.

Models recalled:

GTH27V52LS lawn tractors with model numbers 96043009100 and 96043009900, with serial numbers 010810A00XXXX through 05061000XXXX.

Made in U.S.A. for about \$3,000.

Take action:

Stop using the recalled riding tractors immediately.

Contact Husqvarna toll-free at (877) 257-6921 between 8 a.m. and 8 p.m. ET, Monday-Friday, and between 8 a.m. and 3 p.m. ET, Saturday.



Folding wooden chairs

Recall reason: The wooden frame of the chairs can break, posing a fall hazard to consumers; injuries include back and shoulder pain, sprains, and contusions.

Description: HD Outdoor is printed on the chair's packaging.

Sold at: Kroger, Fred Meyer, Ralphs, Fry's, Smith's, Dillon's, Gerbes, City Market, and Baker's stores nationwide. Made in Taiwan; sold for \$50 each, or in a 3-piece set for \$130.

Take action:

Return chairs to the store where purchased for a full refund.

Call importer Kroger Co. at (800) 632-6900 between 8 a.m. and 9 p.m. ET; or www.kroger.com.



RETURN SERVICE REQUESTED

Our Martindale-Hubbell rating

Monsees, Miller, Mayer, Presley & Amick has earned an AV rating, the highest possible, in the *Martindale-Hubbell® Law Directory* for our legal capabilities and devotion to professional ethics. Since Martindale-Hubbell bases assessments on surveys of members of the bar and of judges, we take pride in our colleagues' recognizing and respecting the quality of our legal work.

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The information included in this newsletter is not intended as a substitute for professional legal advice. For your specific situation, please consult the appropriate legal professional.

Dangers of all-terrain vehicles

All-terrain vehicles, or ATVs, are half-ton four-wheelers that doctors consider to be the cause of a deadly public-health epidemic in North America.

There has been an 88-percent jump in children killed by ATVs, according to ABC News, and thousands of youngsters are paralyzed or seriously injured in ATV crashes every year.

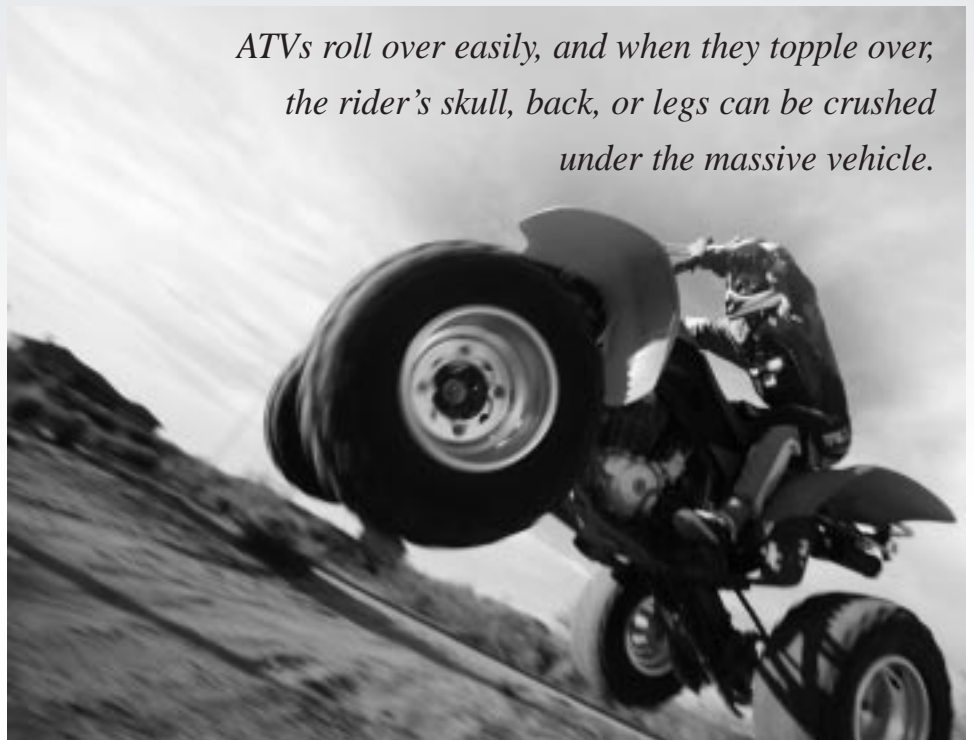
The statistics so alarmed the American Academy of Pediatrics and American Academy of Orthopedic Surgeons that the physician groups adopted formal policies that state that children under age 16 should not be allowed to drive ATVs because they lack the motor skills and abilities to safely control the vehicles.

ATVs roll over easily, and when they topple over, the rider's skull, back, or legs can be crushed under the massive vehicle.

They're designed for one rider, but many kids double up. In an accident, the passenger has no built-in protection. That's what happened to a 15-year-old South Carolina girl. She hopped on the back of a friend's ATV for a spin around the block. They hit some mud, and she was thrown off and paralyzed.

The biggest reason why they're so

ATVs roll over easily, and when they topple over, the rider's skull, back, or legs can be crushed under the massive vehicle.



dangerous: 90 percent of children ride adult-size ATVs, and they are not strong enough to steer the monster machines.

What's being done? Massachusetts passed the toughest law on ATV riding in North America called "Sean's Law," after 8-year-old Sean Kearney, who died in a crash. It bans anyone under age 14 from riding an ATV. The law also requires that people 14 and over must

take an ATV training course before they hop onto one. Safety advocates are hoping states across the country adopt this ban.

Driver or passenger errors are not the only causes of ATV crashes. Some crashes are caused by design defects, so it is important to protect your rights after an ATV incident by calling us to discuss your legal remedies.