



WATSON, JIMMERSON, MARTIN, McKINNEY, GRAFFEO & HELMS, P.C.

Attorneys At Law



SPRING 2008

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Watson, Jimmerson,
Martin, McKinney, Graffeo
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Attorneys At Law

Herman Watson, Jr.
Donald R. Simms, Jr. (1955-1984)
Joseph A. Jimmerson
M. Clay Martin
Rebekah Keith McKinney
C. Anthony Graffeo
Tara L. Helms
Eric James Artrip
Frank S. Ward
Of Counsel: George K. Williams
(1930-2003)

203 Greene Street
P.O. Box 18368
Huntsville, AL 35804
256-536-7423
FAX: 256-536-2689
Web site:
www.watsonjimmerson.com

Our practice

Watson, Jimmerson, Martin, McKinney, Graffeo & Helms, P.C., is a Huntsville, Alabama, law firm, founded by Herman "Buck" Watson, Jr., which has been specializing in representing those who have been injured or wronged since 1961. We have a distinguished history of effectively handling a broad range of personal injury and wrongful death cases for clients across Alabama and the nation. In addition to our successful personal injury and wrongful death practice, we have participated as counsel in numerous high-profile class-action lawsuits of national scope, including discriminatory race-based insurance premium cases, where settlements have been in the multimillions of dollars.

Our objective is to combine our experience, knowledge, and professionalism to protect our clients' rights and interests without compromise. We will listen to the concerns and cares of anyone who does us the honor and pleasure of asking us to help them. The highest compliment that can be paid to us is when a person brings us the problems that are bearing upon his or her life and allows us to provide whatever guidance is available.

If you or a loved one has been injured or wronged, please consider contacting us. To set up a free consultation with one of our lawyers, please contact us at **1-800-294-5112** or **(256) 536-7423**. We will follow up with you and discuss your needs promptly.

No representation is made that the quality of the legal services to be performed is greater than the quality of legal services performed by other lawyers.



Personal Injury/Wrongful Death

- Motor vehicle accidents
- Products liability
- Construction accidents
- Premises liability
- Medical malpractice
- Nursing home negligence & neglect

Complex Litigation & Class Action

- Civil rights/discrimination
- Consumer protection
- Mass torts

Corporate, Business, & Commercial Law

- Business & commercial law
- Business organizations
- Contracts

ATV DEFECT ALERT Yamaha Rhino all-terrain vehicles

A popular all-terrain vehicle (ATV) known as the Yamaha Rhino is reported to be very unstable and rolls over when turning at low speed. Since Yamaha put the Rhino ATV on the U.S. market in September 2003, such rollover accidents have caused drivers and passengers serious injuries, including crippling amputations. You may be familiar with the Rhino's unique design. The two-seater ATV has seat belts and a roll bar, but no lower leg or foot protection. The ATV can tip over and crush the driver's or passenger's legs with the roll bar. These accidents are reported to occur even at low speeds on flat surfaces, and have led to the filing of numerous lawsuits across the United States.

Yamaha Motor Corporation, USA, has now announced design modifications to all of its Rhino 660 and Rhino 450 all-terrain vehicles to include the addition of doors and additional passenger handholds "to help keep occupants from sticking arms and legs out of the vehicles in response to a side rollover." If you would like additional information about the Yamaha Rhino, please call **Tony Graffeo** or **Clay Martin** at **Watson Jimmerson** today.

Representing the injured since 1961.

PLAYGROUND SAFETY



Kids love playgrounds where they can climb, slide, swing, and have fun. But U.S. Consumer Product Safety Commission data show that more than 200,000 playground accidents occur annually, with many requiring emergency room treatment for injured children. More frightening is that an estimated 15 children die each year from playground accidents—with 70 percent on home playground equipment and the rest at public-use facilities.

The National Program for Playground Safety suggests precautions parents can take to make sure their children are as safe as possible at home and at public playgrounds:

- An adult should supervise all play and assist in emergencies.
- Encourage children to play on equipment designed for their ages.
- Safety-inspect ground surfaces for hardness or hazards such as broken glass or other sharp objects.
- Monitor ladders, steps, platforms, handrails, ropes, barriers, and swings, slides, seesaws, and merry-go-rounds for condition, looking for sharp edges, loose connections, missing parts, and other dangers.
- Report and repair all hazards.

Injured children

Despite all precautions, child injuries may occur—but parents have legal remedies. A three-year-old in a Headstart program suffered head, neck, and brain damage from a fall off a jungle gym. The child's parents received a structured settlement after their attorney demonstrated that the preschool operators were negligent for failing to provide adequate adult supervision of children at play.

On-the-job injury

Additional compensation

Workers hurt while at their jobs have **two** potential sources of compensation for the physical injury suffered.

First, there is workers' compensation, a state- and employer-funded benefits program that usually compensates injured workers for medical bills, lost wages, and rehabilitation. Workers' compensation is helpful, but it covers only the basics.

Second, injured workers also have the right to seek monetary damages caused by negligent third parties who may have been responsible for the injury. One third party might be a manufacturer whose defectively designed equipment lacked a guard to protect fingers from being crushed. Another third party could be a negligent driver who caused injuries to an employee driving on the job.

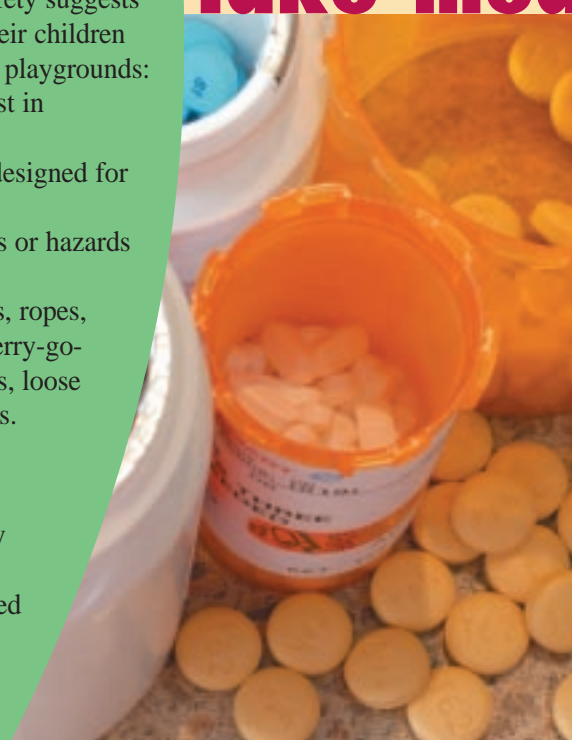
Workers generally have the right to seek redress from third parties who contribute to their injuries, compensation that may be unavailable from workers' compensation programs. This might cover current compensation for pain and suffering, scarring and disfigurement, loss of earning capacity, as well as anticipated needs, such as future medical bills and future lost wages.

Anyone injured on the job should seek legal counsel.



Workers' compensation is a blessing, but it covers only the basics.

Take medications SAFELY



Before taking a prescription or over-the-counter drug, following some simple guidelines should help your medication work efficiently and safely:

- ✓ Ask your doctor to inform you about the medication.
- ✓ Get all prescriptions filled at one pharmacy you trust.
- ✓ Read the medication information flyer.
- ✓ Read the drug label carefully.
- ✓ Take the medication as directed.
- ✓ If you have reactions or side effects, call your doctor.

Misfilled prescription

Even when patients comply with medication instructions, they can still experience problems. A

patient suffered kidney failure requiring multiple transplants after following a pharmacist's instructions to take five times the amount of a medication prescribed by her doctor. She sued, alleging the pharmacy misread instructions and transferred the incorrect prescription to a second pharmacy, which also filled it.

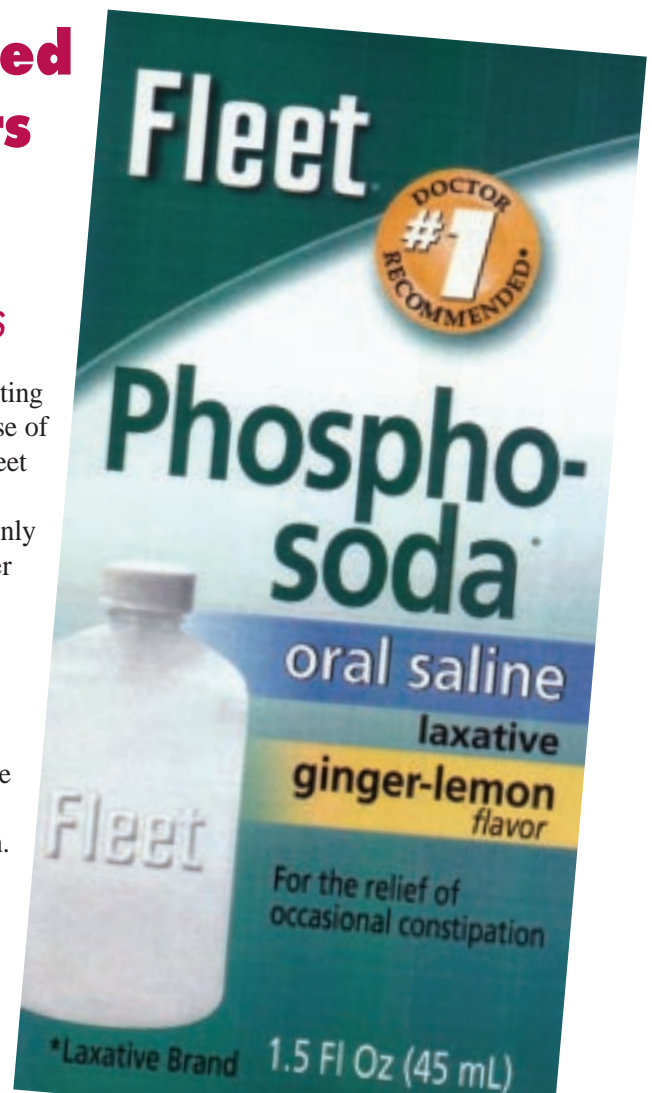
Serious health risks associated with colon-cleansing products (laxatives)

Fleet Phospho-Soda solution, Fleet Accu-Prep solution, Visicol tablets, and Osmo Prep tablets

The U.S. Food and Drug Administration issued an alert in May of 2006 noting that “a rare, but serious form of kidney failure has been associated with the use of oral sodium phosphate (OSP) products (e.g., Fleet Phospho-Soda solution, Fleet Accu-Prep solution, and Visicol tablets) for bowel cleansing. Some of these products (Fleet Solutions) may be purchased over the counter and are commonly used by individuals for precolonoscopy and presurgery bowel cleansing. Other products (Visicol tablets and Osmo Prep tablets) may only be obtained by prescription. Although Osmo Prep tablets were not included in the FDA alert, there is still a risk associated with the use of this product and kidney damage.

It is believed that the manufacturers of these products failed to properly warn about the potential side effect of kidney failure, which has been associated with these products. A large percentage of the individuals who have suffered kidney failure as a result of ingesting these products have become dialysis dependent, and in some cases, the kidney failure has resulted in death.

If you or a loved one has suffered an injury such as kidney failure after taking a product containing oral sodium phosphate, we urge you to consider contacting a lawyer to discuss the matter further. The law firm of **Watson, Jimmerson, Martin, McKinney, Graffeo & Helms, P.C.**, is actively engaged in litigation against C.B. Fleet Company, Inc., in the United States District Court for the Northern District of Alabama, and we are prepared to evaluate new cases. Please contact us if you or a loved one has been injured by one of these products.



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TRASYLOL WARNING

Trasylo[®] (*Aprotinin*) is a drug given to patients during heart surgery. While heart surgery is inherently dangerous, you or a loved one may have been exposed to additional risks if Trasylo[®] was used during the procedure. Researchers have estimated that **Trasylo[®] nearly doubles the risk of renal failure** and may be responsible for as many as 11,050 kidney complications.

In addition, **Trasylo[®] increased the risk of heart attack by at least 50 percent, increased the risk of stroke by over 180 percent**, and has been linked to 12 cases of nonbacterial meningitis (*an inflammation of the membrane coverings of the brain*).

Have you or a loved one experienced any of the following after undergoing open heart surgery? **CALL US.**

- Kidney failure
- Kidney damage
- Dialysis after surgery



WATSON, JIMMERSON, MARTIN,
McKINNEY, GRAFFEO & HELMS, P.C.
Attorneys At Law
203 Greene Street
P.O. Box 18368
Huntsville, AL 35804

WATSON, JIMMERSON, MARTIN,
McKINNEY, GRAFFEO & HELMS, P.C.

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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 competent 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.

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Consumer rights update

The Fair Debt Collection Practices Act FDCPA

15 U.S.C. § 1692 et seq.

Debt collectors are regulated by numerous state and federal laws regarding their debt-collection activities. Most people know that debt collectors cannot abuse them on the phone or in writing. What many people don't know is that they have many additional legal rights that protect them from these abusive practices.

For example, a debt collector cannot call you at work if they know that it is inconvenient for you or that your employer prohibits it. Debt collectors cannot tell others about your debts, like your next-door neighbor or your coworker. Debt collectors cannot threaten to take actions that they are legally prohibited from doing or do not intend to take, such as suing on a time-barred debt, attaching a lien on a property, or garnishing wages when they have no intention of suing.

You have the right to sue a debt collector within one year from the date you believe the law was violated. If you win your lawsuit, you may recover money for the damage you suffered, statutory damages of up to \$1,000, plus court costs and your attorney's fees.

Sophisticated debt-collection tactics stack the deck against consumers. As a consumer, you should not hesitate to shield yourself from these sharp practices and exercise your rights under the FDCPA. These rules apply even if you owe the debt in question. We firmly believe that everyone should pay their just and owed debts. But our country was founded on historic legal principles which rejected debtor's prisons and the like. Likewise, debt collectors do not have the right to harass and abuse a consumer in order to effect payment. It's that simple.

If you're contacted by a debt collector, you have a right to dispute the debt either verbally or in writing. If you want to preserve some rights under the FDCPA, you must send a written dispute within 30 days of your receipt of the first "validation notice" from the debt collector. In order to preserve your rights under the law, it's important for you to keep good records of all the contacts.

Important steps you can take...

1. Save copies of all letters and notices from collection agencies.
2. Save all phone messages and voice mails—this is very important!
3. Make note of your conversations with these bill collectors.
4. Call your consumer rights attorney to help you recover damages.

Mission Statement

Watson, Jimmerson, Martin, McKinney,
Graffeo & Helms, P.C.

Watson, Jimmerson, Martin, McKinney, Graffeo & Helms, P.C., is dedicated to providing high-quality, dependable legal counsel to individuals and businesses in the diverse areas of personal injury and wrongful-death actions, complex civil litigation, employment claims, corporate and real estate transactions, general trial and appellate practice, and the representation of local municipalities and governmental agencies. Our firm combines experience, knowledge, and professionalism with a desire to protect our clients' rights and interests without compromise.

Our Martindale-Hubbell rating

Watson, Jimmerson, Martin, McKinney, Graffeo & Helms, P.C., has earned an AV rating 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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