

SUMMER
2010



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ATTORNEYS AT LAW

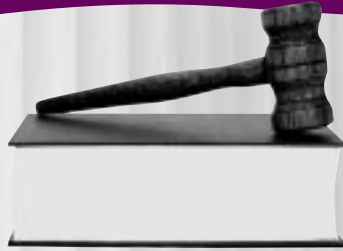
An Association

Your Injury and Accident Attorneys

If you need our services,
please contact us at...

865-457-6440 or
1-866-862-4855

www.foxandfarleylaw.com



When do you need an attorney?

If you are seriously injured in an auto accident or in another way due to others' negligence, you may face several frightening, life-altering situations.

You might miss work. You may have to spend time in a hospital and rehabilitation. You might have to deal with difficult insurance company representatives.

If you wonder about the following problems, you should contact a personal injury attorney:

- ◆ How will I earn wages if I'm out of work?
- ◆ Can I pay all these doctor and hospital bills?
- ◆ Who will pay my rent or mortgage while I'm laid up?
- ◆ Are these insurance companies being fair to me?

You should never have to face this experience alone.

This is when you need an experienced attorney to help you quickly and professionally. This is when you need someone to be on your side and to stand up for your rights.



Driver alert!

Uninsured motorist danger

The Insurance Research Council (IRC) reports that more Americans than ever, now one in six drivers, have no vehicle insurance whatsoever.

This is a depressing result of recessionary times, which lead to increased unemployment, car payment, insurance, and vehicle operating costs.

It is now more important than ever to purchase uninsured motorist (UM) insurance sufficient to fully protect all drivers in your family.

UM protection kicks in when another driver at fault in an automobile collision has no insurance coverage. It can cover lost wages, medical costs, and other expenses associated with serious accident injuries.

Talk to your insurance agent about UM and underinsured motorist (UIM) coverage that safeguards you if injured by a negligent driver who has only minimal insurance.

**According to the IRC,
the average claims payment
for accidents involving under-
insured drivers averages
\$11,000.**

As always, please contact us for counsel if you are involved in any auto accident.



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ATTORNEYS

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OFFICE HOURS

Monday, Tuesday,
Wednesday, Thursday
8:00 a.m.-5:00 p.m.
Friday
8:00 a.m.-4:00 p.m.

- On-the-job injuries
- Workers' compensation
- Auto accidents
- Product liability
- Nursing-home neglect
- Wrongful death
- Serious injuries
- Out-of-state accidents
- Trucking accidents
- Motorcycle accidents
- Free consultation

Children's toxic jewelry



Children's jewelry and charms imported from China and marketed by Claire's, Dollar N More, and Wal-Mart have been found to contain cadmium, a highly toxic heavy metal.

Experts believe that in addition to cadmium, lead is also a common component in children's jewelry. Both are unsafe.

As the Consumer Product Safety Commission and Congress investigate, parents, grandparents, and caregivers can take steps to protect their young children:

- ✿ Take away any cheap, shiny charms or jewelry that children may already have.
- ✿ Avoid purchasing new charms or jewelry for your children.
- ✿ Do not permit anyone else to give your children suspect charms or jewelry.
- ✿ Supervise your children's play so you can head off any possibility that shiny cadmium- or lead-tainted charms or jewelry come into their possession.

Here are several recently recalled products you may have in your home or at work:

- **Kikkerland Design, Inc.**, has voluntarily recalled 13,000 Easy-Fold and Easy-Store Step Stools that can break and cause fall injuries to users.
- **Tiny Love, Inc.**, called back 600,000 Wind Chime Toys, which babies can pull apart, exposing sharp metal rods that can puncture or cut skin.
- **Generation 2 Worldwide and "ChildESIGNS"** asks buyers to return a half million drop-side cribs. Crib mattress supports can detach, and drop-side plastic hardware can break, both potentially causing babies to suffocate.
- **Conair Corporation** has recalled 162,000 Lysol Steam Cleaning Mops. Hot water mixed with Lysol can spurt out, rupture the housing unit, and burn or lacerate users.
- **GTM Sportswear, Inc.**, is recalling more than 200,000 children's jackets with drawstrings. Hood drawstrings can pose a strangulation hazard to children.

For your SAFETY

Insurance disputes

Our firm can help clients file claims against insurance companies both small and large. We believe that no one who pays policy premiums should ever have to battle their insurer to get fair treatment.

We can help you obtain payments owed you under your automobile, business, disability, homeowner's, life, long-term care, medical and health-care, and other policies.

Clients have contacted us when their insurers contest claims by repeatedly demanding information, impeding claim resolution, offering insufficient amounts or settlements, denying claims, or simply refusing to pay.

Here are four errors people make in insurance disputes:

- 1) **Waiting and missing filing deadlines.**
- 2) **Losing focus because of anger.**
- 3) **Quitting after short struggles.**
- 4) **Failing to obtain legal counsel.**

If you believe your insurer took unfair advantage of your claim, you should seek legal counsel to help you protect your rights and your policy.



Social Security Disability claims

Our practice can help referral clients litigate Social Security Disability claims. Our service approach includes:

Assessing impairments—This incorporates both the physical and psychological aspects, as well as many other factors, such as age, work history, and education.

Investigation—Our staff will obtain all relevant documentation to present a client's case, including previous claims, physicians' reports, depositions, questionnaires, and other records.

Benefits calculations—Working with the Social Security Administration helps us understand how benefits are calculated so that settlements are accurate and fair.

Representation—We will represent claimants at administrative hearings, file appeals, and argue on a client's behalf at federal court, if necessary.

Communication—We keep clients informed at all times.

Fees—We collect our fee only if we win a claim for a client.

Workers' compensation

When insurers refuse to pay

Our practice can help referral clients resolve workers' compensation disputes.

Workers' compensation regulations are state-based insurance programs that effectively cover claims by employees injured on the job or who suffer work-related diseases or illnesses. Insurers regularly handle claims with understanding and efficiency.

On occasion, an insurer may deny claims benefits, so workers should consult an attorney experienced in workers' compensation law for counsel.

Fall from a ladder

When a retail store employee fell from a ladder and severely injured her back, her physician recommended surgery. When she filed a workers' compensation claim, the insurer denied her petitions and an independent Industrial Commission's confirming orders for several years. The employee's attorney sued the insurer, demonstrating it had not acted in good faith. A jury held for the plaintiff, stipulating a significant award, and held the insurer liable for lifetime medical care and disability benefits for the underlying injury under the state's Workers' Compensation Act.

Vehicle accident Q & A

"Totaled vehicle"

Q: I was in an accident. I wasn't injured, but my insurer said my older pickup was "totaled." What does that mean?

A: "Totaled" means an insurer determines that a vehicle's repair costs exceed its retail value.

Q: How does my insurance company calculate this?

A: Your insurer should document that it obtained its "totaled" estimate from averaged retail sales of comparable trucks according to the NADA Used Car Guide, compiled by the National Automobile Dealers Association.

Q: If I accept the "totaled" value, who keeps the truck?

A: Your insurer will probably keep it and transfer it to a recycler for "salvage" value.

Q: I'm thrifty. Can I keep my "totaled" truck and get it repaired?

A: Yes, it's still your property. However, the insurer will probably pay you only its "salvage" value. So, in addition to paying repair costs, you may have to deal with other issues such as remaining vehicle payments, liens against the vehicle from the accident, and reinsuring a vehicle with only a "totaled" value.

INJURED while on vacation?

Every year, thousands of vacationers suffer injuries from auto accidents, criminal assaults, property owner negligence, and security failures. Travelers suffer serious injuries while at airports, amusement parks, theme parks, and water parks, or while on boat rides, cruise ships, and tours.

If you're injured, take steps:

- Get immediate medical attention.
- Notify the auto rental company, hotel manager, law enforcement, park manager, or ship's captain to establish an incident record.
- Because laws in holiday locations may differ from home state or United States law, contact an experienced, local personal injury lawyer for counsel on local statutes or regulations, judges, and juries potentially affecting your claim.
- Contact our office, too. We will help the lawyer handling your vacation injury investigate the incident, identify negligent parties, handle medical and legal issues, and try your case if necessary.

If an accident ruins your vacation, protect your rights to as full a physical and financial recovery as possible.

Call us.

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.



CALL US. YOU'RE GOING TO FEEL A WHOLE LOT BETTER ABOUT THINGS.

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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.

RECENT SETTLEMENTS AND JUDGMENTS

- Auto accident settlement of confidential amount for teenager killed while riding as a passenger in a vehicle that went off the road and rolled over. Uninsured motorist claim. *Campbell County*
- Workers' compensation settlement of **\$152,500** for a man injured while lifting a grinder out of a truck. *Knox County*
- Workers' compensation settlement of **\$120,000** for an energy worker with lung disease. *Anderson County*
- Workers' compensation settlement of **\$141,000** for an energy worker with colon cancer. *Anderson County*
- Workers' compensation settlement of **\$232,000** for a long-haul truck driver who hurt his back pulling on pallets. *Anderson County*
- Workers' compensation settlement of **\$100,000** for a truck driver injured when his truck rolled over on the interstate. *Roane County*
- Automobile accident settlement of **\$100,000** for a woman with knee and shoulder injuries caused by a head-on collision. *McMinn County*
- Workers' compensation settlement of **\$124,450** for an energy worker with cancer. *Roane County*
- Workers' compensation settlement of **\$146,000** for energy worker with COPD. *Anderson County*
- Automobile accident settlement of **\$98,700** for a family rear-ended by a tractor-trailer. *Campbell County*

Dangerous medications

Yasmin® and Yaz® are birth-control medications that are suspected of causing dangerous side effects in users.

Ocella®, a generic form of Yasmin, is distributed by Barr Laboratories, Inc.

These medications contain drospirenone, which has been linked to several serious medical conditions in women. It may cause kidney stones and gallbladder disease. Drospirenone may also increase the risk of heart-rhythm disturbances, causing blood clots, deep vein thrombosis, heart attacks, pulmonary embolisms, stroke, and death.

The Food and Drug Administration cautioned its manufacturer for failing to sufficiently warn women about the drugs' complications and side effects.

If you or a family member suspects that one of these medications may be making you ill, please talk to your physician. You can also contact our office for a consultation for more details about your rights.

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For our handicapped or injured clients

We understand that disabilities or injuries present mobility and other problems to some of our clients.

Our parking areas and offices are handicapped accessible for vans, wheelchairs, walkers, or other mobility devices. Our bathrooms have also been designed for handicapped clients and employees.

We can make arrangements for handicapped clients to travel to and from our offices. We will also arrange assistance for mobility, visual, hearing, and other limitations. Just ask for more information. We're here to help.

