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# FOX & FARLEY

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](http://www.foxandfarleylaw.com)

WINTER  
2010/11

*Season's  
Greetings!*

**Coming soon!**

Visit our new blog at  
[www.knoxvillepersonalinjuryblog.com](http://www.knoxvillepersonalinjuryblog.com)

## Fox & Farley investigating defective hip replacements

If you suffer chronic pain or have difficulty walking after a hip replacement, you may be entitled to compensation for your suffering. In September of 2010, DePuy Orthopaedics (now owned by Johnson & Johnson) issued a recall of its ASR XL Acetabular System and ASR Hip Resurfacing System.

Data has shown that about 1 in 8 people who had an ASR XL or ASR resurfacing system have to go through surgery to replace the hip. The defective design of the ASR hip replacement cup is shallower than similar devices and doesn't always affix to the bone as intended. This can result in a "loose cup" that must be revised, or removed and replaced through corrective surgery. The DePuy ASR hip-replacement implant is a metal-on-metal hip-replacement system, and the defect can cause it to shed metal particles into the body as it wears. This can cause severe inflammatory reactions in some patients, which can damage muscles and soft tissue and lead to bone loss.

If you or someone you care about has a problem with a hip replacement, call **Bruce Fox** or **John Willis** at (865) 457-6440.

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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.

## Auto accidents

*"When I was in a crash, I didn't think I was injured.*

*The next week, however, my neck really started to hurt!"*

Even though you can walk away from a fender bender, never decline medical attention at the accident scene.

### Here's why.

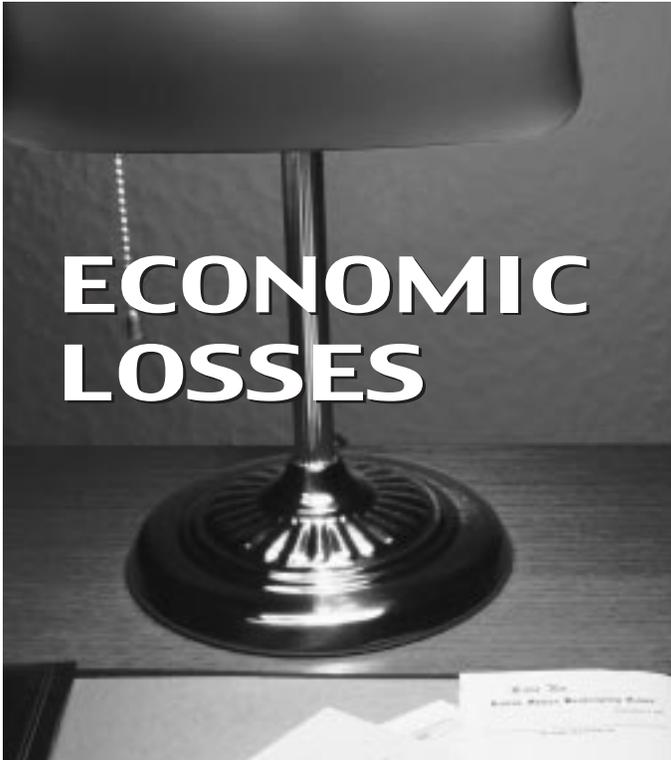
When a driver's or passenger's body suffers the shock of impact during an auto-accident collision, injury symptoms may not show up for days. In fact, many victims do not start feeling head, neck, and back soreness, stiffness, and pain for two to six months. Some accident experts testify that symptoms may actually worsen after more than a year following a serious collision.

Never say "I'm OK" after an accident. Never admit fault. And never refuse medical attention.

***If you've been in an accident and have questions about a personal injury claim, please contact us.***

- 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

EXPERIENCE • REPUTATION • RESULTS



# ECONOMIC LOSSES

If you wonder what economic losses from a personal injury or other harm means, we'd like to explain.

When someone is injured because of another's negligence, an attorney's duty is to obtain restitution to compensate for harm and losses.

## Lesser harm

Many cases involve lesser harm—for example, when a victim is expected to fully recover from injuries sustained in a minor auto accident. Here, economic losses usually means recovering the cost of short-term medical costs and related care, such as hospital expenses, physician's costs, home health care, rehabilitation services, or skilled nursing. Income loss is often another short-term harm. The attorney can seek to recover past income losses from the accident as well as future losses if the victim cannot do the same kind of work as before the accident.

## Serious injury

In cases where a victim is seriously injured—a baby negligently harmed during childbirth, for instance—the attorney may require that a life-care planner meet with the victim, parents or guardians, physicians, and others to address issues and expenses required to facilitate the victim's independence and improve his or her quality of life. Costs may include funding education, future medical care, home health care, medical equipment, occupational therapy, physical therapy, residence remodeling, social skill development, speech therapy, and others—all designed to provide the young victim as productive and full a life as possible.



# 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.

# Impaired drivers

Every year, police arrest nearly a million people for driving while impaired by alcohol or illegal drugs. One in three is a repeat offender. Some repeat offenders have no auto insurance.

The National Highway Traffic Safety Administration estimates that one in three Americans will suffer involvement in a crash with an impaired driver.

Vehicle-accident victims of negligent drivers often face serious physical and psychological injuries. First, they endure the anguish of bodily harm that results from auto accidents. No one deserves to suffer serious injuries because of another driver's drunken negligence. Second, accident victims often undergo lengthy recoveries from injuries, incur costly medical expenses, lose time from work, and earn reduced income. They must also deal with property damage to their vehicles.

Again, no one should have these problems.

# Nursing home negligence

Residential care for elderly nursing home residents is not always delivered as promised in marketing brochures.

Should a safety or injury issue arise, it is often difficult to establish causes of problems. Staffs are reticent to talk, and the elderly may be unwilling or unable to explain what happened.

Responsible adults who suspect that nursing home care is deficient or has resulted in injury should get medical care for the loved one, notify residence management of concerns, and seek legal counsel. Attorneys familiar with nursing homes can help elderly loved ones receive a high level of care or determine the causes of injuries and hold the responsible parties accountable.

## Vulnerable resident

The family of an 89-year-old woman who died from an infected bedsore sued her nursing facility. After the family's attorney proved the residence was negligent in understaffing, delaying treatment for a fractured hip, and failing to change the patient's positioning, a jury awarded a \$29.1 million verdict.



## A high blood-alcohol level

A driver collided head-on with another vehicle driven by a careless driver with a dangerously high .16 blood-alcohol level. The impaired driver negligently took his eyes off the road while reaching for food in his car. The victim survived the accident but suffered a punctured lung and serious rib, arm, and leg fractures. His attorney earned him a jury award of \$3.1 million in damages.

We understand why impaired-driver victims feel they have lost so much. We can help victims recover from their injuries physically, emotionally, and financially. We can offer counsel so that victims may obtain compensation for medical expenses, property damage, loss of income, pain and suffering, and even wrongful death.

# DRIVING & TEXTING

## Texting while driving is DANGEROUS.

Federal government employees are forbidden to text or use cell phones while driving official vehicles. Many states have made texting while driving illegal.

One study showed that texting drivers were six times more likely to get into an auto accident. Another study indicated the increased danger was 23 times worse.

Drivers, especially teens, should understand the hazards of taking their eyes off the road for even just a second or two. Authorities recommend that if drivers must text, they should pull off the road, stop, and then communicate.

## A driver dies

Parents of a young woman sued the driver of a pickup truck that crossed the center line and collided with the college student's car head-on, killing her instantly. Their attorney's research showed that the pickup's driver was sending and receiving text messages at the time of the collision. A jury found the texting driver grossly negligent and awarded the college student's parents \$21 million.

**Drivers should understand the hazards of taking their eyes off the road for even just a second or two.**



*Season's  
Greetings!*

*We wish you and yours  
happiness and good health in  
the coming year.*

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## Recent settlements and judgments

- Automobile accident settlement of **\$100,000** for a woman with multiple injuries she sustained when a car pulled out in front of her. *Roane County*
- Workers' compensation settlement of **\$60,726.12** for a man who injured his knee and back when his pant leg caught on fire from a cutting bar. *Cumberland County*
- Workers' compensation settlement of **\$90,000** for a woman who tore her rotator cuff at work. *Anderson County*
- Automobile accident settlement of **\$125,000** for a woman who sustained multiple fractures and a head injury when the defendant ran a red light and hit her car. *Knox County*
- Settlement of a premises liability claim for **\$95,000** when a woman suffered burns due to a hot water heater in her apartment. *Anderson County*
- Automobile accident settlement of **\$80,000** for a woman who was involved in a rear-end collision and suffered a fractured hand. *Anderson County*
- Automobile accident settlement of **\$66,643.21** for a woman who injured her knee in a head-on collision. *Anderson County*
- Workers' compensation settlement of **\$250,000** for a man who had multiple fractures to his leg and hip when he fell off a piece of equipment at work. *Anderson County*
- Premises liability settlement for **\$175,000** for a woman who suffered a broken leg as a result of a defective wheelchair lift. *Anderson County*
- Workers' compensation settlement for **\$80,781** for a man injured when unloading heavy equipment at work. *Campbell County*

## Child-custody criteria

Our practice can help referral clients resolve family-law disputes.

Courts may consider many factors in determining child custody in divorces:

**Abuse**—From court and medical records.

**Alienation**—Parents turning a child against the other.

**Children's wishes**—Who does the child prefer?

**Consideration**—Which parent seems less selfish about custody?

**Domestic violence**—From police or court orders.

**Duration of parental contact**—Who spends more time with the children?

**Employment**—Promotes stability.

**Home ownership and children's quarters**—For a safe and secure home.

**Nurturance**—Who provides the best environment for a child?

**Parental cooperation**—Do parents agree about the child's welfare?

**Parental health**—Serious physical or mental issues can play a role.

**Relocation of parents**—Judges try to keep families close geographically.

**Romantic relationships**—Can complicate custody.

**Statutory guidelines**—In some cases, state law guides judges' actions.

**Where child is lodged**—Moving children can be traumatic.

