



# Jebaily Law Firm, P.A.

# MY LAWYERS<sup>SM</sup>

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## Nursing Home/Assisted Living Negligence and Abuse is a Serious Issue

The Jebaily Law Firm has been focused on helping injured people for years, and it is our goal to educate our clients on important issues. Nursing home/assisted living negligence and abuse is a very real and serious issue. We recognize that as people are living longer lives, our clients are facing serious decisions regarding nursing home placement of their loved ones.

When placing a loved one in a nursing home or assisted living facility, we must rely on the facility and its staff to provide the quality care and services promised. However, the demand for skilled nursing care is outpacing the supply, and some nursing facilities no longer have an adequate number of trained employees or resources required to provide quality care. Like other industries, nursing homes and assisted living facilities are motivated by profits, and many times this leads to the neglect and/or abuse of residents.



The sad truth is that, every day, residents in nursing homes and assisted living facilities are neglected or abused. Injuries to nursing home or assisted living facility residents that can lead to injury or wrongful death include decubitus ulcers (also known as pressure sores or bedsores),

fractures from repeated falls, malnutrition/dehydration, wandering or elopement from the facility, and physical/mental/sexual abuse.

The Jebaily Law Firm can help you by providing the legal resources you need. We have attorneys available to answer questions about nursing home/assisted living facilities and also about nursing home neglect and abuse. It is our goal to fight for the rights and protection of residents who have suffered from poor treatment at nursing homes and assisted living facilities. Please feel free to contact us at **(843) 667-0400**.

### SPRING 2006

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### OFFICE HOURS

Monday-Thursday  
8:30 a.m.-5:30 p.m.  
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- Home and hospital appointments available
- 24-hour emergency services

# I've never filed a personal injury lawsuit

## What should I know about timing?

No one really wants to file a lawsuit, but sometimes it is the only recourse if you've been injured due to someone else's negligence. However, anyone who is seriously injured and considering filing a personal injury lawsuit should understand the implications of timing.

Although an injured person may have up to a year to file an injury action, it's usually good to contact an attorney right away. Memories are fresh. Evidence and witnesses are available. A plaintiff's attorney can promptly document the extent of injury and assess insurance policy coverages.

Legal actions usually have time limits, called "statutes of limitations." These vary not only by state, but also by type of injury. Cases alleging harm suffered as a result of medical malpractice, government negligence, or premises liability may have different filing deadlines.

Finally, physical or psychological injuries may sometimes appear weeks or months after an accident or assault occurs. The earlier an attorney can document potential causes, the better the plaintiff's case may be.



## Auto accidents and injuries Colossus®? What's that?

Colossus software, developed by Computer Sciences Corporation, is used by several dozen national insurance companies to predict settlement values of accident and other injury claims.

Although marketers claim Colossus ensures fairness by considering many input factors, such as medical treatment, pain, and impairment level, critics express alarm. Their concerns include the software's lack of flexibility of input factors, such as pain and suffering and loss of consortium, reduced input from claims adjusters, and proprietary software secrecy.

Detractors, who perceive Colossus as a means of lowering claims values of the injured, were even more concerned when executives at a large insurance company boasted that Colossus had reduced claims payouts across the board by 20 percent.

Drivers involved in accidents who are concerned with settlement fairness can take several steps:

- Obtain the counsel of an attorney familiar with accident litigation.
- Determine whether Colossus software is being used by insurers in the settlement.
- Insist that adjusters include factors and information supportive to your claims and case, which Colossus may not value highly.

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## Police response time

No national average or standard exists for police response times for Priority 1 calls for assistance.

Priority 1 means the caller faces a life-threatening danger, such as an armed robbery, assault, or shooting in progress.

Many cities and municipalities decline to release average police response-time data, even if it is collected. Some cities do. In 2004, Washington, D.C.'s metro police took an average of 8 minutes, 25 seconds to respond to Priority 1 calls. Boston's police took 8 minutes. San Francisco's officers arrived in 10 minutes.

### Late responses

After a man was assaulted by a neighbor wielding an ax, he went to a police station to report the incident. A desk sergeant told the victim to return home and await a patrol car. Thirty minutes later, while waiting for police in his driveway, the victim's angry neighbor arrived and killed the man by repeatedly running him over. The victim's estate sued the police department for failing to protect him in a timely manner. A jury agreed and awarded the murdered man's estate significant damages.

## Do you have enough auto insurance?

Here are some basic and enhanced auto insurance coverages to talk to your auto insurance agent about.

**Uninsured motorist coverage** protects you when another driver at fault in an automobile collision has no insurance at all. It covers lost wages, medical costs, and other expenses associated with serious injuries.

**Underinsured motorist coverage** safeguards you if you are injured by a careless driver who has only minimal insurance. Since uninsured motorist coverage doesn't apply, the other driver's minimal liability policy may not cover injuries you suffer. Your own policy may not cover injuries, either.

**Coverage "stacking" can help** if your household insures more than one car. Stacking increases uninsured/underinsured motorist limits based on the number of autos covered. If you purchase \$100,000/\$300,000 coverage and insure two cars, stacked limits equal \$200,000/\$600,000.

**Add a wage-loss benefit.** If your insurance company doesn't provide a wage-loss benefit, request it. Although many carriers cap benefits at 80 percent, some insurance carriers offer additional wage-loss expense enhancements.

**Increase medical expense** to obtain additional coverage for larger medical bills in case of serious injury. Many policies place a limit of \$10,000 for medical expenses, but that may not be adequate. Health-insurance coverages have large deductibles for serious injury, and auto insurance medical coverage may pay for chiropractic or other specialized medical treatment excluded by health insurance.

**Purchase more bodily injury insurance.** The customary \$15,000 minimum coverage may not protect you if you are sued for causing a collision in which someone else is seriously injured. Bodily injury coverage can protect your home, cars, and other assets.



## FOR YOUR SAFETY Recalled product roundup

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

- ✓ **Atico International USA, Inc.**, asked consumers to return 480,000 Surf Club™ Arm Bands. Seams can tear, causing the inflatable child flotation device to deflate, exposing young children to drowning.
- ✓ **World Wide Cycle Supply Inc.** has voluntarily recalled 25,000 Harley-Davidson 16-inch BMX bicycles with front-wheel fork welds that can separate and cause rider injuries.
- ✓ **American Greetings Corp.** called back 120,000 Sesame Street Toy Sunglasses with lenses that can separate from frames and choke young children.
- ✓ **Target Stores** recalled 494,000 Back Trails Jr. Toddler, Youth and Child Bicycle Helmets, which fail to meet U.S. Consumer Product Safety Commission standards and can cause head injuries to bicycle riders.
- ✓ **Lamplight Farms, Inc.**, wants 963,000 Tiki® bamboo torches and about 18,000 replacement fuel canisters returned. The painted surfaces can absorb fuel, ignite, and burn users and their property.

## Home-owner's insurance Peace of mind

To obtain mortgages and protect their families, home owners purchase insurance to safeguard their homes' structure and personal belongings. Insurance also provides personal liability protection for accidental injuries and payment of living expenses if a fire or other insured disaster forces a family to temporarily live elsewhere.

### Bad-faith claims

When insurers refuse to pay on claims, home owners have recourse in the justice system. A garage's swing-out automatic door seriously injured a condominium owner's neighbor. When the condo association's blanket-policy insurer dug in its heels, refusing to pay \$60,000 for the neighbor's medical bills, the injured woman sued. A jury found that the insurer took a callous approach to the injury. Jurors ordered the insurance company not only to pay the \$60,000 in medical and rehabilitation costs, but also awarded the condo owner multiple times that in damages for the insurance company's bad faith in failing to live up to its own policy's terms.



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## What you mean to us

Those who use our legal services mean everything to us. That's why our promise to you is to always do our best every time you need to call on us for assistance.

We hope that the quality of our service pleases you. Behind the scenes, we are always working hard to make sure that each client receives the benefits of our hard work.

### Client focus

We have a genuine interest in every client's satisfaction, and we also have a very strong work ethic. We train all our employees to bring integrity and honesty to all we do to be sure clients always feel that they receive our best efforts. We empower all our employees to make decisions that foster client satisfaction and loyalty.

### Professionalism

If you have questions about service, consultation, billing, or anything else, we will give you straight answers. If we don't know an answer, we'll find out and get back to you right away.

*You mean everything to us.*

## Trial attorneys Working for you

Concerned that overpriced prescription drugs drive up everyone's health-care costs, America's trial lawyers led the fight for cheaper prescription medications.

### Background

SmithKline had manufactured the antidepressant drug Paxil®, which grossed more than \$1.4 billion in sales in 1999. The last thing SmithKline and other drug companies ever want to see is less expensive, safe, generic alternative medications compete against their products in the marketplace.

### Generics

When Apotex, Inc., and TorPharm, Inc., sought approval from the Food and Drug Administration to market a less costly, safe, and generic version of Paxil, SmithKline wrongly filed patent challenges to delay any generic from

reaching the market—keeping a monopoly and maintaining prices at artificially high levels for patients.

Each SmithKline patent challenge delayed the introduction of less expensive generics by two and half years. The Federal Trade Commission even opened an antitrust investigation of SmithKline, but ultimately it was trial attorneys who won the fight for less costly prescription drugs for American consumers.

### Class action

On behalf of consumers, small businesses, and drug wholesalers, trial attorneys filed a class-action antitrust suit against SmithKline. They won compensation for the overcharging and stopped the delays. The judge even applauded “the high caliber of plaintiff's counsels' work in this case.”

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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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