

## Electronic Newsletter

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The Law Firm of Stephen M. Reck, LLC

P.O. Box 431  
391 Norwich Westerly Road  
Holly Green, Suite 2C-B  
North Stonington, CT 06359  
phone (860) 535-4040  
fax (860) 535-3434

email [attorneyreck@yahoo.com](mailto:attorneyreck@yahoo.com)

[www.stephenreck.com](http://www.stephenreck.com)

[www.scottcamassar.com](http://www.scottcamassar.com)

<http://ctripersonalinjurylaw.blogspot.com>

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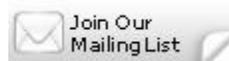
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California Workers' Comp Claim May Test NFL's Liability for Dementia

New Report on Traumatic Brain Injury in the U.S.

Don't Drive Distracted!

## The Law Firm of Stephen M. Reck Launches New Distracted Driving Website



We're proud to announce the founding of our new website [KidsAgainstDistractedDriving.com](http://KidsAgainstDistractedDriving.com),

which we started to help educate kids about the dangers of distracted driving. Distracted driving causes thousands of deaths and half a million injuries per year on American roadways, and young people are most at risk. Kids who take the pledge to avoid distracted driving and promote safe driving habits will get a wristband and other prizes. The site includes a

### Newsletter Archive

New to our mailing list? To read our prior newsletters, click [here](#).

**Enjoy our Award-Winning Newsletter!**

link to our [new blog](#), which will include stories and other relevant information, including the latest research in the field. One example is the white paper recently published by the [National Safety Council](#) concluding that even hands-free cell phone use while driving is unsafe.

["Understanding the Distracted Brain: Why driving while using hands-free cell phones is risky behavior"](#) was published following a January 2004 incident in which a motorist talking on a cell phone ran a red light and hit another car in the intersection, killing a 12-year-old boy. The paper includes references "to more than 30 scientific studies and reports, describing how using a cell phone, hands-free or handheld, requires the brain to multitask - a process it cannot do safely while driving. Cell phone use while driving not only impairs driving performance, but it also weakens the brain's ability to capture driving cues" (read [more](#)).

We hope you will check out the new site and encourage your family and friends to do the same (and take the pledge!). We also want to thank our generous sponsors for helping to support this worthwhile endeavor and encourage you to support our sponsors whenever possible. Interested in being a sponsor? [100% of all sponsor dollars cover promotion of the site including give-aways and prizes for kids.](#) Contact Scott by email ([sdcamassar@gmail.com](mailto:sdcamassar@gmail.com)) or at 860-535-4040 for more info.

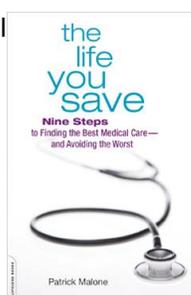
## The Law Firm of Stephen M. Reck Reaches First Facebook Fan Milestone

**100 Fans in Just 7 Days; Now Going for 200**



Congratulations to Genny Christensen, one of our first 100 [Facebook](#) fans who was randomly selected to be the winner of "365 Ways to Keep Kids Safe" by Don Keenan! Genny and her husband Rob are the proud parents of an adorable 16-month-old baby girl, Mackenzie. They have two dogs and cat and enjoy spending quality family time together outdoors. Genny teaches second grade in Oakdale and Rob is a Staff Sargent in the Army National Guard. He recently returned from his second deployment to Afghanistan. We are so pleased Genny won our first fan give-away and know she'll enjoy this great book.

Now, help us get to 200 fans, and we'll pick one to win a free copy of "The Life You Save: Nine Steps to Finding the Best Medical Care--and Avoiding the Worst" by Patrick Malone. Thanks for the support, and good luck!



## AAJ Releases New Auto Safety Report

The [AAJ](#) has released a new report on how litigation has spurred numerous auto innovations, ultimately making vehicles safer for consumers. Beginning in the 1960s, everything from gas tanks, side-impact design, air bags, seat belts, power windows, and more, all have been made safer thanks to the civil justice system. Get the report [here](#).

## Documents Show Toyota was Repairing Accelerators Long Before Recall

"Toyota issued internal repair procedures to its own distributors in 31 European countries about sticking accelerator pedals months before it warned U.S. regulators about the problem -- and on the same day it told the U.S. government it would conduct a recall over loose floor mats, according to Toyota documents" obtained by The Associated Press. Read [more](#).



The Law Firm of Stephen M. Reck is proud to be named a [Constant Contact Email Marketing All Star for 2009](#).

## Toyota Quote of the Day

"We are not protecting our customers by keeping this quiet. The time to hide on this one is over. We need to come clean." ---former Toyota US VP Irv Miller

## GM Seeks to Seal Documents

**Problem with Seat Backs May Cause 400 Deaths per Year**

The [CT Law Tribune](#) reported last month that a Stamford Superior Court judge issued an order temporarily sealing "documents that include memos by General Motors engineers and lawyers that reveal a longstanding problem with seat backs in GM cars that may have led to 400 deaths a year." The documents are at issue in a lawsuit filed on behalf of a person injured in an accident involving a GM-built Saturn vehicle. "GM has argued that its property rights will be violated if the documents are made public because competitors would gain an unfair edge if they had insight into design and safety discussions."

## Recall Central

To read about recent recalls and product safety news from the U.S. Consumer Product Safety Commission, click [here](#).

Get the latest recall information from the National Highway Traffic Safety Administration [here](#).

The Dept. of Agriculture's Food Safety and Inspection Service regulate meat, poultry products and processed eggs. Check their recalls [here](#).

Click [here](#) for Food and Drug Administration recalls, market withdrawals and safety alerts.

**For updates on the peanut products recall click [here](#).**

## Justice Stevens to Retire from

## Sleepover Liability Case Settled

A homeowner's insurance carrier has paid \$1.75 million to settle a Virginia case in which a 14-year-old girl was killed when she and her friend were allowed, by the friend's parents--as hosts of a sleepover--to ride with a boy who then crashed. The parents of the deceased, who sued the parents hosting the sleepover, allegedly told the host parents, "No boys with cars." At one point during the course of the case, the Supreme Court of Virginia held that a parent who agrees to supervise and care for a child has a common law duty to do so with reasonable care. Story [here](#) with link to the opinion.

## C-Section Reveals No Pregnancy

A woman in North Carolina underwent a c-section, when it was discovered that she was not pregnant. An "intern did an ultrasound before the surgery and could not find a heartbeat, and it was at this time that the patient convinced doctors to induce her." It was later determined that "the patient suffered from pseudocyesis, which is the medical term for 'false pregnancy.' A person suffering from pseudocyesis may often have all the same signs and symptoms as a person who is actually pregnant, but there is no fetus." The NC medical board said the intern lacked enough experience to make the "appropriate diagnosis." Read [more](#).

## Study: Almost 25% of Cardiologists Ordered Tests for Fear of Malpractice

The [AP](#) reported that "substantial number of heart doctors -- about one in four -- say they order medical tests that might not be needed out of fear of getting sued," according to a [study](#) published in the *Circulation: Cardiovascular Quality and Outcomes*. Almost "600 doctors were surveyed for the study to determine how aggressively they treat their patients and whether non-medical issues have influenced their decisions to order invasive heart tests." Nearly one-quarter "of the doctors said they had recommended the test in the previous year because they were worried about malpractice lawsuits."

## Fewer Preventable Patient Errors Means Fewer Malpractice Claims

Healthday reported that "a decrease in preventable patient injuries in California hospitals from 2001 to 2005 coincided with a drop in malpractice suits against" physicians, according to a study from the Rand Corporation, a nonprofit research organization. Investigators "analyzed 2001-05 data and found that there were about 365,000 adverse events among patients, such as post-surgical problems and hospital-acquired infections, and about 27,000 malpractice suits in California during that time." The researchers "found a significant association between the annual number of safety lapses that put patients at risk in each county and the number of malpractice claims." Read [more](#).

## Many Hospitals Fail to Report Disciplined Doctors to National Practitioner Data Bank

The [Cleveland Plain-Dealer](#) reported that "for almost 20 years, federal law has required hospitals and medical boards to report doctors they discipline -- for medical incompetence, unprofessional conduct, substandard care, and the like -- to something called the National Practitioner Data Bank." However, "many hospitals don't appear to be following the law, says the nonprofit consumer group Public Citizen." Investigators "there found that 49 percent of hospitals in the United States hadn't reported a single doctor to the Data Bank from when it began, in 1990, until the end of 2007."

## Third Circuit May Revive Class Action Against NE Patriots

## Supreme Court



Justice John Paul Stevens, who announced his resignation from the U.S. Supreme Court last month after 34 years, "may be the last justice from a time when ability and independence, rather than perceived ideology, were viewed as the crucial qualifications for a seat on the court." Stevens was nominated by President Ford in 1975. Read [more](#).

## Justice O'Connor Says Justices More Likely to Skip State of the Union After Obama Criticism

The AP reported that retired Supreme Court Justice Sandra Day O'Connor, the first woman to sit on the nation's highest court, said last month "she wouldn't be surprised if fewer justices attend the State of the Union after President Barack Obama criticized a recent ruling at this year's address. O'Connor noted it was never easy to get justices to attend. "Justices John Paul Stevens and Antonin Scalia haven't gone for years and Justice Clarence Thomas rarely goes." She said: "It is not much fun to go because you put on a black robe and march in and you're seated in the front row, [you] put your hands in your lap and have no expression on your face throughout the proceedings. You can clap when the president comes in and when he leaves and that's it. It's very awkward."

## Have You Been There Yet?

[98000reasons.org](#). It's about malpractice in America. Take a few minutes to learn more.

## Quaid Becomes Advocate for Hospital Safety



[USA Today](#) reported that ever since actor Dennis Quaid's 10-day-old twins were given an adult dose of the blood thinner heparin, not once but twice, he "has become the self-described 'frontman' for a campaign to improve patient care with the implementation of 'safe



The [Legal Intelligencer](#) reported that "The New England Patriots may face even more punishment for surreptitiously filming the signals of their

opponents if a federal appeals court revives a class action consumer fraud suit brought by a fan of the New York Jets who says he was cheated out of seeing fair games." A lower court judge "tossed the suit out after declaring that the fans had suffered no 'cognizable injury' since they essentially got what they paid for -- a seat in the stadium to watch a game." But in an oral argument last month before a three-judge panel of the US Court of Appeals for the 3rd Circuit, "the lawyers for the Patriots and the NFL were given a serious grilling that suggested the appellate court didn't take as dim a view of the suit." Carl Mayer, a lawyer and a Jets season-ticket holder, argued that fans spent money to see games that were "essentially rigged." His suit seeks \$185 million in damages for Jets fans.

## Former Haven CEO Sentenced to Prison



Raymond Termini, 48, of Middletown, the former chief executive of Haven Healthcare, which operated and managed nursing homes throughout the state before the company went bankrupt, was sentenced recently to a year and a day in federal prison for defrauding investors. He was also sentenced to three years of supervised release following his prison term, fined \$6,000, and ordered to forfeit \$500,000 to the government. Termini pleaded guilty to conspiracy to commit wire fraud and wire fraud. Read [more](#).

## Court: Bysiewicz Eligible to Run for Attorney General



**Despite Deposition That Reportedly Went Poorly**

A Superior court Judge has ruled that CT Secretary of the State Susan Bysiewicz has the necessary legal experience to run for the position of Attorney General, concluding that her years serving as secretary of the state count toward an "active practice" of law within the meaning of a state statute that requires 10 years active practice of law. Bysiewicz had just six years of practice in private law firms and two as an inhouse counsel before becoming a full-time public servant.

Read [more](#).

## Rate of Complex Surgeries for Spinal Stenosis Increases Among Medicare Population

The [AP](#) reported that "A study of Medicare patients shows that costlier, more complex spinal fusion surgeries are on the rise--and sometimes done unnecessarily--for a common lower back condition caused by aging and arthritis. What's more alarming is that the findings suggest these more challenging operations are riskier, leading to more complications and even deaths." Lead author Richard Deyo of Oregon Health and Science University in Portland said that "aggressive marketing of devices used in complex fusions is likely playing a role in the increase."

Between 2002 and 2007, the "rates of decompression surgery (relieving pressure on the spine) and simple fusion procedures (joining just one or two vertebrae) decreased" among the Medicare study participants, the [Los Angeles Times](#) "Booster Shots" blog reported. During that same period, researchers found that the "number of complex fusion surgeries to treat spinal stenosis of the lower back soared from a rate of 1.3 per 100,000 to 19.9 per 100,000." Also, patients who underwent the latter procedure "showed a doubled rate of life-threatening complications, 5.6%, compared with a simpler back surgery called decompression," [Bloomberg News](#) reported. Notably, the "more complicated surgery generated average hospital charges of \$80,888, compared with an average of \$23,724 for the simpler operation," according to [data](#) in the *Journal of the American Medical Association*.

## Teen Suicide May Lead to

practices' as simple as hand-washing and the use of technologies such as bar codes to match medications to patients."

## State Sues Bank, Investment Firm for Madoff Losses

The AP reported that Attorney General Richard Blumenthal has sued a Fairfield County bank and investment adviser who operated funds that helped Bernard Madoff's investment fraud. The suit was filed on behalf of the state Department of Banking against Westport National Bank, PSCC Services Inc., and its founder and owner Robert L. Silverman, for \$16 million. Blumenthal said Westport National Bank, PSCC and Silverman violated Connecticut banking laws by ignoring repeated indications of fraud and miscalculated fees.

## California Workers' Comp Claim May Test NFL's Liability for Dementia



The [New York Times](#) reported that a California workers' compensation claim filed on behalf of former NFL player Ralph Wenzel will "almost certainly become a test case in considering National Football League teams' liability for the dementia experienced by retired players." The claim argues that Wenzel's "dementia at 67 is related to his career as an NFL lineman from 1966 to 1973," a "significant shift" from the estimated 700 former NFL players pursuing cases in California for orthopedic injuries. Experts "said NFL teams and their insurers could be facing liability of \$100 million or more" given "the dozens and perhaps hundreds of players who could file similar claims."

## New Report on Traumatic Brain Injury in the U.S.

A new report by the CDC finds that about 1.7 million people suffer a traumatic brain injury (TBI) in the U.S. each year, or about 4,700 TBIs each day. Most TBIs that occur each year are concussions or other forms of mild TBI. Still, 52,000 people die each year from TBIs. To learn more, read [Heads Up to Clinicians: Updated Mild Traumatic](#)

## Lawsuit

The [Boston Herald](#) reported, "The heart-broken kin of Phoebe Prince are poised to break new legal ground if the lawyer they just hired files a civil suit against [South Hadley High] school officials accused of failing to crack down on the teen tormenters who drove her to suicide, experts said." Attorney Bradley Henry said, "If the school administrators have specific knowledge of harassment and assault and stalking and intimidation and fail or refuse to take steps, then they need to be held accountable." Boston attorney Anthony Tarricone, "president of the American Association for Justice, said Prince's family could consider bringing claims of negligence or civil rights violations." He added, "Parents have a right to expect that their children will be in a safe environment in the schools, public or private."

## Heads, Torsos Found in Medical Waste Shipments

Bio Care Southwest, a New Mexico company, receives donated bodies and harvests organs and other parts that it then sells for medical research. Researchers return the organs to Bio Care after their experiments are complete, then Bio Care sends the remains for cremation and gives the ashes to the families. But the [AP](#) reported that the owner of Bio Care Southwest was arrested after human heads and torsos were found in what were supposed to be routine shipments of medical waste. Investigators found at least seven heads and torsos, apparently dismembered with a chain saw or another cutting device.

## Man Sues Over 'Electromagnetic Sensitivities'

A New Mexico man who claims he is hypersensitive to certain frequencies of electromagnetic radiation has sued his neighbor, alleging that he has suffered nausea, vertigo, body aches, dizziness, heart arrhythmia and insomnia as a result of his neighbor's use of an iPhone, laptop computer, wireless router and dimmer switches in her home. Read [more](#).

## About Our Firm



At [The Law Firm of Stephen M. Reck](#), justice is our mission. Our firm is well known and well respected for its ability to handle personal injury, wrongful death, and professional malpractice cases in Connecticut and Rhode Island. Call today or visit us on the web at [www.stephenreck.com](http://www.stephenreck.com).

### The Law Firm of Stephen M. Reck, LLC

Proud to support the [North Stonington Education Foundation](#), [Little League Baseball](#), [Children International](#), and the [Conn. Chapter of the Special Olympics](#).

**\* Advertising Material \***

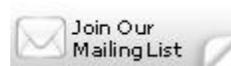
[Brain Injury Management Guideline for Adults](#) by the CDC and the American College of Emergency Physicians (ACEP).



### Proudly Serving Connecticut and Rhode Island

The trial attorneys at The Law Firm of Stephen M. Reck, LLC represent individuals in all types of personal injury cases throughout the state of Connecticut and the state of Rhode Island, including, in Connecticut: New London County, New Haven County, Middlesex County, Hartford County, Tolland County, and Windham County; and in Rhode Island: Bristol County, Kent County, Newport County, Providence County, and Washington County.

### Referrals Welcome



**Remember we are here if you need a referral to an attorney in a different area of law.**

## Don't Drive Distracted!

### It Kills



[KidsAgainstDistractedDriving.com](http://KidsAgainstDistractedDriving.com)

