

LAVIS LAW FIRM

A t t o r n e y s A t L a w

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It may not be too late to file your Hurricane Katrina lawsuit

The time period to file lawsuits against insurance companies over a Hurricane Katrina claim might not have expired two years after the storm.

A state appeals court opinion issued January 7, 2009, says that it was legal for New Orleans homeowner Brenda Pitts to have filed a lawsuit against Louisiana Citizens Property Insurance Corporation months after the Act 802 deadline for initiating litigation, because a class-action lawsuit had stopped the clock from running out. Louisiana Citizens Property Insurance appealed the decision to the Louisiana Supreme Court. However, on April 3, 2009, the Louisiana Supreme Court refused to hear the appeal and, in effect, the January 7, 2009 decision stands unchanged.

In *Brenda Pitts v. Louisiana Citizens Property Insurance Corporation*, Attorney **Charles E. Lavis, Jr.**, successfully argued that policyholder Brenda Pitts timely filed her individual lawsuit over two years after Hurricane Katrina by properly following the class-action suspension/tolling laws and timely filing her individual lawsuit against her insurance company concerning class-action issues after a determination on class certification had been made.

It may not be too late for policyholders to file lawsuits concerning Hurricane Katrina property damage. **Lavis Law Firm** is still accepting a limited number of Hurricane Katrina insurance cases. Policyholders may be facing important legal deadlines. Therefore, policyholders should not delay in hiring counsel to protect their interests. If we can help you in any way, do not hesitate to contact us. The evaluation of your Hurricane Katrina, Gustav, or Ike insurance claim is free.



Chinese drywall

Chinese drywall's potential impact on homeowners has been attracting a large amount of attention lately. Chinese drywall's most recognizable characteristic is the sulfur-compound or rotten-egg smell it emits. The fumes corrode copper wiring commonly found in air conditioning units, electrical wiring, and home electronics. Its impact on humans has yet to be determined.

Chinese drywall started being widely imported and used in Louisiana after numerous homes had to be rebuilt as a result of Hurricanes Katrina and Rita.

If you suspect that Chinese drywall was used in your home, it is important to be aware that the cost of gutting and replacing the drywall may not be covered by your insurance policy. Many insurance companies are denying claims involving Chinese drywall under pollution exclusions.

Legislators in Florida and Louisiana have introduced legislation trying to recall and temporarily ban Chinese drywall in the United States. This legislation would also attempt to conduct more research on the effects of Chinese drywall as well as help compensate homeowners for some of their related losses.

Attorneys helping people.

BIG-BOX STORE ACCIDENTS

Although data are hard to obtain, lawsuits in the early 2000s indicated that more than 2,200 customers were being injured annually by falling heavy merchandise at just one chain of big-box home centers.

Several states have passed shopper-safety regulations for retailers who high-stack heavy merchandise, such as clothes washers and microwave ovens. These include adding safety stops to shelves, setting up netting or other protective devices, or establishing barricaded safety zones to keep customers out of areas where forklifts move heavy products from upper shelves to the floor.

A 19-POUND BOX

A shopper at a home center was struck on the head and knocked flat by a falling 19-pound box as employees stocked upper shelves. When his attorney demonstrated that the plaintiff's negligent store injury resulted in severe pain and corrective discectomy surgery, a jury awarded a significant sum.

NURSING HOME VIOLATIONS

In 2007, nine in ten U.S. nursing homes were cited for violating at least one federal health and safety law in each of the past three years, according to a U.S. Department of Health and Human Services report. The nation's 15,000 facilities are home to about 1.5 million elderly residents.

The most common citations were for infected bedsores, drug errors, resident malnutrition, and outright patient abuse or neglect. More than 15 percent of violations resulted in "actual harm or immediate jeopardy" to residents.

Inspectors authenticated 39 percent of the more than 37,000 complaints about nursing home conditions. Two in ten confirmed complaints involved patient neglect or abuse.

States varied widely in deficiency rates. Seventy-six percent of Rhode Island nursing homes received complaints. One hundred percent of homes in Alaska, Idaho, Wyoming, and the District of Columbia received complaints.

Responsible adults who suspect that nursing home care is insufficient or has resulted in an 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 better care or determine the bases of injuries and hold the responsible parties accountable.



DEBUNKING CIVIL JUSTICE MYTHS

Insurance, oil, and drug companies spend millions creating and publicizing myths about how lawsuits are out of control and responsible for many of America's ills. The facts tell a different story.

MYTH:

Schools are canceling recess because they fear playground litigation. **Wrong:** *School districts across the nation consistently blame elimination of recess on time needed to meet increased testing and teaching requirements.*

MYTH:

People have stopped volunteering to help Little League, Boy and Girl Scouts, and other nonprofits because of lawsuits. **Wrong again:** *Congress passed the Volunteer Protection Act of 1997 to give immunity to nonprofit volunteers in the course of their charity work.*

MYTH:

Everyone's insurance rates are skyrocketing because of lawsuits. **Incorrect:** *Your insurance premiums may be going up, but it has nothing to do with lawsuits. In 2007, insurers reported \$61.9 billion near-record profits. They still argued to restrict awards and damages to victims even though personal injury cases resolved in U.S. courts fell by 79 percent between 1985 and 2003.*

MYTH:

Trial attorneys charge outrageous hourly fees and leave victims with practically nothing if they win cases. **Not so:** *Lawyers who represent injured clients who cannot afford legal fees provide representation on a contingency-fee basis. If there is no monetary recovery, clients owe nothing for legal services. If the plaintiff wins, attorneys charge a percentage of the money damages that are recovered.*

AFTER-SCHOOL CHILD PICKUP

For student security and safety, many schools establish after-school pickup guidelines.

Administrators ask parents and guardians to specify names and vehicles of those who have permission to pick up a child, such as parents, car pools, relatives, baby-sitters, or neighbors.

Some schools require physical descriptions, photo IDs, and signed notes when pickup plans change. Others require signed instructions for special after-school tutoring, detention, athletics, clubs, and even emergencies.

Unsafe pickup zone

When their six-year-old died after being accidentally run over by a parent who was backing up a minivan into a parking space, the parents sued the school. Their attorney contended that the school's parking area was not well planned and that authorities had received notices about pickup chaos when school let out. A jury granted a significant award.

Workplace injuries

On-the-job injuries can occur at any workplace, from white-collar offices to blue-collar industries.

Negligent parties can range from managers who assign dangerous duties to untrained workers, to third parties that market equipment that is poorly designed or lacks finger-protecting guards.

A personal injury attorney can investigate causes of worker injuries and help hold those responsible for harm to account.

Common occupational-workplace injuries an attorney can handle include:

- **Burn injuries** from fires, chemicals, and electricity.
- **Diseases** resulting from chemical exposure, such as asbestos or benzene.
- **Existing employee health conditions** aggravated by employment activities.
- **Injuries** from trips and falls, amputations, broken limbs, or cuts.
- **Mental disease** resulting from work-induced stress.
- **Repetitive-movement injuries**, such as carpal tunnel syndrome.
- **Third-party liability**—injuries, such as a fall from a poorly designed ladder, for which a third party is responsible.

For legal assistance with workplace injuries, please seek legal counsel.



Recreational boating accidents

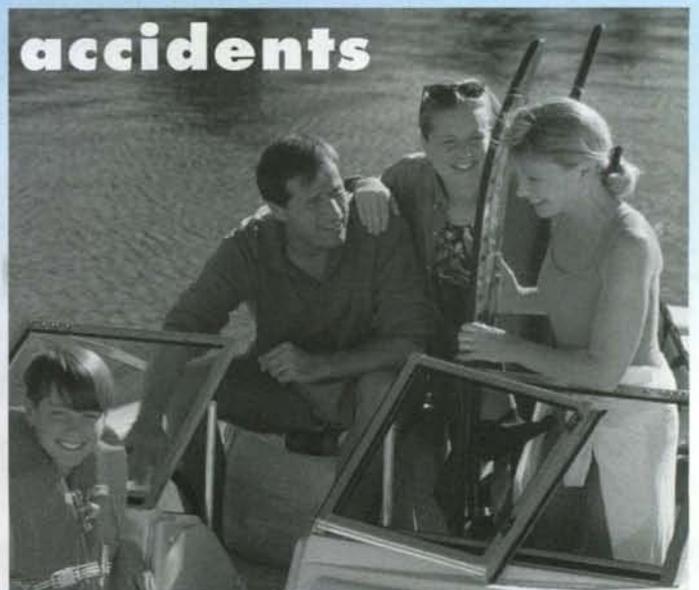
In 2007, nearly 700 Americans died and just over 5,000 were injured in pleasure-boating accidents in motorcraft, sailboats, houseboats, and inflatables.

Accidents were caused by intoxicated, inexperienced, or reckless drivers; defective steering, engines, or other mechanisms; and failure of boaters or owners to maintain watercraft or obey boating regulations.

If you or a loved one has suffered severe injury from others' negligence in a boating accident, an experienced attorney can help hold responsible parties accountable.

Impaired driver

An intoxicated speedboat driver crashed into the stern of a cabin cruiser, immediately killing its owners. The victims' family sued and reached settlement with the out-of-control, speeding boat driver after he pleaded guilty to two counts of manslaughter due to intoxication.



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 consultation with an attorney. Specific conditions always require consultation with appropriate legal professionals. Lavis Law Firm cannot represent claimants unless there is a signed fee agreement and authority to represent.

Nursing home NEGLIGENCE

Residential care for elderly nursing home residents may not be delivered as pledged.

Should a safety or injury issue arise, it may be hard to determine 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 insufficient or has resulted in an 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 bases of injuries and hold the responsible parties accountable.

GANGRENE

A 75-year-old nursing home resident died after developing painful gangrene and undergoing an above-the-knee amputation. Her daughter sued the facility, alleging negligence for staff reductions and failure to provide adequate treatment. A jury awarded a significant amount for pain and suffering.



Stop-sign accidents

According to Insurance Institute for Highway Safety 1999-2000 research estimates, nearly 700,000 vehicle accidents occurred at stop signs. About a third involved personal injuries.

Drivers who failed to stop at stop signs or who stopped at stop signs but failed to see oncoming traffic accounted for approximately 70 percent of all automobile accidents.

Broadsided After being broadsided by another vehicle that ran a stop sign, a driver suffered multiple serious injuries that required her being placed in a drug-induced coma for several months, followed by six months of rehabilitation and physical therapy. Unable to ever work again, she enlisted the services of an attorney who filed suit against the responsible driver. A jury awarded significant damages.

PRODUCT LIABILITY

Refrigerator- ejected ice cubes

Consumers injured by products with serious defects in design, manufacture, or improper or incomplete explanation of dangers or proper use can hold marketers accountable.

When their new refrigerator-freezer's icemaker began randomly ejecting ice cubes, purchasers complained to a retailer, who attempted repairs.

Several days later, their adult daughter slipped on an ejected ice cube and suffered a serious fall, leading to painful herniated disk replacement surgery and future physical therapy for recurrence of pain.

The couple sued the manufacturer and retailer for defective design and failure to repair a dangerous problem. The parties settled.

