



G-LAW

A
Publication for
the Clients and
Friends of
GoldenbergLaw,
PLLC

"Promoting Safety Through Accountability"

Fall 2013

VICTIMS OF DRINKING AND DRIVING

ONE FAMILY'S RECOVERY FROM A SEVERE COLLISION

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A message from

STUART GOLDENBERG

The Perils of Drunk Driving

In 29 years of helping injured people, many of the most heartbreaking stories involve the victims of drunk or impaired driving. (See Jason and Mary's story on page 4.) Many of these collisions result in death or serious injuries. All of them could have been prevented. Here are just a few of the horrible cases we have seen from drunk driving:

- The death of a 38-year-old doctor with a 9-year-old daughter and an 8-year-old son
- Disabling injuries to a 19-year-old college student who had to discontinue her plans to be a nurse
- Permanent neck and back injuries to a 34-year-old construction worker
- Severe facial injuries and scarring to a 27-year-old care nurse
- Permanent loss of motion and fusion of the right wrist to a 32-year-old clerical worker
- The death of a 20-year-old student where the drunk driver also had drugs in his system
- Multiple leg and femur fractures to a middle-aged man who now walks with a cane
- Permanent brain injury to a 22-year-old woman who was ejected 100 feet from her vehicle

GIVING BACK



Associate attorney Laura Pittner currently donates her time to Volunteer Lawyers Network, helping clients with foreclosure issues, and Tubman

Foundation, assisting victims of domestic violence.

Associate attorney Marlene Goldenberg currently volunteers for Big Brothers Big Sisters of the Greater Twin Cities and is a board member at the Jewish Family and Children's Services NextGen.



Again this year, GoldenbergLaw was one of the main sponsors of the JCC Charity Golf Tournament known as "The Marchers." This tournament is held every August to raise money for scholarships.

GoldenbergLaw, PLLC

PUTT FOR GOLD CONTEST SPONSOR



Please keep these people in mind next time someone you know considers driving after "having a few." Call a cab. Call a friend. It could save a life.

Stay in the Loop with GoldenbergLaw!

Our social media sites are a great way to keep up on safety news and updates, as well as any updates we have on our mass tort cases.

You can also show your support for what we do by becoming involved. Next time you're logged on, make sure to visit us at:

Facebook: facebook.com/GoldenbergLaw

Medtronic BMP: facebook.com/BMPInjury?ref=hl

Twitter: @Goldenberg_Law

LinkedIn: linkedin.com/company/goldenberglaw-llc

Google Plus: GoldenbergLaw, PLLC

Blog: defectiveuganddevicecenter.com



DANGEROUS DRUGS AND DEVICES

GoldenbergLaw is currently investigating claims involving these products and has 28 years of experience handling dangerous drug and device cases. Contact us at 612-333-4662 or 1-855-333-4662

Medtronic Infuse BMP:

Used in spinal fusion surgeries - linked to unwanted bone growth, inflammatory reaction, severe arm and leg pain and possibly cancer.



Medtronic Paradigm Pump:

Insulin pump - linked to defects resulting in over- or under- delivery of insulin, serious illness, and/or death.

NEW RECALL



Topamax:

An anti-seizure medication - linked to birth defects such as cleft palate and cleft lip.



Actos:

A blood sugar control medication for type II diabetics - linked to bladder cancer.



GranuFlo/Naturalyte:

Dialysate solutions - linked to metabolic alkalosis, cardiopulmonary arrest, sudden cardiac death, and other cardiac-related events. **See page 3



Byetta/Januvia:

Diabetes medications - linked to an increased risk of pancreatitis and pancreatic cancer.



Yaz/Yasmin/Ocella; NuvaRing:

Female contraceptives - linked to dangerous blood clots (i.e. deep vein thrombosis/DVT, pulmonary embolism, stroke).



Metal-on-Metal Hips:

Linked to implant loosening, pain, high metal levels in blood and need for revision surgery. Models include DePuy ASR, Zimmer Durom Cup, DePuy Pinnacle, and others.



Stryker Rejuvenate/ABG II Hip Stem:

Modular hip stems - linked to corrosion at stem/neck juncture leading to elevated metal levels in bloodstream, necrosis and need for revision surgery.



Transvaginal Mesh (TVM/TVT):

Linked to tissue erosion, migration, perforation of organs, device failure, need for correctional or removal surgeries.



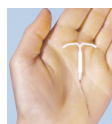
Propecia/Proscar:

(finasteride) a hair loss and BPH drug - linked to severe and persistent sexual dysfunction in men and is also linked to prostate cancer.



Mirena IUD:

Contraceptive that can cause abscesses, pelvic inflammatory disease, embedment in or perforation of uterus, erosion of adjacent areas, and other related problems.



VICTIMS OF DRUNK DRIVING

Coping with an injury – especially one that was caused by drinking and driving – presents both emotional and physical challenges. In our Spring 2012 issue, Stuart described his idea of a hero as someone who moves forward with dignity and courage after falling victim to negligence. Many of our past and current clients have exhibited a tremendous amount of strength in the face of unfair circumstances. Jason and Mary Smith* are great examples.

Thank you to Jason and Mary S. for allowing us to interview them and use their story.

Jason, Mary, and their 4-year-old daughter Emily* were traveling on a rural Minnesota highway when a vehicle heading the opposite way suddenly swerved into their lane. They attempted to maneuver out of the way, but the other vehicle slammed into them head-on.

An odor coming from the other driver prompted troopers to conduct a blood alcohol test after he regained consciousness. His blood alcohol concentration was .24 (three times the legal limit of .08). The driver's son, who was only 5 years old, was in the front seat at the time of the accident. Luckily, he sustained only minor injuries.

Thankfully, Emily's injuries were relatively minor as well. On the other hand,



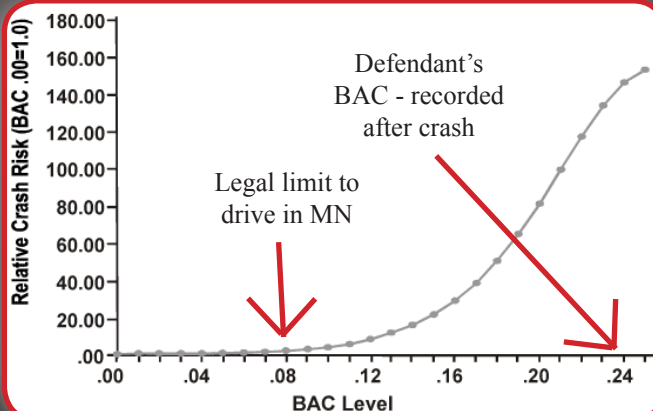
The Smiths' truck after the collision

The fact that the driver who hit the Smiths had a child in the vehicle is gut-wrenching and deplorable. Unfortunately, according to a NHTSA statistic, it is not uncommon: Over half of the children killed by drunk drivers in 2011 were passengers to the offender.



112 million Americans admitted to drinking and driving in 2010. Though this number has significantly declined since 2006, it remains a serious problem.

RELATIVE RISK ESTIMATE FOR AUTO CRASH INVOLVEMENT BY BLOOD ALCOHOL CONCENTRATION (BAC)



SOURCE: NHTSA.GOV and Compton et al.

One family's story about their recovery from a serious drunk driving collision



Mary and Jason's injuries required extensive surgeries and long recovery periods. Mary sustained a severe pelvic and hip dislocation and fracture. Jason's arm was broken in several places. One of the fractures was so severe that his forearm bones were protruding through his skin.

It was nearly impossible for Mary and Jason to help each other. They missed substantial time from work, faced large hospital bills, and still had day-to-day parenting responsibilities. When asked about a specific moment when she was most overwhelmed, Mary recalled getting ready for Emily's recital: "I could not dress myself or take care of my basic needs and had to go in a wheelchair."

Jason and Mary hired GoldenbergLaw after their collision. We sued the drunk driver. Because he was grossly underinsured, we also had to sue the Smith's own insurance company for underinsured motorist coverage. After extensive litigation, we helped Jason and Mary secure settlements that helped their family recover financially and move on with their lives. However, the strength and resiliency they showed through their months of recovery is entirely to their credit.

The criminal case against the driver was handled separately. He was charged with four felonies and four gross misdemeanors (one felony and one gross misdemeanor on behalf of each person involved in the collision, including his son).

Not everyone lives through drunk driving accidents or is able to overcome their injuries. GoldenbergLaw will continue to hold drunk drivers accountable and do everything possible to assist our clients in recovering physically, emotionally, and financially.

*name changed for confidentiality

In general, what do you think was the most difficult part of recovery?

"I could not take care of my family like I did prior to the accident. I could not play on the floor with my daughter." -Mary

"...Struggling with my own injuries and still wanting to help my family through this event." -Jason

What were your biggest obstacles in your recovery process?

"I feared being a 'passenger' again. I kept replaying the accident in my mind and having anxiety issues driving on a one lane highway." -Mary

"The biggest mental obstacle is dealing with this experience knowing that it was caused by drinking and driving. An accident that was caused by a reckless person who could have prevented our pain and suffering with making the 'right' decision." -Jason

What type of advice would you give to others recovering from a serious accident?

"Get legal counsel right away. It helps knowing that someone is on your side while you are trying to recover mentally and/or physically. You do not have to deal with the 'politics' of an accident because someone is helping you navigate through the process." -Mary

"Get legal support. It would have been too much to handle on my own without legal representation. Seeing a good attorney will help a person so you do not have to deal with it all by yourself." -Jason



INSURANCE COVERAGE:

The Anatomy of an Insurance Policy

How much do you understand about your auto insurance policy? If the initials PIP, UM, UIM do not make sense to you, this lack of knowledge could lead you to accept an unfair insurance settlement or to purchase an inadequate policy.

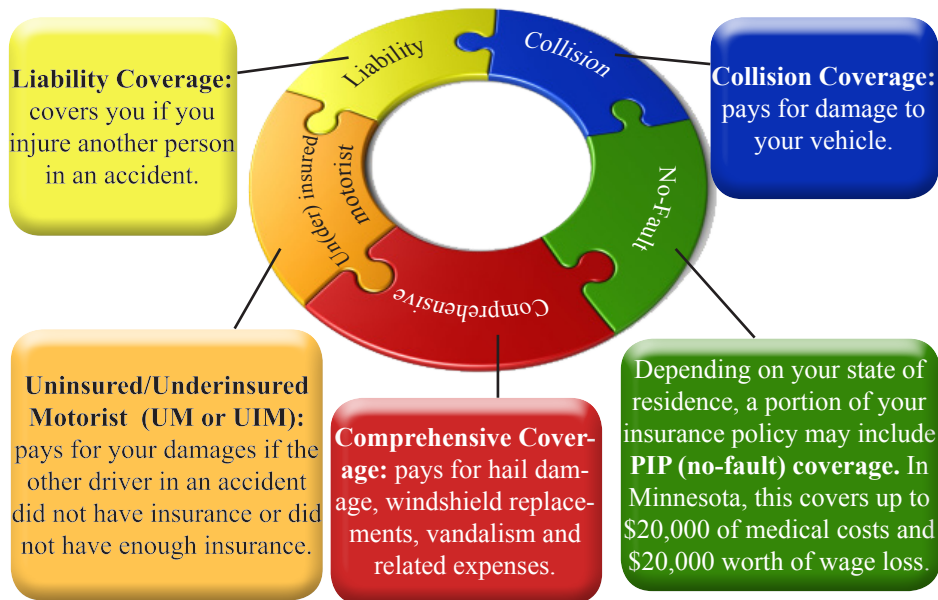
Insurance laws vary from state to state. Some states, including Minnesota, are “no-fault” states. This means that after a collision, medical bills, wage loss, and out-of-pocket expenses are covered by your own insurance (to the extent of your policy limits), regardless of fault. If the at-fault driver is not insured or does not have enough insurance, the uninsured motorist or underinsured motorist provisions may apply.

In all states, the at-fault driver is responsible for damages for pain, disability, disfigurement, loss of future earnings and emotional distress. That is the purpose of liability coverage. If you do not purchase enough insurance, you may be left undercompensated if the other driver does not have enough insurance, OR you may be personally responsible for another’s injuries if the collision was your fault.

Your insurance policy is like a puzzle with different pieces. Each piece of that policy is essentially a promise from the insurance company to pay when a certain event happens:

Auto Insurance Tips:

1. We always recommend you purchase at least \$100,000 in liability and uninsured and underinsured (UM & UIM) coverage.
2. Insure yourself for the worst case scenario - something you could NOT afford.
3. Selecting the highest deductible you can afford will LOWER your premiums.



NEWS AROUND GOLDENBERGLAW, PLLC

Stacy Olson has worked at GoldenbergLaw since 2006 and is now one of our Senior legal assistants. She has compassionately and expertly assisted our clients and attorneys with automobile accident, premises liability, personal injury, dram shop, structural collapse, and dangerous drug claims. Stacy graduated from the University of Minnesota and is originally from St. James, Minnesota.



Stacy recently returned from maternity leave. We are happy to announce the newest member of her family, Madelyn Olson! Stacy, her husband Brett, and their dog Bella welcomed her to the world on July 12, 2013.

Get To Know Stacy

Who do you admire most?

My parents

What was your favorite thing to do as a kid?

I loved being outdoors (and still do)! Growing up on a big farm let me have lots of opportunities to run around and play. I loved going sledding, making forts, playing in my tree house, riding ATVs, and taking care of my horse. I also enjoyed traveling to different parts of the country on our summer vacations.

What was your favorite childhood book?

The Velveteen Rabbit

Have you read it to Madelyn yet?

Not yet. It's on her Christmas list.

How is your dog Bella adjusting to having a baby in the house?

She definitely knows she's not the baby anymore, but she's adjusting nicely. Every now and then we catch her sleeping under Madelyn's crib. I have a feeling Bella will become very protective of Madelyn.

What do you look forward to this fall?

It's a pretty long list since fall is my favorite season, but I always look forward to going pheasant hunting at my parents' farm. It's the best time of the year to be outdoors and I love watching Bella work in the fields. I also like to bake more in the fall.

What is your guess as to when we'll see the first snow this year?

The first flurries will fly on November 6.



IN OTHER NEWS:

Stuart Goldenberg was named a SuperLawyer again this year by Minneapolis/St. Paul Magazine. This is the 15th consecutive year Stuart has been voted by his peers as a SuperLawyer.

Stuart was recently appointed to serve on the Plaintiff Steering Committee (PSC) for the GranuFlo and NaturaLyte JCCP litigation in California.

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