



# G-LAW

*A publication for  
the clients and  
friends of  
GoldenbergLaw,  
PLLC*

*"Promoting Safety Through Accountability"*

Spring 2012

**DOES YOUR  
HOME HAVE A  
GAS LINE  
DEFECT THAT  
COULD LEAD TO  
THIS?**

**INTRODUCING OUR  
OF-COUNSEL  
ATTORNEYS**

P. 6

**12 DANGEROUS  
DRUGS AND  
DEVICES—**

*are any of these on  
your rx list?*

P. 5

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Products Liability & Personal Injury Attorneys

PLLC



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## A Message From

## Stuart Goldenberg

Last week I attended the funeral for one of my clients. He was 34 years old, married and the father of an infant son. He was a chemist for a large

corporation. He died from multiple myeloma, a rare form of cancer that we think was caused by toxic exposure to dangerous chemicals at work. I also represent his co-worker, who has a similar diagnosis.

As I stood in the chapel (it was standing room only) the stories of his life from his family and friends confirmed what a wonderful person he was.

The pastor asked if anyone else would like to speak. I walked to the microphone and asked everyone if they had a hero. If so, was it an athlete? A celebrity? I said that, respectfully, people like this man are my heroes. To me, the people that have to face incredible adversity through no fault of their own and handle it with grace, humor and dignity are the real heroes in our world.

This is why I am proud to be an injury attorney. I see people like this regularly in our practice. Ordinary, hard-working folks who get blindsided by a tragedy and have to pick up the pieces of their life.

It's not right to expose people to dangerous chemicals, or sell them defective devices and drugs. It's not fair to change someone's life because of drinking, texting or failing to follow the rules of the road. Should we do nothing for the victims of this dangerous conduct?

So, when people ask "how will money fix this?" they are asking the wrong question.

They should be asking, "how do we correct this terrible wrong?"

The answer is that to promote safety we must hold people accountable for their safety violations. The only way to honor these heroes is to prevent others from being hurt in the future and to fairly compensate them for their losses.

The sad fact is, there will be more funerals unless someone stands up for what is right. We will continue to fight for safety by holding people and corporations accountable. It's the least we can do for a hero and his family.

Thank you for your trust.

### Finding More Ways to Keep you Updated

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

They are also a great way to show your support. Next time you're logged on, make sure to visit us at:

**Facebook:** [facebook.com/GoldenbergLaw](https://facebook.com/GoldenbergLaw)

**Twitter:** [@Goldenberg\\_Law](https://twitter.com/Goldenberg_Law)

**LinkedIn:** [linkedin.com/company/goldenberglawpllc](https://linkedin.com/company/goldenberglawpllc)

**Blogs:** [catastrophicaccidentresourcecenter.com](https://catastrophicaccidentresourcecenter.com)  
[defectivedruganddeviceresourcecenter.com](https://defectivedruganddeviceresourcecenter.com)  
[productrecallresourcecenter.com](https://productrecallresourcecenter.com)  
[toxicortortresourcecenter.com](https://toxicortortresourcecenter.com)



# Safety on the Roadway

## GoldenbergLaw Wins Verdict for Injured Minnesota Mom

Jannina is a long-time Minnesota resident and mother of two. She studied psychology in college and graduate school, eventually obtaining a master's degree in psychology at a prestigious university. In addition to her passion for her children and the human mind, Jannina loved riding motorcycles. She purchased her bike as if it were a piece of art. She coveted all her opportunities to ride.

On a hot day in the summer of 2009, Jannina went for a long ride on her motorcycle with a friend. Jannina took her riding safety seriously and never got on a bike without the proper gear, including a helmet, heavy bike gloves, pants, a jacket and boots.

While riding, Jannina and her friend approached a slow moving vehicle. After ensuring she could pass safely, Jannina signaled that she would be passing the vehicle and proceeded into the passing lane. As she began to pass the slow moving vehicle, the driver of the car suddenly signaled and turned left into her. Tragically, the impact

threw Jannina from her motorcycle. She sustained serious injuries. As a result of these injuries, Jannina incurred over \$250,000 in hospital bills.

Unfortunately, the driver of the car (the Defendant) refused to admit any fault, giving Jannina the burden of thousands of dollars in hospital bills and debilitating injuries.



### **POP QUIZ:**

- 1.) Using a booster seat reduces risk of injury by \_\_\_% compared with seat belts
- 2.) Children should use a booster seat in the car until they are how many inches tall?

(answers on bottom of page 7)



Then, GoldenbergLaw took on Jannina's case. After substantial litigation where the Defendant refused to offer any settlement amounts, Stuart Goldenberg took Jannina's case to trial. In front of a jury, Stuart spent four days arguing Jannina's case. After Stuart's closing argument on the fourth day, the jury deliberated. They decided in Jannina's favor. The case was then fairly settled.

Jannina was awarded compensation for her injuries. The verdict permitted her to return to school for further training. While her road to recovery still continues, she can put this injustice behind her and move on with her life.



# Gas Explosions

## Could Your House be Next?

It was just over two years ago when Trista, an up and coming musician, was practicing music in her home in St. Paul, Minnesota. Her plumber was downstairs trying to unclog a sewage pipe with a “rooter” (drill). Suddenly, she smelled gas and the house exploded into flames and filled with smoke. The plumber let out a scream to get out of the house and ran upstairs. Trista quickly grabbed her two dogs and managed to make it out of the house.

Trista escaped with her life and her dogs, but was injured in the explosion and suffered significant emotional trauma watching the fire destroy all of her music and possessions.

Our experts traced the explosion back to the employment of a dangerous gas line installation technique called “blind boring.” Blind boring was used by gas companies in the early 1990’s in an effort to relocate natural gas lines around the metro area. The process required no digging,



Trista’s St. Paul Home after the Gas Explosion

visual aids, or exposure of current underground sewage lines. The result was drilling the gas line into the sewer line. This hidden danger is called a “cross bore.” If the sewer line becomes plugged, it is a time bomb waiting to go off.

Irreplaceable music, poetry, recordings and writings Trista had created over time as a musician were gone. She also suffered from PTSD, flashbacks of the explosion, trouble sleeping, a painful injury, depression and the loss of both personal and financial well-being. Two years later, Trista is still rebuilding her life from this traumatic event.



Prior to the explosion, Trista had no way of knowing that her house would be one of about 150 *reported* homes that hid these hazardous time bombs. Incredibly, there had been three previous explosions due to cross bores. Yet, despite the technology available to inspect defective lines, nothing was done.

GoldenbergLaw sued the gas company and the installer of the line and resolved this matter for Trista (for a confidential amount). Trista has now returned to her music and just released her first CD. The gas company has subsequently inspected thousands of gas lines and corrected many cross bores. Still, to be safe, you should ask the gas company to check your property. They will do it for free.

### Avandia

A blood sugar control medication for type

II diabetics— causes heart attack, CHF and stroke



### Propecia

A hair growth medication—

causes severe and permanent sexual dysfunction to men



### Topamax

An anti-seizure

medication— causes birth defects such as cleft palate and cleft lip



### Actos

A blood sugar control medication for

Type II diabetics— causes bladder cancer



### Accutane

An acne medication—

causes Crohn's Disease or Ulcerative Colitis



### Darvacet/ Darvon

A narcotic for pain— causes heart arrhythmias



### Yaz/Yasmin/ Ocella

A birth control pill— causes dangerous blood clots and gallbladder removals



### DePuy ASR

Metal on Metal hip device— causes loosening, pain, high metal levels in the blood and replacement surgery



### DePuy Pinnacle

Metal on Metal hip device— causes loosening, pain, high metal levels in the blood and replacement surgery



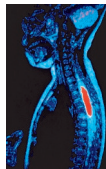
### Other Metal on Metal implants

Including Wright Medical, Zimmer, Smith & Nephew



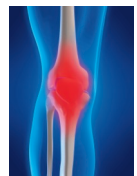
### Medtronic Infuse Bone Graft

The Chemical rhBMP used "off label" in back and neck fusions to stimulate bone growth. Causes unwanted bone growth, severe arm and leg pain and cancer.



### Zimmer NexGen Knee

Knee prosthetic that causes loosening, shifting, pain and surgical replacement



**GoldenbergLaw is currently litigating claims involving these products and has 27 years of experience handling dangerous drug and device cases.**

**Contact us at 612-333-4662.**



## The case of the “Backward Bash”

It was a nice winter morning in Duluth, Minnesota. “Betty” was driving on a residential street when suddenly a car backed out of a driveway partially hidden by a hedge. Betty hit her brakes but collided with the other car- striking it in the side.



Betty’s hands were holding the steering wheel and were jammed hard, fracturing a small bone in her wrist. After undergoing emergency surgery and rehabilitation, her doctors referred her to the Mayo Clinic because her pain continued. An additional surgery was performed with some success in relieving her pain.

Betty worked at a library. She was limited in her ability to type and in any repetitive activities. She developed arthritis in her wrist that likely would require surgery in the future. Her medical bills were \$27,000 and her wage loss was \$6,200. If her condition worsened, she would lose her job.

**How would *you* decide the percentage of fault between the parties and the amount of damages owed to Betty?**

### **Jury Instructions**

*Use these rules to decide the case*

- 1.) No person should enter a road-way unless it is safe to do so.
- 2.) Each driver must keep a reasonable lookout

>>This is based on an actual case tried by GoldenbergLaw. To find out the verdict, visit our facebook page:



**[www.facebook.com/goldenberglaw](http://www.facebook.com/goldenberglaw)**

Click



**Like**

at the top of

the page and you will receive an update shortly letting you know the actual results

## NEWS AROUND GOLDENBERGLAW, PLLC

We are proud to introduce Nate Bjerke, Rob Roe and Curtis Zaun as of-counsel attorneys to GoldenbergLaw. Nate, Rob and Curtis add tremendous litigation experience in defective products, motor vehicle negligence and consumer class action to our firm. They are also wonderful people to have in our office.

### Welcome!



Nate Bjerke

Nate graduated Cum Laude in 1996 from the University of Minnesota Law School. Before Nate became a plaintiff attorney, he handled product liability cases in more than 25 states and tried cases in nine states across the country. Most of his work was for some of the biggest manufacturing companies in the world. Nate now only works for injured people and is passionate about his clients and their needs. Nate has tried many successful injury cases, obtaining exceptional verdicts for his clients. He is considered one of the finest trial attorneys in the state.



Rob Roe

Rob Roe also graduated from the University of Minnesota Law School in 1996. He has been named a rising star and a Super Lawyer by his peers and has argued cases in front of the Minnesota Court of Appeals and The Minnesota Supreme Court. He has tried cases to verdict and arbitrated hundreds of cases, recovering millions of dollars for his clients. Rob credits much of his tenacity and competitiveness in the courtroom to his years playing for the University of Minnesota's basketball team. Clem Haskins invited Rob to walk on the team in 1989 and he earned a scholarship the following year. The same drive and ambition that carried him through years of basketball is now used to better the lives of his clients.



Curtis Zaun

After he graduated from Hamline University School of Law in 1996, Curtis clerked for Judge Kalitowski on the Minnesota Court of Appeals. He became an Assistant Attorney General at the MN Attorney General's Office, where he worked to enforce health and safety laws. Curtis then spent over a decade working for Educational Credit Management Corporation (ECMC), where he was Senior Counsel. In April 2011, he left ECMC to start a Consumer Rights practice at Champion Law, LLC. Curtis now focuses primarily on consumer rights issues, including abusive debt collection, inaccurate credit reporting, illegal ATM fees, unfair and deceptive trade practices and student loans. Curtis is our class action attorney.

2.) 57" tall

1.) 50%

Quiz Answers:

**Super Lawyers**

### *Congratulations*

*to Stuart Goldenberg for being selected by his peers as a "SuperLawyer" in Minneapolis/St. Paul Magazine for twelve years in a row!*

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## **Areas of Expertise**

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Gas Explosions

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Toxic Tort

Catastrophic Injury

Insurance Disputes