



G-LAW

A
Publication for
the Clients and
Friends of
GoldenbergLaw,
PLLC

"Promoting Safety Through Accountability"

Spring 2015

DISTRACTED DRIVING ISSUE

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A message from

STUART GOLDENBERG

Unsafe Drivers: A Persistent Problem

We have represented thousands of victims of negligent driving for thirty years. Over this time we have seen patterns of bad conduct that seem to repeat themselves again and again.

Distracted drivers and impaired drivers cause the great majority of our clients' injuries. Most of the time, these drivers are not paying attention to how fast they are driving or how close they are driving to others. Here are a few of the most unusual explanations we have received from distracted drivers:

- "I dropped my burger and I was picking it back up"
- "I was looking at a map - in the back seat"
- "I was distracted by a good looking girl on the sidewalk"
- "I was tired, hungover, and mad at my roommate"

However, distracted or fatigued driving is no laughing matter. In our cases, it has sometimes meant life or death. Driving safely is not just a choice, it is an obligation.

We have featured a tragic "drowsy driving" case involving our client Hannah on page 4.

Please help us honor Hannah's memory and her loving family by not getting behind the wheel if you are fatigued or impaired. Drive without distraction.

★ RISING STARS ★

Congratulations to GoldenbergLaw attorneys Marlene Goldenberg and Laura Pittner on being named "Rising Stars" by Minnesota Super Lawyers



Marlene Goldenberg

Magazine! Marlene has worked tirelessly on the Medtronic Infuse litigation, going head to head against some of the biggest defense firms in the country and

helping move our lead cases closer to trial. Laura has played an integral role in securing client settlements in the DePuy ASR and Stryker Hip litigations and was recently awarded an unprecedented decision from the Minnesota Supreme Court on attorney's fees for Workers' Compensation cases.



Laura Pittner

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

Twitter: @Goldenberg_Law

LinkedIn: linkedin.com/company/goldenberglaw-llc

Google Plus: GoldenbergLaw, PLLC

Blog: defectivedruganddevicesourcecenter.com



DANGEROUS DRUGS AND DEVICES

GoldenbergLaw is currently investigating claims involving these products and has 30 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.



Tylenol/Acetaminophen:

Over-the-counter or prescription pain reliever - linked to liver damage and liver failure.



Talcum Powder/Baby Powder:

Talc-based powder used for many purposes - linked to ovarian cancer when used for female hygiene in genital area.



GranuFlo/Naturalyte:

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



Benicar:

Blood pressure medication - linked to severe intestinal problems that cause chronic diarrhea, dehydration, and weight loss.



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 revision surgery.



Actos:

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



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.



Testosterone Therapy Drugs:

Male hormone drugs - linked to increased risk of heart attack, blood clots, stroke, or death.



Drowsy Driving: An Avoidable Tragedy

On a warm September day in 2013, Jerad went to work at his construction job feeling ill and on little sleep. He took cold medication at work and finished out a long shift. Just after 5:30 PM, Jerad made a very bad choice: he decided to drive when he was drowsy. He wearily got into his pickup truck and began his familiar drive home. He began traveling down a paved county road at 55 miles per hour. Up ahead was a stop sign.

Nineteen-year-old Hannah was riding in the passenger seat as she and her boyfriend drove home on a two-lane county highway just north of the Twin Cities. Suddenly, from their right, Jerad's pickup truck



Hannah's car after the collision

went through the stop sign and smashed into Hannah's passenger side door – T-boning the car. The force of the impact was so powerful that Hannah's seatbelt was severed. Hannah was thrown from the vehicle into a nearby ditch and was declared dead at the scene.

GoldenbergLaw was retained by Hannah's mother to investigate this tragedy. Hannah's mother and sister needed answers. Our investigation found that Jerad had fallen asleep at the wheel and he claimed to have no recollection of

the accident or the minutes leading up to it. The last checkpoint he remembered was a few miles before the scene of the accident. There was no evidence of alcohol use or foul play; Jerad had simply made the indefensible decision to get behind the wheel in a fatigued condition.

Unfortunately Minnesota does not have a law criminalizing fatigued driving. Even though studies show a fatigued driver's reaction times and cognitive abilities are similar to an intoxicated driver, such laws are difficult to enforce without a scientific method of measuring drowsiness.

After an extensive investigation and many depositions, we were able to reach a settlement for Hannah's family. In addition, the intersection where the accident occurred now has rumble strips at the stop sign and a flashing light to warn distracted or fatigued drivers that a stop is approaching.

According to the National Highway Traffic Safety Administration, drowsy driving is implicated in 100,000 crashes per year, injuring 71,000 people and killing 1,500. Yet only New Jersey has a law punishing drowsy driving beyond a misdemeanor.

A standout swimmer in high school, a thoughtful sister, and a beloved daughter, Hannah was a freshman at a local community college with dreams of becoming a radiologic technologist. She was a special young woman. We urge all of our readers to honor Hannah's memory by not driving fatigued.

DISTRACTED DRIVING FACT SHEET

Distracted driving kills over 3,000 people every year in the United States. The vast majority of these accidents can be avoided if drivers devote their undivided attention to the road. The facts are black and white: There is no excuse for driving distracted.



5 SECONDS

The average time eyes are off the road to send a text is five seconds. At 55 MPH, you can travel the length of a football field in that time. At 65 MPH, you can travel that distance in **three seconds**.

“INTEXTICATED” DRIVING

Text messaging creates a crash risk **23 times** greater than driving free of distraction. By comparison a driver with a BAC of .15, nearly twice the legal limit, has 12 times the risk of crashing as a sober driver.



9 PERCENT

Injuries resulting from distracted driving accidents surged from 387,000 in 2011 to 421,000 in 2012, an alarming increase of nine percent. Even with greater awareness, the problem is getting worse.

3X↑

RISK

of accident increases three times when engaging in visual-manual subtasks (reaching for a phone, dialing, reading a text) associated with hand-held phones or portable devices.



1 in 6 Drivers is “High Risk”

A recent study found that nearly 16 percent of Minnesota drivers had engaged in multiple risky behaviors while driving. Risky behaviors included consuming two or more alcoholic beverages before driving, texting while driving, and driving more than 10 MPH over the speed limit.

Facts compliments of the National Highway Traffic Safety Administration, MN Department of Public Safety, and the Virginia Tech Transportation Institute

Rx SAFETY ALERT

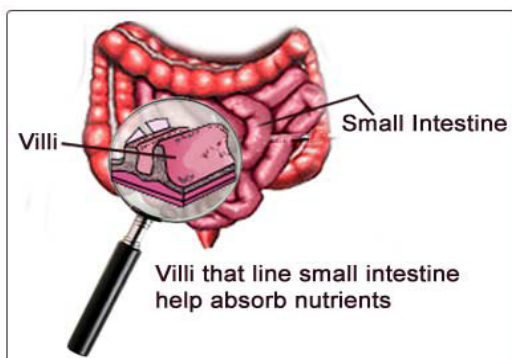
PRODUCT NAME: **Benicar**

MANUFACTURER: **DAIICHI SANKYO, INC.**

PRESCRIBED FOR: **HIGH BLOOD PRESSURE**

SIDE EFFECTS: **SPRUE-LIKE ENTEROPATHY; SEVERE, CHRONIC DIARRHEA; WEIGHT LOSS**

USE: Benicar is a drug used to help lower blood pressure. It is one of the most prescribed drugs in the country.

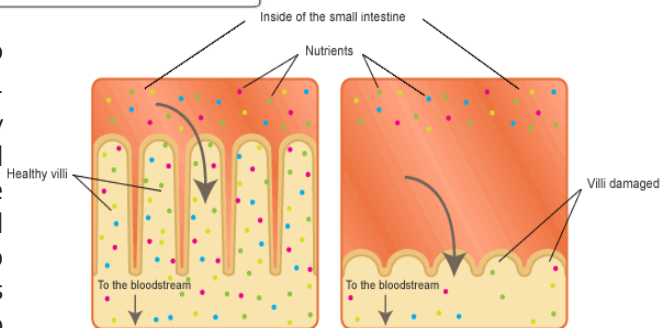


Medindia.net

FDA WARNING: The FDA ordered a label change in 2013 after studies found Benicar use can deteriorate the intestinal villi that help digest and retain nutrients. This can lead to a condition called sprue-like enteropathy - a potentially fatal intestinal disorder that often requires hospitalization.

BENICAR-RELATED INJURIES:

Sprue-like enteropathy attacks the intestinal villi and damages the ability of the small intestine to absorb nutrients. This causes food and liquid to pass too swiftly thorough the colon without being broken down for nourishment. **It is often misdiagnosed.** Symptoms of sprue-like enteropathy include severe, chronic diarrhea, excessive dehydration, malnutrition, and substantial weight loss. FDA studies found that discontinuation of Benicar use resulted in improvement of these symptoms in all observed cases.



Children's Hospital Boston

If you or a loved one has taken Benicar, Benicar HTC, Azor, or Tribenzor and been diagnosed with sprue-like enteropathy or hospitalized with severe, chronic diarrhea of more than three months with dehydration, nausea, or vomiting, please contact Laura Pittner at 612-436-5027 or lpittner@goldenberglaw.com



Alicia Brenhaug began working at GoldenbergLaw in July 2014 after graduating from the University of Minnesota. She is the legal assistant on our Testosterone, Contaminated Steroids, and Benicar litigations. Alicia was an exceptional student and had multiple internships at the Minnesota State Legislature while in college. She spent her final semester studying abroad at the University of Cape Town, South Africa.

Get To Know Alicia

WHAT DO YOU LIKE TO DO OUTSIDE OF WORK?

Reading (usually 3 books at a time), baking, spin class, volunteering at an animal shelter, and most recently indoor rock climbing

WHAT IS YOUR FAVORITE THING ABOUT SPRING?

Biking around the lakes of Minneapolis and following up with some ice cream

IF YOU COULD HAVE DINNER WITH ONE PERSON, WHO WOULD IT BE AND WHY?

J.K. Rowling - in hopes that she would spill all of the secrets in her books!

DO YOU HAVE ANY BIG PLANS FOR THIS SUMMER?

I have a camping trip planned to the Boundary Waters Canoe Area Wilderness in northern Minnesota

WHAT ARE YOUR FAVORITE AND LEAST FAVORITE FOODS?

I love spaghetti; I do not love pickles

WHAT IS THE MOST ADVENTUROUS THING YOU HAVE EVER DONE?

When I was studying abroad in South Africa I went cage diving with Great White Sharks near Seal Island, which is often featured on Shark Week (sorry mom!)

WHAT IS YOUR FAVORITE THING ABOUT WORKING AT GOLDENBERGLAW?

My coworkers!



IN OTHER NEWS:

Stuart Goldenberg was recently named a Super Lawyer for the 13th consecutive year. Super Lawyers are selected by their peers for demonstrating an outstanding commitment to excellence in the practice of law.

Congratulations to Stuart and the Super Lawyers Class of 2015!

13 YEARS

SUPER LAWYERS

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Toxic Tort
Catastrophic Injury
Insurance Disputes