

# FOR YOUR SAFETY

## Recalled product roundup

Here are some recently recalled products you may have in your home or at work:

- ✓ **Target Stores** is voluntarily recalling 185,000 Firestreet Scooters. The handlebars, wheels, and brakes can break and detach, causing rider injuries.
- ✓ **Acuity Specialty Products Group, Inc.**, asks consumers to return 6,800 five-gallon pails of “Zep Industrial Purple Cleaner & Degreaser” and “Zep Heavy-Duty Floor Stripper” cleaning products, which can crack, leak corrosive products, and harm users.
- ✓ **Atico International USA, Inc.**, has recalled 209,000 folding picnic tables with legs that can unexpectedly buckle, break, fold, or collapse, injuring users.
- ✓ **Fun Express, Inc.**, has called back 340,000 bendable toys given away at libraries. The toys are decorated with paint containing excessive levels of lead, which is banned under federal law. Lead is toxic and, when ingested by children, can cause adverse health effects.
- ✓ **Black & Decker** has requested buyers to return 160,000 cordless electric mowers. An electrical component in the lawn mower can overheat, catch fire, and burn users.

# Legal dictionary



Many clients find legal terms mystifying. From time to time, we’ll provide easy-to-understand definitions to help clear things up. This time, you’ll learn the meanings of several important terms used in courts to help you better understand our legal responsibility concepts.

## Liability

A person’s, group’s, or business entity’s legal responsibility for an injury or loss for which they are responsible.

## Negligence

The failure to exercise the kind of sufficient care that a reasonably prudent and careful person would use under specific circumstances. If an injury results from another’s negligence, that person or entity may be liable to pay damages for any injury they caused.

## Statute of limitations

An arbitrary time limit—in years—that cuts off a plaintiff’s ability to file an injury case after a certain period of time from the date of the injury, even if the injury is not detected until much later.

## Statute of repose

Another arbitrary time limit—in years—that terminates a corporation’s responsibility for marketing faulty or dangerous products.

# Damages limitations

Can lawsuit damages caps harm those injured? Damages-cap legislation restricts amounts a jury can award for injuries, no matter what case facts may be. Some state legislatures have enacted caps in civil cases, while others have not. Some caps apply to specific kinds of cases, such as medical malpractice. Other caps limit only noneconomic damages, and some limit punitive damages.

In states that cap damages, a jury’s or judge’s award is automatically reduced to the amount of the cap—even though the

jury or judge may believe the plaintiff should be awarded more than the cap as compensation, or even if the circumstances of the case show that a negligent or malicious defendant should be punished with a significant punitive-damages award. There is generally no way to raise a damages award beyond the cap once it is written into law.

Here is an example of how a cap of \$250,000 on noneconomic damages may be incredibly unfair to some victims.

Who is harmed	The victim’s injuries or losses	The amount the jury originally believed should be awarded	The amount the victim is awarded based on the legislature’s cap
<b>VICTIM A</b>	After being hit by a drunk driver, the victim’s car caught fire. Her husband (a passenger) was killed, she was burned and left disfigured, and lost the use of her right arm. She was a homemaker and can no longer work.	\$1.2 million noneconomic damages	\$250,000 noneconomic damages

<b>VICTIM B</b>	After being hit by a drunk driver, this victim suffered two broken legs, had to have surgery to repair them, and was forced to wear a full body cast for two months.	\$250,000 noneconomic damages	\$250,000 noneconomic damages
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**VICTIM A, who suffered worse injuries than VICTIM B, nonetheless takes home the same compensation for her losses as VICTIM B. Even though the jury thought VICTIM A deserved far more compensation, the jury’s judgment was overruled by a cap put in place by the legislature long before VICTIM A’s case ever arose.**

PHILLIPS & LYON  
Attorneys At Law  
1212 East Osborn Road  
Phoenix, AZ 85014



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## Meet Bryan .....

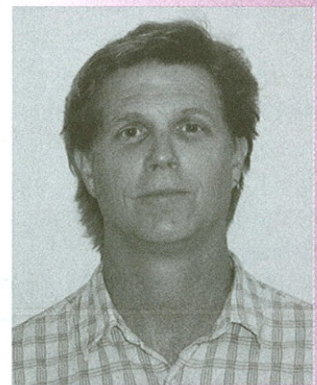
My name is **Paul Bryan Seaman**; however, I generally go by my middle name, Bryan. I am a state-licensed private investigator and have been the investigator for **Phillips & Lyon** for over 15 years. I enjoy my profession very much because it is always new and changing. My job as an investigator is to determine the who, what, where, and why of an accident. My duties include obtaining accident reports, taking witness statements, photographing vehicles and accident scenes, and many other things.

One of my favorite aspects of the job is the ability to spend time outdoors instead of being stuck behind a desk all day. I think I have the most interesting and enjoyable job in the entire firm...just don't tell my boss I said that! By nature, I am a very shy individual, but I have had to overcome this to do my job correctly. In gathering the facts of an accident, an investigator needs to be assertive and sometimes even "pushy," but not so much that people don't want to speak to me anymore. This can be a fine line, which is hard to determine sometimes.

I am one of the few people native to Arizona, and I am very proud of our state. I live in Chandler with my wife and our temperamental cat, Powder. My wife and I have been married for over 26 years, and I love doing everything with her! Some of our favorite activities are hiking and traveling. We often take day trips around the state, enjoying its beauty and diversity. I am a big history buff, so I like to travel to places and sites around the world so I can experience the past.

I also enjoy reading, working on my yard, and sports, especially baseball...which, of course, makes me a HUGE Diamondbacks fan. I am very excited that the baseball season is well under way. We have a very young team with a lot of promise—that is, if our pitching holds out. Whatever happens during the season, I know it will be a lot of fun to watch.

If you see me at a Diamondbacks game or at an intersection taking pictures, say "hi," as I always enjoy meeting new people!



*My job as an investigator is to determine the who, what, where, and why of an accident.*

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