

SUMMER
2008

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NASH & FRANCISKATO

ATTORNEYS AT LAW

Brought to you by
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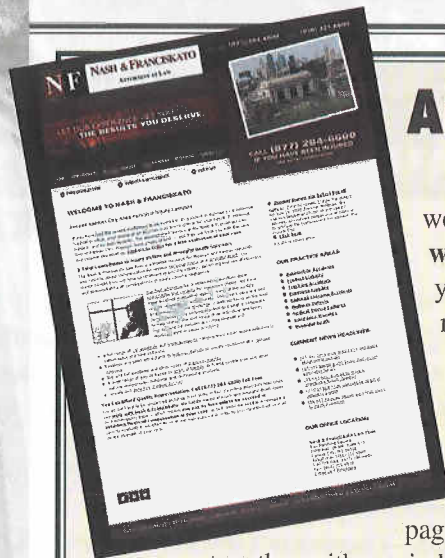
ADMINISTRATIVE ASSISTANT:

Kylei Lyon

- Appointments available on evenings and weekends
- Free initial consultation

AREAS OF PRACTICE

- Automobile Accidents
 - Trucking Litigation
 - Wrongful Death
 - Product Liability
 - Highway Defects
 - Slip and Falls
 - Burn Injuries
- Pharmacy Malpractice
- Medical Device Failures
- Medical Malpractice
- Commercial Litigation
- ERISA and Insurance
- Railroad Crossing Litigation
- Automobile Crashworthiness
 - Tire Tread Separation
 - Aviation Litigation



Announcing our NEW Web site!

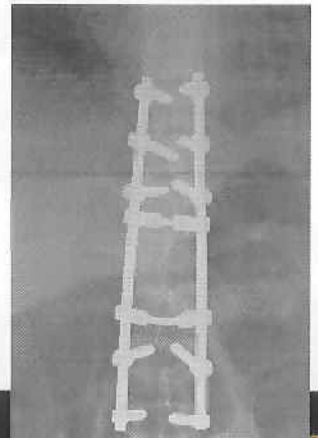
Learn more about the Nash & Franciskato Law Firm and what we can do to assist you! Visit our NEW web site at www.nashfranciskato.com. It contains informational pages to help you determine how we can assist you with legal advice and representation. Our Newsletters page is now readily available to inform you of our past results, as is our Verdicts & Settlements page. Take a few minutes to visit each, where you will find varying types of cases we have handled and the outstanding results obtained for our clients. If you are wondering what we look like and whom you will be talking with, visit our Staff page, where you will find personalized information about each of us, together with our individual e-mail addresses. Don't hesitate to contact us at any time. Let our experience get you the results you deserve!

Nash & Franciskato recovers \$725,000 for Liberty, Missouri man injured in crash

Sometimes seemingly simple cases can present difficult legal challenges.

That is what occurred in the case of a young Liberty man who was injured in a crash in February 2005. The man, who was under 21, had been drinking alcohol at a local Liberty restaurant/bar. The bar owner had been drinking with him, and both were intoxicated. The owner and the man left, with the owner driving the man's vehicle. The owner crashed the car within a few minutes of leaving the parking lot. The young man was seriously injured, suffering multiple fractures in his spine that required the surgical placement of two steel rods in his back.

The bar had the largest insurance policy; however, the bar's insurance company initially denied coverage for the accident based on exclusions in the insurance contract. In fact, the insurance company filed its own lawsuit asking the court to declare there was no coverage for the accident. **Nash & Franciskato** forced the insurance company to admit that there was coverage and to drop their lawsuit. **Nash & Franciskato** then showed that the bar had a pattern of serving underage drinkers, which in this case led directly to an accident. After more than two years of litigating the case, the various insurance companies agreed to pay the injured man a total of \$725,000.



Let our experience get you the results you want!

WHAT IS A *Trial lawyer?*

Trial lawyers help obtain access to our civil justice system for the powerless in America—working families, individual workers, and consumers who often lack the resources to take their grievances to court.

Trial lawyers play a valuable role in protecting the rights of American families. They champion the causes of those who deserve redress for injury to their person or property; they promote the public good through their efforts to secure safer products, a safe workplace, a clean environment, and quality health care; they uphold the rule of law and protect the rights of the accused; and they preserve the constitutional right to trial by jury and seek justice for all.

The kinds of cases that trial attorneys handle include:



• *A child paralyzed after being struck by a drunk driver.*



• *A young woman unable to have children because of a medical mistake.*



• *A person denied a promotion because of racial discrimination.*



• *An elderly man mistreated in a nursing home.*



• *A community whose water was made toxic by a local manufacturer.*



Auto accidents

PARKING BRAKES

Vehicle parking-brake systems usually work well. But like most other automobile elements, design, manufacture, and poor maintenance can lead to malfunction. Driver, passenger, or pedestrian injury or property damage may result.

Here are some instances:

2005—Toyota recalled more than 20,000 Tacoma trucks with ineffective parking brakes.

2005—Owners of General Motors cars, trucks, and SUVs filed a national class-action lawsuit after being charged to replace defective parking brakes.

2004—Hyundai Motor Co. recalled minivans with defective parking-brake cables.

2004—Jaguar Motor Company recalled vehicles with electronic sensors that locked parking brakes while cars were moving.

If you or someone you know has sustained a personal injury or property damage from a parking-brake incident, consider obtaining legal counsel.

Jury duty *and* **TELEPHONE FRAUD**



The Federal Bureau of Investigation (FBI) has warned the public against an ongoing scam involving jury duty.

Unscrupulous individuals identifying themselves as court employees have been phoning victims, telling them they have been selected for jury duty. Callers then ask for verification of social security numbers, credit-card numbers, and passwords. When those who are called hesitate, callers allegedly threaten with civil fines, or worse.

Members of our judicial system never phone and ask for compromising financial information that can be used to defraud consumers.

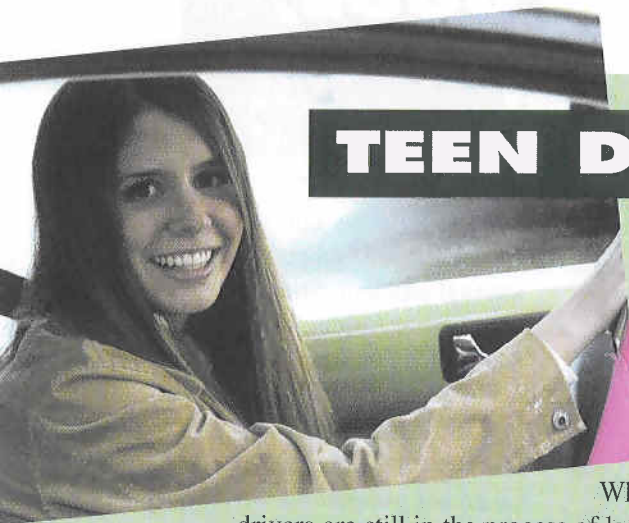
Any one who has been contacted or who gave out confidential information should contact local law enforcement, the local FBI office, banks, credit-card issuers, and other financial services.

FOR YOUR SAFETY

Recalled product roundup

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

- ✓ **Connecticut Electric & Switch Mfg. Co.** has recalled 64,000 counterfeit “Square D” Circuit Breakers, which may fail to operate properly and burn consumers.
- ✓ **Target Stores** has asked buyers to return 40,000 Home Patio Sets. Weakened front-end arm rests can collapse and injure users.
- ✓ **Bumbo International**, a South African firm, has recalled 1 million “Baby Sitter” Seats. If placed on elevated surfaces, the seats may allow children to arch their backs, flip out of the seat, fall to the floor, and suffer serious head injuries.
- ✓ **Alltrade Tools, LLC**, wants 800,000 battery chargers supplied with certain Kawasaki Power Tool Kits returned. If used with incompatible chargers, battery packs can overheat, melt, or explode, bruising, lacerating, or burning users.
- ✓ **Dunkin’ Donuts, LLC**, has recalled 1 million free-giveaway Pink and Orange Glow Sticks. Caps and lanyards can detach and choke or strangle young children.
- ✓ **Huffy Corp.** has voluntarily called back 22,000 2007 Huffy “Howler” and “Highland” bicycles, whose pedal cranks can unexpectedly detach and harm riders.



TEEN DRIVERS

Trust but verify

Although parents do their best to see that family teenage drivers are well-trained, teens remain a high-risk category.

Why? Newly licensed teen

drivers are still in the process of learning good driving skills.

Teens often underestimate hazards and take risks. Further, young drivers may be distracted by friends in the vehicle or by talking or messaging on cell phones while driving.

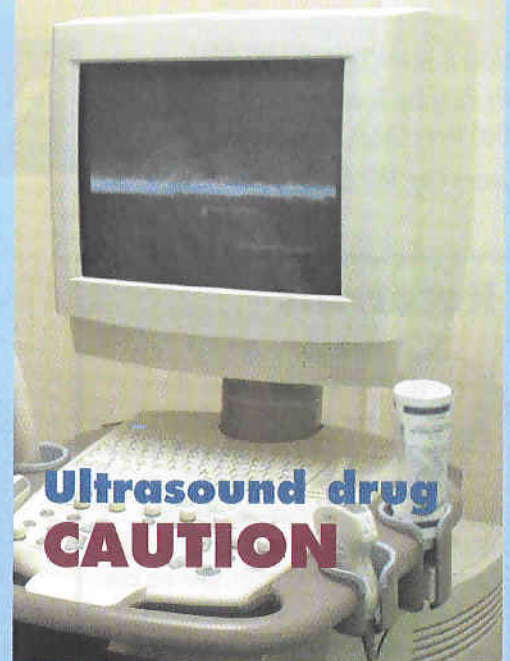
According to the Centers for Disease Control, for each mile they drive, teenage drivers aged 16 to 19 are four times more likely than older drivers to have an auto accident.

Protect your young drivers

Parents can take a number of steps to safeguard teen drivers:

1. Let them know you can always pick them up anywhere, anytime, day or night.
2. Set rules for nighttime or weekend driving.
3. Have parties at your home to keep teens off roads during high-accident times.
4. Make teens promise to always wear seat belts.
5. Restrict passengers to one or two other teens.

6. Make teens promise not to use a cell phone while driving.
7. Drive with teens to monitor their driving habits.
8. Serve as a good driving role model.
9. Have teens pay for their driver's insurance.
10. Keep any vehicle teens drive well-maintained.



Echocardiography

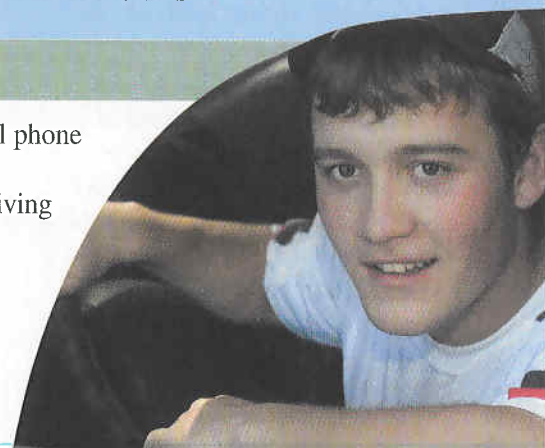
The Food and Drug Administration (FDA) has warned physicians that two drugs used in cardiac ultrasound diagnosis may cause cardiopulmonary complications and death.

Definity® and Optison®, called contrast agents, use minute gas-filled bubbles to bring cardiac ultrasound images into sharper focus during echocardiography.

Should preliminary cardiac testing be inconclusive, physicians may inject these drugs during testing procedures to obtain better cardiac images for diagnosis of cardiac malfunctions and defects.

The FDA, which received reports of serious cardiopulmonary reactions and deaths following injections of these medical products, has asked the manufacturers to update the drugs' labels to warn doctors about using the drugs on patients with specific cardiac conditions, and to carefully monitor patients for half an hour after administering the drug.

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Referrals



Please call us if you have legal needs. If we can't help, we will try to refer you to someone who can. Although we handle only major litigation matters, we have relationships with other attorneys who specialize in other matters, and we can recommend them to you.

You will feel better if you call.

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The information included in this newsletter is not intended as a substitute for professional legal advice. For your specific situation, please consult the appropriate legal professional.

THE "litigation crisis" MYTH

Are greedy plaintiffs filing lawsuits as though they were money machines? Do we have a national litigation crisis? No, we do not.

Our civil justice system and conscientious jurors serving at state trial courts don't tolerate "out-of-control" lawsuits.

- At trials, fair median damage awards granted by juries have decreased 56 percent since 1992, down from \$64,000 to \$28,000.
- In state courthouses, jurors are cautious about punitive damages, granting such awards in about only six percent of all cases.
- Jurors are watchful. They reduced award amounts for 16 percent of plaintiffs who won jury trials.
- In a third of all premises-liability cases, juries reduced awards by about 42 percent due to plaintiff negligence.
- When states recognize potential plaintiff negligence, juries reduced damages by 14 percent in lawsuit cases.

Our commitment to clients

Clients who use our legal services mean everything to our law firm.

That's why our promise to each client is to always do our best every time we provide legal assistance.

- Our firm is committed to providing clients the highest-quality legal services at competitive rates.
- We always treat our clients with respect and appreciation.
- If we cannot speak with clients when they call, we return calls the same day.
- We always provide copies of all pleadings and correspondence.
- Our lawyers stay in touch with clients to keep them informed of the developments in their legal matters.
- We provide prompt processing of pleadings and document preparation.
- Attorneys apply their professional experience, legal resources, and knowledge to deliver value-added legal services.

This is our commitment to our clients.

DUDE, WHERE'S MY CAR?

A Kansas City nursing student from California recently had an unusual problem. She purchased a new Nissan Altima from a North Kansas City dealer and asked the dealer to return her leased BMW to a BMW dealer in order to terminate the lease. The dealer called her to come back and told her she would have to deliver the BMW herself.

But there was a problem when she went back to pick up her old car. The dealer could not find the BMW. It seems the dealership gave the BMW to some unknown and unidentified person. At first, the dealership denied responsibility. That's when the woman retained the **Nash & Franciskato Law Firm**. We were able to get the dealership to accept responsibility and reimburse our client for the value of the BMW.

The attorneys at Nash & Franciskato Law Firm believe that the choice of a lawyer is an important decision and should not be based solely on advertisements. Past results afford no guarantee of future results. Each case is different and is judged on its own merits.