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NASH & FRANCISKATO

ATTORNEYS AT LAW



SUMMER 2007

Brought to you by
Nash & Franciskato
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ADMINISTRATIVE ASSISTANT:

Canaan Sprouse

- 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

Nash & Franciskato gives back to the surrounding community!

In sincere expression of our appreciation of our clients' faith in us to represent them to successful resolutions of their personal injury claims, the **Nash & Franciskato Law Firm** shares our financial rewards and personal service with those in the community around us, both in Missouri and Kansas. We support many causes and foundations throughout the area, including contributions to the Muscular Dystrophy Association, Justice for Missouri Families, the Kavanagh House, the Leukemia & Lymphoma Society, the Midwest Transplant Network, the Hickman Mills Educational Foundation, the American Heart Association, the Lee's Summit Education Foundation, Lawyers Encouraging Academic Performance (LEAP), the Missouri Law School Foundation, William Jewell College, St. James Place Soup Kitchen, the Lee's Summit Soccer

Association, the Blue Springs Athletic Association, 3 and 2 Baseball of Olathe, and our family church organizations.

Most recently, we collected donations from friends and families to add to our firm's contribution for a family devastated by the Greensburg, Kansas tornado of May 4, 2007. In addition, Nash & Franciskato organizes an annual "Blanket Project" in late fall to assist the homeless of Kansas City by distributing blankets, coats, hats, and gloves to individuals in need through the City Union Mission of Kansas City.

We also welcome individual contributions to our Blanket Project! If you would like to contribute and/or participate, please contact **Stephanie Robinson** at our office, either by e-mail at srobinson@nashfranciskato.com or phone at **(816) 221-6600**.



Product liability

There's *good* product liability news. Federal product liability lawsuits fell 14 percent in 2005, and the number is expected to drop another 16 percent for 2006. Recalls and consumer pressure seem to be making products safer. However, there's also *bad* product liability news. In mid-2006, the Consumer Product Safety Commission (CPSC) weakened rules specifying when companies must report potentially dangerous products. Product-safety watchers say that CPSC's changes will grant manufacturers deniability when negligently designed or manufactured hazardous products result in serious injury or even death.

The rule relaxation eliminates a key incentive for corporations to act responsibly and represents a backwards step in the effort to protect the American public. Former Association of Trial Lawyers of America* president Ken Suggs said that the regulation change would "provide less consistent reporting guidance, increasing the likelihood that product defects known to manufacturers, distributors, or retailers will not be disclosed to the Commission and the public."

***Now known as the American Association for Justice.**

Let our experience get you the results you want!

Racial discrimination

America's civil justice system is often the last recourse for those seeking to protect their civil rights and stop discrimination.

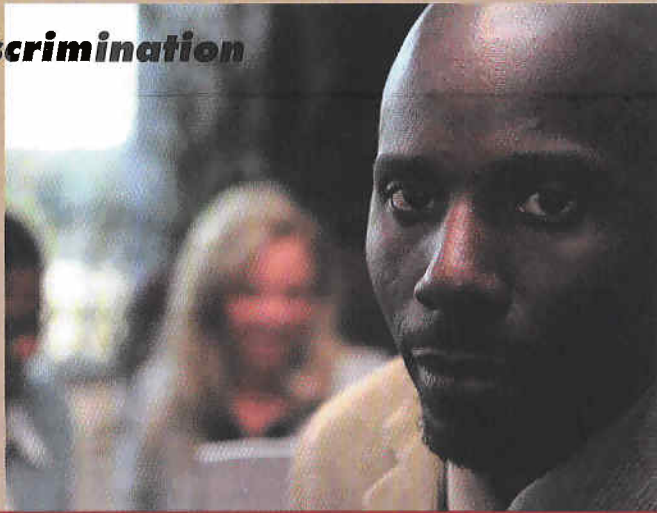
Throughout the 1990s, San Francisco's Interstate Brands Corporation (IBC) bakery, makers of Wonder® Bread and Hostess® snack pastries, discriminated against its African-American employees. Management refused to promote African-Americans to supervisory positions, gave poorly maintained vehicles to African-American drivers, and set aside restrooms and lunchrooms meant only for whites. IBC also denied or refused to investigate racial bias and harassment claims.

When two dozen African-American employees filed a lawsuit in 2000, IBC filed 21 motions to dismiss their case as frivolous. A judge and jury awarded a \$121 million verdict, the largest in the history of racial-discrimination cases, sending a message to corporate America that racism in the workplace would not be tolerated.

Workplace discrimination

Over 26,700 workplace racial-discrimination complaints were filed with the Equal Employment Opportunity Commission in 2005. Twenty-six percent of African-Americans report being subjected to workplace discrimination.

®Registered trademark
Interstate Brands Corporation



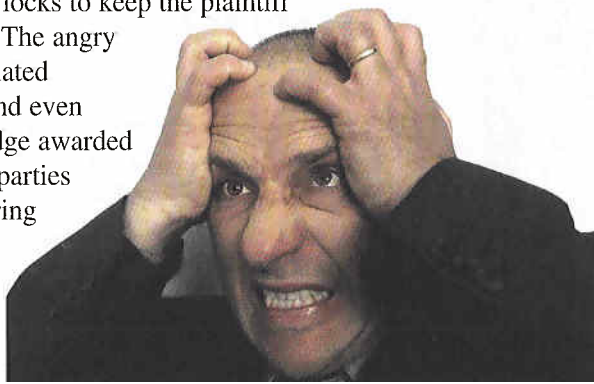
Warring neighbors

Most minor disagreements about noise or trespass between neighbors can be handled with a face-to-face negotiation, a handshake, and a smile. Sometimes, though, a community's mediation center can help if neighbors seriously dispute trespass or property damage. However, when clashes become rancorous, our civil justice system can provide remedy.

A very angry neighbor

A California resident filed suit against a neighbor whose crusade was to intimidate the plaintiff into fleeing from the neighborhood. The resident's attorney showed

that the angry neighbor poisoned landscape planting, chain-sawed shrubs and trees, and sabotaged door and window locks to keep the plaintiff from getting into his own home. The angry neighbor's behavior further escalated to painting graffiti on a garage and even attempting arson. At trial, the judge awarded damages to the plaintiff, but the parties agreed to a higher settlement during the punitive-damages portion of the trial.



Client service Guiding values

Our pledge to each client is always to do our best every time you call on us for legal assistance.

Here are several guiding values that our firm holds dear:

Client interest—

Whether we are representing someone injured in an auto accident or managing complicated commercial matters, we always focus on the best interests of our clients.

Flexibility—

Our years of counsel and trial experience tell us when it may be best for a client to litigate or to settle.

Forward thinking—

Anticipating what may happen next in each phase of a case and constantly foreseeing the final step—a trial—help us stay ahead of the curve.

Hard work—

Diligence, to us, means committing all of our experience, creativity, and energy to each client's case

Hope—

Clients often ask for our assistance after they have tried several other approaches that failed to deliver results.

Passion—

We will struggle on behalf of the little guy facing powerful adversaries.

We hope that the quality of our service always pleases you.

Caution!

Online resume scams

Identity thieves are at it again. This time, they're defrauding online job seekers.

Wrongdoers troll services such as GettingHired.com, Jobs.AOL.com, Monster.com, and others, looking for information such as names, addresses, phones, and more to build false identities. They even post fake job ads in the hope of getting applicants to return Social Security, credit card, and even banking account numbers.

Protect yourself

- Use the "hide information" option on job-site postings, if possible.
- Never provide your SSN.
- Even information such as eye or hair color or marital status can be used to establish a false driver's-license identity.

Anticipate outcomes

- Your current employer may locate your posted resume.
- Employment recruiters may contact you.
- You may get spammed with computer viruses.



FOR YOUR SAFETY

Recalled product roundup

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

- ✓ **Scubapro®**, USA, has requested scuba divers to return 48,500 Scubapro® MK 20 First Stage Regulators. Over-tightening the yoke or din retainer during annual servicing may result in regulator stress cracks and failure, posing a drowning hazard.
- ✓ **Wal-Mart Stores, Inc.**, has asked buyers to return 165,000 Home Trends Wood Footstools, which can collapse and harm consumers.
- ✓ **DeWalt Industrial Tool Company** has voluntarily recalled 97,000 framing saws and 37,000 circular saws. The lower blade guard may fail to close, leaving the blade exposed and presenting a laceration hazard.
- ✓ **Atico International USA, Inc.**, recalled 54,000 Espresso Express™ Espresso Makers with faulty heating elements that can separate from bases and burn users.
- ✓ **Black & Decker, Inc.**, is recalling 272,000 Black & Decker BV4000 Type 1 Blower/Vacs with a loose cord connection that can overheat and cause burns or a fire.
- ✓ **Weil-McLain** recalled 16,000 Weil-McLain Ultra Series Gas Boilers with incorrect installation instructions. Connecting boilers to LP gas without installing a propane conversion kit may result in carbon monoxide poisoning.

Contingency legal fees

Study refutes critics' claims

Opponents of America's civil justice system often claim that when trial attorneys represent clients on the basis of contingent fees—handling claims in exchange for a percentage of the recoveries clients receive—excessive and frivolous lawsuits result.

Critics commonly argue that contingency-fee caps will resolve their alleged problem. However, a study by two economics professors, Alexander Tabarrok and Eric Helland, has found quite the opposite. The professors analyzed completed cases in 16 states—8 states with caps and 8 states without caps—and reported that contingent fees...

- provide lawyers with strong stimulus to preview cases carefully and eliminate frivolous petitions.
- motivate attorneys to work hard to win fair cases for plaintiffs.
- enhance court access for low-income plaintiffs who can't afford lawsuits and who do not pay legal fees if they lose.
- help spread the cost of risk since contingency-fee legal counsel is a business endeavor that trial attorneys take on voluntarily.



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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 consultation with an attorney. Specific conditions always require consultation with appropriate legal professionals.

Introducing...

Holly Long

One of the faces you will see at the **Nash & Franciskato Law Firm** is paralegal **Holly Long**. Holly grew up in Shawnee, Kansas, and is a true Jayhawker. Holly earned her bachelor's degree in liberal arts from the University of Kansas and an associate's degree in paralegal studies from Washburn University in Topeka, Kansas.

After graduating, Holly began working as a legal secretary in 1995 and transitioned to paralegal in 2001. She has been working with **Dean Nash** and **Brian Franciskato** since 1996. Her experience includes all types of personal injury and wrongful death cases involving vehicular negligence, product defects, and malpractice. Holly is very detail oriented and enjoys working with clients. She knows what it is like to be a plaintiff, as she just settled her Kansas lawsuit against her homebuilder for defective construction. Holly can tell our clients the ins and outs of litigation firsthand and assist them throughout the litigation process.

Holly is a lifelong Kansan and currently resides in Olathe, Kansas. She and her husband Kent have been married for 11 years and have one son, Christian. Their nine-year-old keeps them extremely busy with baseball, soccer, and karate, as well as church activities.



Property-owner negligence

When innocent persons suffer any kind of serious injuries because of property owners' negligence, an attorney familiar with premises liability can help victims obtain compensation for medical bills, lost wages, pain and suffering, and other damages.

An experienced personal injury lawyer can evaluate an incident, communicate with property owners, negotiate with insurers, locate experts to testify on a plaintiff's behalf, if necessary, and present the case at trial.

An elevator attack

A city apartment-building tenant entering an elevator was shot by a mugger four times. He sustained one wound to his head. When he sued, his attorney claimed the building's owner was aware that locks on doors were constantly broken. Although the owner claimed broken locks were irrelevant since the assailant followed the plaintiff into the building, parties settled on the trial's third day.

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.