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## *The Story of the Fourth of July*

### THE DECLARATION OF INDEPENDENCE

**W**e celebrate American Independence Day on the Fourth of July every year. We think of July 4, 1776, as a day that represents the Declaration of Independence and the birth of the United States of America as an independent nation. But July 4, 1776 wasn't the day that the Continental Congress decided to declare independence (they did that on July 2, 1776).

It wasn't the day we started the American Revolution either (that had happened back in April 1775).

And it wasn't the day Thomas Jefferson wrote the first draft of the Declaration of Independence (that was in June 1776). Or the date on which the Declaration was delivered to Great Britain (that didn't happen until November 1776). Or the date it was signed (that was August 2, 1776).

### SO WHAT DID HAPPEN ON JULY 4, 1776?

The Continental Congress approved the final wording of the Declaration of Independence on July 4, 1776. They'd been working on it for a couple of days after the draft was submitted on July 2nd and finally agreed on all of the edits and changes.

July 4, 1776, became the date that was included on the Declaration of Independence,

and the fancy handwritten copy that was signed in August (the copy now displayed at the National Archives in Washington, D.C.) It's also the date that was printed on the Dunlap Broad sides, the original printed copies of the Declaration that were circulated throughout the new nation. So when people thought of the Declaration of Independence, July 4, 1776 was the date they remembered.

In contrast, we celebrate Constitution Day on September 17th of each year, the anniversary of the date the Constitution was signed, not the anniversary of the date it was approved. If we'd followed this same approach for the Declaration of Independence we'd be celebrating Independence Day on August 2nd of each year, the day the Declaration of Independence was signed!

### HOW DID THE FOURTH OF JULY BECOME A NATIONAL HOLIDAY?

For the first 15 or 20 years after the Declaration was written, people didn't celebrate it much on any date. It was too new and too much else was happening in the young nation. By the 1790s, a time of bitter partisan conflicts, the Declaration had become controversial. One party, the Democratic-Republicans, admired Jefferson and the Declaration. But the other party, the Federalists,

thought the Declaration was too French and too anti-British, which went against their current policies.

By 1817, John Adams complained in a letter that America seemed uninterested in its past. But that would soon change.

After the War of 1812, the Federalist party began to come apart and the new parties of the 1820s and 1830s all considered themselves inheritors of Jefferson and the Democratic-Republicans. Printed copies of the Declaration began to circulate again, all with the date July 4, 1776, listed at the top. The deaths of Thomas Jefferson and John Adams on July 4, 1826, may even have helped to promote the idea of July 4 as an important date to be celebrated.

Celebrations of the Fourth of July became more common as the years went on and in 1870, almost a hundred years after the Declaration was written, Congress first declared July 4 to be a national holiday as part of a bill to officially recognize several holidays, including Christmas. Further legislation about national holidays, including July 4, was passed in 1939 and 1941.

## Recent Settlements



### **FIRM SETTLES APARTMENT FIRE DEATH CASE**

Penn and Seaborn, along with the Beasley Allen law firm and the law firm of Gray, Langford, Sapp, McGowan, Gray and Nathanson, reached a settlement on behalf of the parents of three small children who perished in an apartment fire on November 28, 2011. The young children died as a result of inhaling toxic smoke, chemicals, and carbon monoxide. We filed a lawsuit against Walter Kidde and United Technologies Corporation, along with other defendants, due to the failure of the company's ionization smoke detector to alarm in this tragedy. The case gained worldwide attention on the horrific consequences of defective smoke detectors. Because of Penn & Seaborn's commitment that these precious children's lives would not be lost in vain, we made certain that the settlement included requirements that will cause manufacturers of smoke detectors to improve their safety standards and save many lives in the future.

### **FIRM SETTLES CASE FOR DOC EMPLOYEE IN BULLOCK COUNTY**

Penn & Seaborn recently reached a settlement on behalf of a Department

of Corrections employee. The accident occurred at the intersection of Highway 51 and Highway 82 in Bullock County on May 20, 2013, when the other driver pulled out from the break in the median in front of our client who was traveling west on Highway 82.

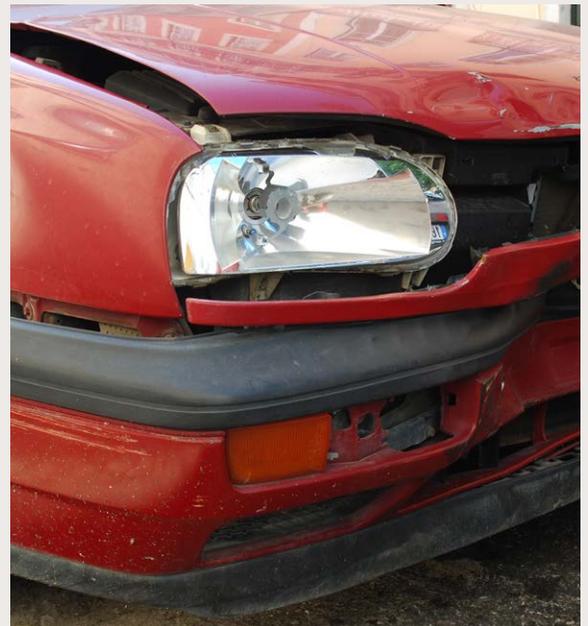
This accident was a high impact collision that could have had disastrous results. Fortunately our client was wearing his seat belt and has recovered well from the accident.

### **FIRM SETTLES CASE FOR SHERIFF'S DEPUTY'S MINOR DAUGHTER**

Penn & Seaborn settled a car accident case that occurred in Eufaula. Our client's wife was stationary at a red light near downtown Eufaula when she was rear ended by another driver. The minor child was belted in the back seat at the time of the collision, but suffered injuries and was ultimately taken to Birmingham by helicopter. Recently, the case was settled and a very good result was obtained for the clients.

### **FIRM SETTLES SATELLITE INSTALLATION CASE**

Penn and Seaborn recently settled a case involving a satellite installation technician who caused extensive damage to the customers' home.



## Recent Filings

Penn and Seaborn recently filed a case against a California trucking company whose driver ran a red light causing serious injury to our client.

Firm recently filed a medical malpractice case where a patient goes for outpatient surgery and it resulted in death.

*with the Service you appreciate.*

## Current Cases We are Working

### PRODUCT LIABILITY

We continue to focus on accident cases involving automobiles, heavy equipment and consumer products. Some of these auto cases involve single-vehicle accidents, while others involve multiple-vehicle accidents. We would like to review any cases involving catastrophic injury or death.

### ON-THE-JOB PRODUCT LIABILITY

Many times product claims arise from workers compensation claims. After we investigate the circumstances that caused the injuries, we often times discover a defective machine may be the cause of the injuries.

### HEAVY TRUCKS

We are handling many of these cases. There are significant differences between handling an interstate trucking case and other car wreck cases. It is imperative to have knowledge of the Federal Motor Carrier Safety Regulations, technology, business practices, insurance coverage, and to have the ability to discover written and electronic records. Expert testimony is of the utmost importance.

### LIPITOR

A statin drug to treat high cholesterol, Lipitor was approved by the FDA in 1996 and is one of the best-selling prescription



medications in the world. Recent studies have found a possible link between Lipitor and the risk of developing Type 2 diabetes. The study found a potential link in postmenopausal women, particularly those who had a Body Mass Index (BMI) less than 30. Of the 153,840 women evaluated, more than 10,000 had developed Type 2 diabetes by the end of the study.

### RISPERDAL

A drug used to treat adults, adolescents, and children with schizophrenia and bipolar disorder. Studies show Risperdal puts patients at risk of hyperglycemia, dyslipidemia and weight gain, which can increase the risk of type 2 diabetes. The most troubling side effect is gynecomastia in young boys. Gynecomastia can result



in boys growing female breast. Not only does Risperdal have dangerous health consequences, the side effects can cause embarrassment, emotional, and psychological problems.

### TESTOSTERONE REPLACEMENT THERAPY

These products for men have been linked to an increased risk of death, heart attack and stroke. In one study, researchers found men who used testosterone replacement therapy were 30 percent more likely to have a heart attack, stroke or die after three years of use. A second study found that men had a significant increase in risk of heart attack or stroke in just the first 90 days of testosterone therapy.

## BP Rejected by Supreme Court on Gulf Payments Reprieve

BY GREG STOHR | JUNE 09, 2014 5:42 PM EDT

**B**P Plc (BP/) must pay potentially hundreds of millions of dollars in claims after the U.S. Supreme Court refused to halt disputed payments stemming from the 2010 Gulf of Mexico oil spill.

In a one-sentence order issued today, the justices said they wouldn't put a hold on lower court rulings that require the oil company to begin making the payments, part of a \$9.2 billion accord.

BP says some of the money would go to businesses whose losses were unrelated to the spill, including lawyers who lost their licenses and warehouses that burned down before the incident. The company says the process violates the Constitution and the federal rules that govern class action litigation.

BP believes that failure to suspend "the payment of business economic loss claims

will allow hundreds of millions of dollars to be irretrievably scattered to claimants whose losses were not plausibly caused by the Deepwater Horizon accident," Geoff Morrell, a company spokesman, said in an e-mail today.

BP's American depository receipts fell immediately after the court issued its order before recovering. They rose 3 cents to \$50.84 at 4:15 p.m. in New York.

Under its normal scheduling practices, the high court will decide late this year whether to take up BP's appeal.

#### 2012 Settlement

BP settled with most private-party plaintiffs in 2012, initially estimating the cost of the agreement at \$7.8 billion. The company contends that a flawed interpretation by the claims administrator helped raise the price to \$9.2 billion or more.

Lawyers for spill victims say BP is trying to renege on a settlement that is proving more costly than anticipated.

"We're pleased that this denial of BP's request for a stay will allow businesses to continue to receive the compensation they're rightly entitled to according to the objective, transparent formulas agreed to by BP," Steve Herman and Jim Roy, lead lawyers for spill victims, said in an e-mailed statement. The case is BP Exploration v. Lake Eugenie Land, 13A1177.

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We are pleased to announce the opening of a Montgomery office this fall to be able to better serve the people of Montgomery and the surrounding communities.

## The Five Freedoms

**M**ore so than any other part of the U.S. Constitution of Bill of Rights, the five freedoms of the First Amendment embody what is most sacred about America's historic commitment to create a free and responsible society.

### RELIGIOUS LIBERTY

Since 1791, the first sixteen words of the First Amendment — “Congress shall make no law establishing a religion, or prohibiting the free exercise thereof” — have enshrined religious liberty as a fundamental, inalienable right for all human beings.

### SPEECH

With the right to freedom of speech comes responsibility: the responsibility to be respectful in how we speak, and the responsibility to protect others' right to freedom of speech, regardless of whether we agree or are interested in what they are saying. And, something we forget or frequently misunderstand, the First Amendment does not guarantee the right to not be offended.

### PRESS

Without a free and vigorous press to keep government honest and guarantee the free

flow of information, open societies cannot flourish. As the great journalist Edward R. Murrow once wrote, “a nation of sheep begets a government of wolves.”

### ASSEMBLY

Over the course of our history, the right to assemble peaceably has protected all sorts of individuals and viewpoints. Suffragettes, union workers, civil rights advocates, anti-war activists have all taken to the streets and sidewalks to make themselves seen and heard.

### PETITION

The last of the First Amendment's five freedoms, the right to petition is, in many ways, the chief procedural means Americans have for making their desires known. It guarantees our right to ask government at any level to right a wrong or correct a problem.

