

# PENN & SEABORN

## ATTORNEYS AT LAW

A TRADITION OF QUALITY SINCE 2002



*The Experience you need...*



Myron Penn



Shane Seaborn



Will Partin



Charles Hudson

[pennandseaborn.com](http://pennandseaborn.com)  
**(334) 738-4486**

No representation is made that the quality of legal services to be performed is greater than the legal services performed by other lawyers.

ADVERTISEMENT

## Breast Cancer Awareness Month

### A STATEMENT BY HHS SECRETARY KATHLEEN SEBELIUS

October is National Breast Cancer Awareness Month, a time to rededicate ourselves to lessening the impact of the most common cancer affecting women. Breast cancer is also the second leading cause of cancer death for women in the United States, after lung cancer.

All women are at risk for breast cancer. A woman in the United States has a 1 in 8 chance of developing invasive breast cancer in her lifetime.

But when breast cancer is caught early and treated, survival rates can be near 100 percent. That is why, it is critical that we ensure access to screening and, when necessary, high-quality treatment for everyone.

With the help of the Affordable Care Act, we are beginning to make progress towards overcoming some of the most significant barriers to access, screening, and quality treatment. The health care law already requires most health plans to cover certain recommended preventive services at no out-of-pocket cost. This means that women can get free annual mammograms, and those who are at increased risk of developing breast cancer can get genetic counseling at no additional cost.

In 2014, a woman cannot be denied coverage because of a pre-existing health condition, like breast cancer. Also, it will be illegal to charge a woman more for the same coverage than a man.

Being a woman will no longer be a pre-existing condition! These new protections will go a long way toward improving the health and well-being of our nation.

This month marks the beginning of the six-month-long open enrollment period for the Health Insurance Marketplaces. Millions of uninsured American women and men now have the opportunity to sign up for quality, affordable health coverage that meets their needs and budget.

Coverage began Jan. 1, 2014.

For the very first time, Americans can go to one place to get accurate information on different plans and make apples-to-apples comparisons on benefits, quality, and cost. Learn about the Marketplaces and the new health insurance options at [HealthCare.gov](http://HealthCare.gov).

In addition to this increased

access to screening and care, our nation has made a tremendous investment in biomedical research. As a result, there have been dramatic improvements in breast cancer treatment, with many women and men living long and productive lives well after their treatment has ended.

Through ongoing research, the health care law, and the Marketplaces, we will be able to save more lives and improve the quality of life for Americans with breast cancer. During Breast Cancer Awareness month, let's take the time to appreciate the progress we've made against this disease and work even harder to help all those affected by it.



## Recent Settlements



### FIRM SETTLES THIRD PARTY CLAIM FOR EMPLOYEE

Penn & Seaborn recently reached a settlement on behalf of a convenience store employee against a third party defendant. Our client was at work when a high-pressure carbon dioxide cylinder popped off causing hearing loss to our client. This claim was brought against the company that owned the cylinder and resulted in an extremely good settlement for the client.

### TIMELY DIAGNOSIS SETTLEMENT

Penn & Seaborn recently settled a case against a doctor and a prison system health care provider for failing to timely diagnose cancer. The delay put the cancer victim at a major disadvantage in his fight against the horrible disease.

### WRONGFUL DEATH

Shortly after filing a wrongful death lawsuit, Penn & Seaborn reached a settlement on behalf of a Macon County family whose elderly loved one was killed by a speeding vehicle while exiting the driveway of his home.

### TRACTOR TRAILER COLLISION

Penn & Seaborn has filed a case on behalf of a Dallas County woman who was seriously injured in a wreck with a tractor-trailer. Our client was headed home to see her family after a hard day's work. She was stopped

at an intersection waiting to make a right hand turn when the tractor-trailer collided into her car. Penn & Seaborn regularly represents motorists injured in tractor trailer collisions throughout Alabama.

### FRATERNITY HAZING

Penn & Seaborn recently settled a case on behalf of a college student who suffered serious and life threatening injuries after being brutally beaten during a fraternity hazing ritual. This young man's "brothers" beat him as part of an initiation ceremony.

### DOG ATTACK

Penn & Seaborn recently settled a case on behalf of a little girl who was injured during a dog attack. The little girl was playing outside in the yard of her grandmother's Macon County apartment when she was attacked by the maintenance man's dog. The little girl was injured and scarred when she was bitten in the face. Penn & Seaborn is well positioned to serve the citizens of Macon County with offices conveniently located in nearby Union Springs and East Montgomery.



## Boo Man Continues to Make a Difference



Alabama State University graduate Vladimir "Boo Man" Averett opened Heritage Barber Shop at 1334 Carter Hill Road in Montgomery across from ASU nearly 20 years ago with a goal in mind....."to serve Montgomery and the tri-county area and to give the 12 barbers he hired, along with myself, an opportunity to take care of their families."

He now owns the Heritage Complex shopping strip, and other ASU graduates have opened businesses there, including Stingers Café, Diva's Hair Salon and Evening Out Formal Wear.

Averett's business also mentors young people and offers free haircuts during the back-to-school season. He said his goal is becoming a reality.

*with the Service you appreciate.*

## Current Cases We are Working



### 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.

### 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.

### XARELTO

Xarelto (rivaroxban) is an FDA approved blood thinner. Xarelto is used for preventing blood clots, as well as other uses. Xarelto is a billion dollar seller that was developed by Janssen (Johnson & Johnson's research and development segment) in conjunction with Bayer. Suits are pending against Bayer and Johnson & Johnson related to severe internal bleeding. If you have been prescribed Xarelto and had internal bleeding or a pulmonary embolism, you may have legal options.

### 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.



### VIAGRA

A preliminary study indicates the erectile dysfunction drug Viagra (sildenafil) may increase the risk of developing melanoma, the deadliest form of skin cancer. The study, published in the JAMA Internal Medicine journal, analyzed data from nearly 26,000 men, 6 percent of whom had taken Viagra. The men who used Viagra at some point in their lives had about double the risk of developing melanoma compared to men who had never taken the drug. Men who were currently taking Viagra were at an 84 percent greater risk of developing melanoma. We are currently looking at cases involving men who are taking or have taken Viagra and were diagnosed with melanoma.

## October is National Bullying Prevention Month

**B**ullying occurs once every seven minutes. That means that while you read this tip sheet, it is likely that at least one bullying incident will have occurred. In schools across America, one in three students report being bullied weekly. The good news: educators want to do something about it. In 2010, NEA conducted the first nationwide survey to include the opinions of education support professionals as well as teachers on issues relating to bullying in public schools. According to NEA's survey, 98% of school staff believed it's their job to intervene when they see bullying occur. So, we agree that we should do something about bullying. Where do we start? In order to intervene, we must first be able to identify



bullying. Once bullying is identified, we can take the necessary actions to stop bullying and prevent it from occurring in the future. This tool kit is intended to help educators know how to identify bullying, intervene in a bullying incident, and advocate for bullied students.

### UNDERSTAND WHAT BULLYING IS

Bullying is systematically and chronically inflicting physical hurt and/or psychological distress on another. Bullying can be physical, verbal or social. Bullying is not just child's play, but a frightening experience many students face every day. It can be as direct as teasing, hitting, threatening, destruction of property or forcing someone to do something against their will, or as indirect as in rumors, exclusion, or manipulation.

Bullying involves a real or perceived power imbalance between the one who bullies and their target.

### UNDERSTAND WHAT BULLYING IS NOT

It is important not to misuse the term bullying for every behavior problem. Identifying what a behavior really is (and labeling the behavior not the student) helps us to select the most appropriate intervention strategies. Can you distinguish bullying from normal conflict? There are three basic ways to know the difference.

### THE STUDENT DOING THE BULLYING:

- Picks on their target day after day (repetition).
- Wins because their target is smaller, younger or less socially able to cope (power imbalance).
- Enjoys seeing their target afraid and upset (intent to harm).

ADVERTISEMENT

# PENN & SEABORN, ATTORNEYS AT LAW

Clayton 5 Court Square (334) 775-9778  
Eufaula 1442 S Eufaula Ave (334) 687-5555  
Union Springs 53 Hwy 110 (334) 738-4486  
Montgomery 1971 Berry Chase Place (334) 676-1626

[pennandseaborn.com](http://pennandseaborn.com)

★ ★ ★ ★ ★ ★ ★ ★ ★ ★ ★ ★ ★ ★ ★ ★

**PENN & SEABORN, LLC**  
**7th Annual Barbour County**  
**LAW ENFORCEMENT,**  
**FIRST RESPONDERS**  
**AND HEALTHCARE**  
**APPRECIATION DAY**

**At Shorty's**  
**Friday, October 31, 2014**  
**11:00 a.m. to 1:00 p.m.**

**DIRECTIONS FROM CLANTON:**  
Turn left onto John C. Martin Road 3.2 miles  
Turn right onto CR 43, 2.4 miles  
Turn right onto Shorty Carpenter Road

★ ★ ★ ★ ★ ★ ★ ★ ★ ★ ★ ★ ★ ★ ★ ★

## Montgomery Office Now Open

**P**enn & Seaborn, LLC is pleased to announce its expansion with the opening of a Montgomery office at 1971 Berry Chase Place, Montgomery, Alabama 36117.

With offices in Clayton, Union Springs, and Eufaula, the law firm's newest location will enhance its accessibility for clients who live in Montgomery and the surrounding communities.

Co-founders Myron Penn and Shane Seaborn, along with attorneys Will Partin and Charlie Hudson, are looking forward to serving the River Region with the same tradition of quality that has been the basis of their partnership since the firm originated twelve years ago.

While Penn & Seaborn's primary focus is in representing individuals who have been injured, the law firm has also successfully litigated on behalf of community groups, businesses, and churches.

The new Montgomery office can be contacted at (334) 676-1626.



## Ryan Stinson Joins Staff



**R**yan Stinson was born and raised in Eufaula, Alabama. He graduated from The Lakeside School in 2008. He then attended Auburn University where he graduated with a Bachelor's degree in History. Ryan is now in his last year at Jones School of Law and is on track to graduate in May 2015.

In his spare time Ryan enjoys playing golf, fishing, and spending time with friends and family.

Ryan is a member of South Point Church in Eufaula, Alabama. Ryan has clerked for Penn & Seaborn for two years.