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The Story of Rosa Parks



On December 1, 1955, Rosa Parks, a 42-year-old African American woman who worked as a seamstress, boarded a Montgomery City bus to go home from work. On the bus that day, Rosa Parks initiated a new era in the American quest for freedom and equality.

She sat near the middle of the bus, just behind the 10 seats reserved for whites. Soon all of the seats in the bus were filled. When a white man entered the bus, the driver (following the standard practice of segregation) insisted that all four blacks sitting just behind the white section give up their seats so that the man could sit there. Mrs. Parks, who was an active member of the local NAACP, quietly refused to give up her seat.

Her action was spontaneous and not pre-meditated, although

her previous civil rights involvement and strong sense of justice were obvious influences. "When I made that decision," she said later, "I knew that I had the strength of my ancestors with me."

She was arrested and convicted of violating the laws of segregation, known as "Jim Crow laws." Mrs. Parks appealed her conviction and thus formally challenged the legality of segregation.

At the same time, local civil rights activists initiated a boycott of the Montgomery bus system. In cities across the South, segregated bus companies were daily reminders of the inequities of American society. Since African Americans made up about 75 percent of the riders in Montgomery, the boycott posed a serious economic threat to the company and a social threat to white rule in the city.

A group named the Montgomery Improvement Association, composed of local activists and ministers, organized the boycott. As their leader, they chose a young Baptist minister who was new to Montgomery: Martin Luther King, Jr. Sparked by Mrs. Parks' action, the boycott lasted 381 days, into December 1956 when the U.S. Supreme Court ruled that the segregation law was unconstitutional and the Montgomery buses were

integrated. The Montgomery Bus Boycott was the beginning of a revolutionary era of non-violent mass protests in support of civil rights in the United States.

It was not just an accident that the civil rights movement began on a city bus. In a famous 1896 case involving a black man on a train, *Plessy v. Ferguson*, the U.S. Supreme Court enunciated the "separate but equal" rationale for Jim Crow. Of course, facilities and treatment were never equal.

Under Jim Crow customs and laws, it was relatively easy to separate the races in every area of life except transportation. Bus and train companies couldn't afford separate cars and so blacks and whites had to occupy the same space.

Thus, transportation was one the most volatile arenas for race relations in the South. Mrs. Parks remembers going to elementary school in Pine Level, Alabama, where buses took white kids to the new school but black kids had to walk to their school.

"I'd see the bus pass every day," she said. "But to me, that was a way of life; we had no choice but to accept what was the custom. The bus was among the first ways I realized there was a black world and a white world" (emphasis added).

Montgomery's Jim Crow customs were particularly

Continued on page 2

harsh and gave bus drivers great latitude in making decisions on where people could sit. The law even gave bus drivers the authority to carry guns to enforce their edicts. Mrs. Parks' attorney Fred Gray remembered, "Virtually every African-American person in Montgomery had some negative experience with the buses. But we had no choice. We had to use the buses for transportation."

Civil rights advocates had outlawed Jim Crow in interstate train travel, and blacks in several Southern cities attacked the practice of segregated bus systems. There had been a bus boycott in Baton Rouge, Louisiana, in 1953, but black leaders compromised before making real gains. Joann Robinson, a black university professor and activist in Montgomery, had suggested the idea of a bus boycott months before the Parks arrest.

Two other women had been arrested on buses in Montgomery before Parks and were considered by black leaders as potential clients for challenging the law. However, both were rejected because black leaders felt they would not gain white support. When she heard that the well-respected Rosa Parks had been arrested, one Montgomery African American woman exclaimed, "They've messed with the wrong one now."

In the South, city buses were lightning rods for civil rights activists. It took someone with the courage and character of Rosa Parks to strike with lightning. And it required the commitment of the entire African American community to fan the flames ignited by that lightning into the fires of the civil rights revolution.

Penn and Seaborn, along with Greg Allen of Beasley Allen settled a lawsuit brought against Tigercat Industries, Inc. Our client, Keith Pelham, received a crushing injury to his hips and bowel from a dropping dozer blade on a Tigercat 620-C Skidder. Keith was attempting to disconnect a tow chain when the accident happened. Keith had been a logger for over 10 years.

Keith was helping Brian Green, another experienced logger, pull the skidder out of mud. Brian worked for a different logging company whose job site was near where Keith was working. Brian asked Keith to help him after getting his machine stuck. Keith was under the dozer blade at the front of the Tigercat Skidder, unhooking the chain from the tow lug, when Brian decided to step out of the Tigercat and see if he could assist. When Brian stepped out of the Tigercat cab, his shirt tail got caught on the control handle for the dozer blade, causing the blade to drop. The Tigercat is designed so that when a control handle is activated, it causes the engine to rev and the dozer blade moves under power and quickly. The dozer blade hit a stump as it hit Keith, which prevented Keith from being cut in half.

Through discovery, we learned that Tigercat had originally designed the skidder with buttons at the top of the control handles. With the original design, the operator was required to push the button and move the control handle to activate the blade. The button on the handle was designed to prevent inadvertent control handle activation. Tigercat had also designed the machine with a button on top of the wench control lever.

Studies go back to the 1950s, where control handles on machines like the skidder are required to have a secondary motion or some other form of interlock to prevent inadvertent actuation. This danger has been well-known throughout the industry for many years.

We learned that after Tigercat designed

the switch interlock it received complaints from some operators that the button made it difficult to use the dozer control handle effectively. As a result of the complaints, Tigercat elected to deactivate the switch in the dozer control handle, but it did not. Tigercat did not deactivate the wench handle. We discovered that the switch was still in place on the dozer handle of the machine. The switch was electronically deactivated by Tigercat. But Tigercat took no steps to minimize the danger of control handle inadvertent activation on the dozer blade control. We were able to determine that if the handle switch had been activated, this accident could not have happened.

As a result of this accident, Keith Pelham now has a permanent limp and is in constant pain. He was not able to return to the logging industry and was determined to be 100% vocationally disabled. Part of his bowel had to be removed. Keith's primary problem is that he wants to work but because of his disabling injury he cannot work. He was a good and hard-working person and he misses his job.

The case was settled at the pretrial conference for a confidential amount for Keith and his wife, Leslie. Penn and Seaborn, along with Greg Allen of Beasley Allen, handled the case. Greg did an outstanding job.

Firm settles case in federal court where victim's vehicle was hit by an 18-wheeler that ran a red light.

Firm settles premises case in Barbour County where contractor failed to cover up trench.

Firm files suit in Pike County where child was injured in a restaurant in which management knew of unstable conditions for guests and failed to attend to customer safety.

Firm settles case where mother and daughter were victims of a multiple car collision in Pike County.

Power Morcellator

The Power Morcellator is a surgical instrument used to divide and remove masses during hysterectomies, fibroid removal and other laparoscopic surgeries. The device is inserted through small incisions and removes tissue after aggressively cutting and shredding it. The device can put women at increased risk for a number of deadly uterine cancers. According to FDA analysis, 1 in 350 women undergoing surgical treatment for fibroids has an unsuspected uterine sarcoma that cannot be reliably detected before surgery. During power morcellation, there is a chance pieces of tissue may be left behind. If the tissue is malignant, cancer may be spread. The FDA issued a safety alert in April 2014 discouraging the use of these devices in uterine and fibroid removal procedures. If you have undergone a procedure where a power morcellator was used, and subsequently developed uterine cancer, please contact us to review your potential case.



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.

CRENSHAW COUNTY WRECK

Our firm is representing a lady who was severely injured when a spare tire came off of another vehicle and crashed into our client's windshield. This could have been a catastrophic accident, but fortunately, our client was not more severely injured. We look forward to obtaining a good result for our client.

BARBOUR COUNTY WRECK

We recently filed a lawsuit on behalf of a client that was t-boned by a drunk driver. Our client was on his way to work, and fortunately was wearing his seat belt.

HENRY COUNTY WRECK

We are handling a claim for a client that was severely injured when an elderly lady improperly traveled north in a south bound lane of an extremely busy four lane highway. Our client had his seat belt on, and is very fortunate to be alive.

BARBOUR COUNTY MOBILE HOME CASE

We have the honor of representing a local client in a somewhat unique case. Our client arrived at her house to find employees of

a company dismantling her mobile home in preparation to repossess her home. The problem with this situation is that the company was dismantling the wrong mobile home. As you can imagine, this has been a terrible situation for the client, and we are eager to obtain a fitting result for our client.

MACON COUNTY WRECK

Our firm recently filed a lawsuit against a driver who crashed into the rear of a vehicle occupied by an elderly Macon County couple. The husband was driving his wife home moments after she was discharged from the hospital when they were suddenly hit from behind. Instead of arriving safely home, both were rushed back to the area hospital for their injuries. Our clients were wearing their seatbelts and were very fortunate to survive the wreck.

MONTGOMERY COUNTY WRECK

We represent an elderly Bullock County couple who were recently driving to their doctor visit in Montgomery when a car illegally pulled into an intersection and collided with them. Although the couple sustained injuries and a total loss of their vehicle, they were fortunately wearing their seatbelts and survived the collision.



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The History of President's Day

President's Day is an American holiday celebrated on the third Monday in February. Originally established in 1885 in recognition of President George Washington, it is still officially called "Washington's Birthday" by the federal government. Traditionally celebrated on February 22—Washington's actual day of birth—the holiday became popularly known as President's Day after it was moved as part of 1971's Uniform Monday Holiday Act, an attempt to create more three-day weekends for the nation's workers. While several states still have individual holidays honoring the birthdays of Washington, Abraham Lincoln and other figures, President's Day is now popularly viewed as a day to celebrate all U.S. presidents past and present.

