

# PENN & SEABORN

## ATTORNEYS AT LAW

A TRADITION OF QUALITY SINCE 2002



## *When Tragedy Strikes...Strike Back!*



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

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### Products Liability: Single Vehicle Car Accidents

What is a products liability case? A products liability case is a type of case that is brought against the manufacturer of a product. The person injured is claiming that the product was defective, and caused the injuries suffered, or death. Generally, there can be three different types of defects related to a product. There may be a defect in the manufacturing of the product, a defect in the design of the product, or there may be defective warnings related to the product.

A defect in the manufacturing of a product occurs when a product is adequately designed, but leaves the assembly plant in a condition where the product is not assembled correctly. In this situation, the incorrect assembly results in a dangerous and defective product that causes injury or death.

A product with a design defect may be assembled correctly during manufacturing, but the design of the product itself is dangerous, and could cause injury or death. With this type of defect, the injured party must also prove that there was a safer, alternative design, and that if the safer design had been used, the injury or death would have been prevented.

A defective warning case occurs when a manufacturer of a product is aware of dangerous characteristics of a product, but the manufacturer fails to properly warn the consumer of the dangers. Manufacturers are under a duty to adequately warn consumers of the dangers related to foreseeable use, and misuse, of a product. Some products, such as vehicles, have certain warnings



that are required by law. If a consumer is not properly warned, and is injured or killed, then there may be a potential defective warning case.

There are many automobile accidents that occur where only one vehicle is involved. Often times the person injured, or family and friends of a person that is killed never consider talking to an attorney about the accident. Single vehicle automobile accidents need to be investigated. Automobiles have many potential manufacturing, design, and warning defects, and there are numerous possible defects in automobiles related to design defects alone. There can be issues with roof crush, fuel fed fires, ignition switches, seats, seat backs, seat belts, air bags, and even tires.

Penn and Seaborn has represented many clients involved in products liability cases over the years. The products have included logging equipment, agricultural equipment, earth moving equipment, and automobiles. If you or a loved one has been injured in a single vehicle car accident, call Penn and Seaborn and let us investigate your potential products liability case!

Here at Penn & Seaborn, we are constantly looking for ways to connect with our clients and members of our community in order to keep them up to date on what is going on within the firm and within the communities that we are so fortunate to be a part of. Our Facebook, Instagram, and Twitter accounts are full of information we think may benefit you. You can access us on Facebook by searching "Penn & Seaborn" and our Instagram and Twitter accounts may be located by searching the username "penn\_seaborn". These accounts also serve as a way to contact us, get directions to our nearest office, share your experience with us, and so much more! We are so thankful to those who have already become a part of our online experience, and we encourage everyone else to check us out!



## Penn & Seaborn Welcomes Najava Friday to the Firm



**W**e would like to welcome Najava Friday to Penn & Seaborn! Najava is a native of Montgomery and will be working in our Montgomery office. She attended Jeff Davis High School and graduated in 2008. She is currently pursuing her degree in legal studies and intends to become a certified paralegal. Najava is married to Aaron Friday and has two children Ayden Friday, 3 years old, and Lauren Moss, 10 years old. In her

leisure time, Najava enjoys traveling with her friends and family. Najava has worked in the legal field for over five years, she enjoys both the challenge of working in the legal field as well as the rewarding feeling of helping clients with their legal issues. Her knowledge, experience, and her enthusiastic approach will make her a valued member of the Penn & Seaborn family.

## Recent Filings

Penn & Seaborn recently filed a lawsuit on behalf of a Barbour County woman who suffered injury in a car accident in Eufaula. Our client was stopped at a red light when a distracted driver failed to see the stopped traffic and collided with our client's vehicle.

The firm has filed a lawsuit on behalf of a Eufaula resident who was struck by an 18 wheeler in Barbour County. The driver of the 18 wheeler negligently collided with our client's vehicle causing injury.

Penn & Seaborn recently filed a case on behalf of two Pennsylvania college students who were injured in a motor vehicle collision. Our clients were returning from spring break on U.S. Highway 431 when a truck improperly shifted into their lane and crashed into our clients' vehicle. The case is filed against the negligent driver and his

employer in the State Court of Muscogee County, Georgia.

Penn & Seaborn recently filed a case involving an eighteen wheeler collision. Our clients were waiting at an intersection when a log truck rear ended them. The case is filed in the Superior Court of Randolph County, Georgia.

Penn & Seaborn recently filed a lawsuit on behalf of a Bullock County resident who was seriously injured when the trailer of a logging truck allegedly crossed the center line and collided with the car she was driving.

Penn & Seaborn recently filed

a lawsuit on behalf of a Bullock County client who suffered injuries in a Lee County, Alabama, automobile accident. Our client's vehicle was rear ended by a distracted driver while waiting to turn at an intersection.



## Recent Settlements

Penn & Seaborn recently settled a case for a Bullock County resident who suffered injury in a car accident. Our client was the passenger of a vehicle when a tire blew out and the driver lost control. The resulting car accident resulted in substantial injuries to our client. The firm was able to obtain a good settlement on her behalf and she has since healed from her injuries.

The firm recently settled a case on behalf of a Eufaula man who suffered injury in a car wreck in Barbour County. Our client's vehicle was struck by a distracted

driver while sitting at a red light. Since the settlement our client has healed from his injuries and is doing well.

Penn and Seaborn recently settled a Greene County case against a trucking company whose driver failed to stop at an intersection and collided with our client, causing injuries. We reached a great settlement and our client was very pleased with the result.

Penn and Seaborn settled a case that was filed in Eufaula, Al where our client was injured by a driver for a delivery

service company. The Defendant driver was traveling in the wrong turning lane. Our client was fortunate to not have any permanent physical injuries. She was very satisfied with the result.

Penn & Seaborn recently settled a case on behalf of two Barbour County clients who were injured in an eighteen wheeler collision on I-85 in Montgomery, Alabama. Our clients were very pleased with the result.

These recoveries and testimonials are not an indication of future results. Every case is different, and regardless of what friends, family, or other individuals may say about what a case is worth, each case must be evaluated on its own facts and circumstances as they apply to the law. The valuation of a case depends on the facts, the injuries, the jurisdiction, the venue, the witnesses, the parties, and the testimony, among other factors. Furthermore, no representation is made that the quality of legal services to be performed is greater than the quality of legal services performed by other lawyers.

# Have a case like one of these? Call Penn & Seaborn

## Personal Injury/Products Liability

### TRUCK ACCIDENTS

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 coverages, and to have the ability to discover written and electronic records. Expert testimony is of utmost importance. Accidents involving semi-trucks and passenger vehicles often result in serious injuries and wrongful death. Trucking companies and their insurance companies almost always quickly send accident investigators to the scene of a truck accident to begin working to limit their liability in these situations. Our lawyers, staff and accident investigators immediately begin the important task of documenting and preserving the evidence. We would like to review any case involving catastrophic injury or death.

### DEFECTIVE TIRES

Tire failure can result in a serious car crash and even a vehicle rollover accident, causing serious injury or death to vehicle occupants. Air, heat and sunlight can cause the rubber in



tires to break down. When a tire is defective, potentially serious problems like detreads and blowouts can occur long before the tire would be expected to wear out. If the tire failure is the result of design or manufacturing defects and the manufacturer is aware of the problem, they have an obligation to alert consumers to the potential danger.

### ON-THE-JOB PRODUCT LIABILITY

Product claims often arise from worker's compensation claims. Occasionally after we investigate the circumstances that caused the injuries, we discover that a defective machine may be the cause of the injuries.



### HEAVY TRUCK PRODUCT LIABILITY CLAIMS

Tractor trailer and other heavy trucks are not required to contain many of the same protections for occupants as smaller passenger cars. They can contain dangerous defects putting the truck driver or passengers at risk of serious injury or death. These trucks often have particularly weak roofs that crush in rollovers. The passenger compartments are often not protected by effective cab guards, and this allows loads to shift into the truck cab. We

would like to review any case involving catastrophic injury or death.

### NURSING HOME ABUSE AND NEGLECT

Nursing homes are supposed to be in the business of providing skilled nursing care to elderly and disabled residents. Unfortunately, statistics indicate residents in nursing homes suffer abuse and neglect more frequently at the hands of



nursing home corporations. In many cases, residents have died or have been severely abused as a result of neglect. They may suffer physical abuse, emotional or psychological abuse, or neglect. We are investigating cases involving serious injury or death resulting from nursing home abuse or neglect.

## Pharma and Devices

### INVOKANA

Approved in March 2013, Invokana (canagliflozin) is an SGLT2 Inhibitor used to treat adults with Type 2 diabetes, manufactured by Janssen Pharma-ceuticals, a subsidiary of Johnson & Johnson. SGLT2 inhibitors work by preventing high blood sugar by helping the patient's kidneys remove excess sugar through their urine. In May 2015, the U.S. Food and Drug Administration (FDA) issued a warning the drug has been linked to cases of ketoacidosis, a serious condition

where there is too much acid in the blood. Complications of diabetic ketoacidosis include difficulty breathing, nausea/vomiting, abdominal pain, confusion and unusual fatigue or sleepiness. The condition can lead to diabetic coma and/or death.

### ZOFRAN

Manufactured by GlaxoSmithKline, Zofran (ondansetron) was approved to treat nausea during chemotherapy and following surgery. Zofran (ondansetron) works by blocking serotonin in the areas of the brain that trigger nausea

and vomiting. Between 2002 and 2004, GSK began promoting Zofran off-label for the treatment of morning sickness during pregnancy, despite the fact the drug has not been approved for pregnant women and there have been no well controlled studies in pregnant women. The FDA has received nearly 500 reports of birth defects linked to Zofran. Birth defect risks include cleft palate and septal heart defects.

# PENN & SEABORN, ATTORNEYS AT LAW

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## Penn & Seaborn is an Annual Sponsor of Relay for Life



**R**elay For Life is the signature fundraiser for the American Cancer Society. Relay is staffed and coordinated by volunteers in thousands of communities and 27 countries. Volunteers give of their time and effort because they believe it's time to take action against cancer.

Relay is a team fundraising event where team members take turns walking around a track or designated path. Each event is 6-24 hours in length and each team is asked to have a member on the track at all times to signify that cancer never sleeps. Cancer patients don't stop because they're tired, and

for one night, neither do we.

Each team sets up a themed campsite at the event and continues their fundraising efforts by collecting donations for food, goods, games, and activities. This money will count towards their overall team fundraising goal.

Join us at these events to bring communities together to remember loved ones lost, honor survivors of all cancers, and raise money to help the American Cancer Society make a global impact on cancer.

Your donations to Relay For Life help the American Cancer Society fund ground-

breaking cancer research, critical patient care services, education and prevention initiatives, and so much more. Please consider joining a Relay For Life event and fundraising or making a donation today.

