

PENN & SEABORN

ATTORNEYS AT LAW

A TRADITION OF QUALITY SINCE 2002



The Experience you need...



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Summer Safety Tips: What to Do...



SNAKE BITES

- Call 911
- Try to identify the kind of snake
- Call Poison Control (800-222-1222)
- Move away from snake
- Immobilize and support bite area
- Clean the wound
- Wait for help
- Avoid tourniquets and other home remedies



TORNADOES

- Get inside a sturdy building
- Go to interior space on lowest floor
- Avoid windows and wide-span roofs
- Get under sturdy structure
- Use arms to protect head and neck
- If in a car, do not try to outrun it, seek shelter instead



WASP STINGS

- If allergic, use Epi-Pen and call 911
- Wash sting area with soap and water
- Apply cold pack
- Use hydrocortisone cream or calamine lotion
- Use baking soda and colloidal oatmeal on skin
- Use ibuprofen for pain and antihistamine for itching



LIGHTNING

- Watch the sky for signs of approaching storm
- If you hear thunder seek shelter immediately
- Stay out of water
- Avoid metal structures and trees
- Do not use electric appliances
- Wait 30 minutes after last lightning strike or thunder to return to outdoors activities



DROWNING

- Don't fall in
- Swim with friends
- Be aware of surroundings
- Supervise children
- Know your abilities
- Avoid alcohol
- Never dive into unfamiliar water
- Watch for riptides in ocean
- Install barriers around pool
- Provide flotation devices
- Learn to swim and tread water



DOWNED POWER LINES

- Never touch or approach a downed power line
- Do not touch anything that is touching the downed wire
- Keep children and pets away from fallen wires
- Do not drive over fallen power lines
- Call 911 to report fallen power lines
- If a power line touches your car, stay inside the vehicle and call for help

Recently Filed Cases

Penn and Seaborn filed suit against a Montgomery, Alabama homeowner's association. Our client's lawsuit claims that the homeowner's association allowed a walking path to become in disrepair. The homeowner's association's negligence caused our client to trip and fall. As a result, she suffered a broken knee and had to undergo surgery and physical therapy.

Penn and Seaborn filed a lawsuit against an Elmore County gas station. We believe the evidence will show that the gas station allowed the plumbing to leak onto the floor of the bathroom for an extended period of time. As a result, our client slipped and fell

when entering the bathroom.

Our law firm just filed a case against an auto insurance company for an injured Alabama State Trooper. The negligent driver's insurance company paid its policy limits. We are pursuing additional funds from our clients own insurance.

Our law firm just recently filed a wrongful death case against MDI, Inc., for negligently operating its garbage truck on highway 30 in Barbour County. A crash occurred while MDI, Inc., was stopped in the highway to empty the trash container. The company had been repeatedly warned

about stopping its vehicles in the highway.

Penn and Seaborn filed suit on behalf of two wiregrass farmers against a Barbour County construction company. Our clients paid the Defendant construction company hundreds of thousands of dollars to construct chicken houses. Unfortunately, the construction quality was not as the construction company represented and warranted. The chicken houses were left poorly constructed, incomplete, and of substandard quality.

Recent Settlements

Penn & Seaborn settled a Lee County, Alabama car wreck. Our client was struck from behind by the at-fault driver.

Penn & Seaborn settled a case where a grave in a Barbour County, Alabama, cemetery was negligently damaged by some employees of an out of town vault company. The vault company refused to fix the damage, but ultimately the case was resolved, and a good settlement was obtained for our client.

Penn & Seaborn recently settled a car wreck where our client was struck from behind in a rear-end collision. This motor vehicle accident occurred in Bullock County, Alabama, and resulted in a good settlement for our client.

Penn & Seaborn settled a trip and fall case. This accident happened while our client was at an eye doctor appointment in Dothan, Alabama. This was a good settlement for our client in Houston County, Alabama.

Penn & Seaborn obtained a confidential settlement in a lawsuit for a Bullock County



client. We filed suit on behalf of our client, and alleged that our client's neighbor negligently burned limbs and leaves in her yard. The fire escaped the neighbor's yard and destroyed our client's home.

Penn & Seaborn settled a trip and fall case in Crenshaw County, Alabama, against a restaurant. Our client tripped and fell while entering the business, and suffered a broken elbow. Our client required surgery, and physical therapy due to the negligence of the restaurant.

Penn & Seaborn settled a Montgomery County, Alabama, case against a trucking company. Our client was knocked into a

concrete median when an eighteen wheeler drifted into our client's lane, and crashed into her car causing our client to be injured.

Penn & Seaborn settled a Bullock County rear end collision. Our client was struck from behind in Union Springs, Alabama, as she was slowing to make a right hand turn.

Penn & Seaborn recently settled a lawsuit in Montgomery County, Alabama, for a client that was injured while on the job. Our client's arm was broken through no fault of his own, while attempting to hook up a trailer.

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.

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Pharma and Devices

XARELTO

Lawsuits filed against Johnson & Johnson subsidiary Janssen Pharmaceuticals and Bayer Corp. over the blood thinner Xarelto have been consolidated in Louisiana federal court. Xarelto has been linked to serious side effects including internal bleeding, gastrointestinal bleeding, brain bleed and death. The Xarelto lawsuits come on the heels of the recent \$650 million Pradaxa settlement. Researchers linked Pradaxa, also a blood thinning medication, to more than 500 deaths. Xarelto blood thinner litigation has been consolidated before U.S. District Judge Eldon Fallon in the Eastern District of Louisiana, who presided over suits against Merck & Co. over its medication Vioxx. The Vioxx litigation resulted in a \$4.85 billion settlement in 2007.



TALCUM POWDER AND OVARIAN CANCER

As many as 2,200 cases of ovarian cancer diagnosed each year may have been caused by regular use of talcum powder. Talc is a mineral made of up various elements including magnesium, silicon and



oxygen. Talc is ground to make talcum powder which is used to absorb moisture and is widely available in various products including baby powder and adult products including body and facial powder. Talc products used regularly in the genital area increase the risk of ovarian cancer. A jury recently found consumer health care products manufacturer Johnson & Johnson knew of the cancer risks associated with its talc products but failed to warn consumers.

IVC FILTERS

Retrievable IVC filters are wire devices implanted in the vena cava, the body's largest vein, to stop blood clots from reaching

the heart and lungs. These devices are used when blood thinners are not an option. Manufacturers include Bard, Cook and Johnson & Johnson. While permanent IVC filters have been used since the 1960s with almost no reports of failure, retrievable IVC filters were introduced in 2003, promoted for use in bariatric surgery, trauma surgery and orthopedic surgery. Risks associated with the retrievable IVC filters include migration, fracture and perforation, leading to embolism, organ damage and wrongful 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.

INVOKANA

Approved in March 2013, Invokana (canagliflozin) is an SGLT2 Inhibitor used to treat adults with Type 2 diabetes, manufactured by Janssen Pharmaceuticals, 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 included difficulty breathing, nausea/vomiting, abdominal pain, confusion and unusual fatigue or sleepiness. The condition can lead to diabetic coma and/or death.

RISPERDAL

Risperdal, an atypical antipsychotic drug used to treat schizophrenia and certain problems caused by bipolar disorder, has been linked to the development of gynecomastia in boys and young men. Gynecomastia is a condition that causes boys to grow breasts. The drug is manufactured by Johnson & Johnson.

PROTON PUMP INHIBITORS

We are currently investigating PPI-induced Acute Interstitial Nephritis (AIN) cases. Proton pump inhibitors (PPIs) were introduced in the late 1980s for the treatment of acid-related disorder of the upper gastrointestinal tract, including peptic ulcers and gastrointestinal reflux disorders, and are available both as prescription and over-the-counter drugs. These cases involve PPI use and Acute Interstitial Nephritis, which is a condition where the spaces between the tubules of the kidney cells become inflamed. The injury appears to me more profound in individuals older than 60. While individuals who suffer from AIN can recover, most will suffer from some level of permanent kidney function loss. In rare cases individuals suffering from PPI-induced AIN will require kidney transplant.

ESSURE

Essure is a permanent birth control device manufactured by Bayer Healthcare. The device consists of two small nickel alloy coils, which are implanted through the vagina into the fallopian tubes. Scar tissue forms around the coils, preventing sperm from reaching the eggs. Since its approval in 2002, 750,000 Essure devices have been implanted. Adverse events reported with Essure include migration, leading to perforation of the fallopian tube or uterine wall or embedment in other organs, often requiring hysterectomy or surgical removal; allergic reactions; severe pain; and infection.

POWER MORCELLATOR

In April, the U.S. Food and Drug Administration (FDA) urged doctors to stop using a medical device called a power morcellator, because studies showed the device may spread cancer. An estimated 1 in 350 women develops uterine sarcoma- a type of uterine cancer after undergoing a morcellator procedure. Morcellators are typically used to grind away uterine growths such as fibroid tumors, and in hysterectomies. They became popular as a less invasive surgical alternative. The FDA conducted a formal review of the devices in July and announced that its concerns with the morcellator were confirmed. During this time, Johnson & Johnson announced it would stop selling the surgical tools.

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SAVE OUR LOCAL JOBS...

Mississippi lawmakers: Alabama's mega-prison bill won't fix problem

By Mississippi State Senator Derrick Simmons (D) and Mississippi State Representative Joel Bomgar (R)

Mississippi and Alabama have a lot in common—a shared border, Southern culture and some of the highest incarceration rates in the country.

In fact, every year for almost two decades, Mississippi has kept more people in prison per capita than Alabama. Last year, that changed for the first time since the 1990s. After enduring decades of a bloated prison system that was draining our state budgets, the Mississippi legislature took a hard look at how much our prison system was costing us—both in human terms and economically.

The legislature looked at who was in prison, why and for how long. In 2014, Mississippi passed HB 585, a major criminal justice reform bill that addressed a range of issues from diversion and community supervision to sentencing and parole. Over the last two years, our prison population has fallen by 15%. The smart, evidence-based and fiscally responsible reforms are working, not only because they are reducing the prison population, but also because they have begun to alleviate the serious human and financial toll of our broken

prison system.

Mississippi Representative Joel Bomgar (R)/c/o Joel Bomgar said, “We are, of course, tremendously proud of this bill – one of us proud to vote for it and one proud to join a legislature that had passed it – and we were encouraged to learn that Alabama was exploring similar legislation for their state and its people. Last year, the Alabama legislature passed SB 67, a prison reform bill that was created to safely reduce Alabama’s prison population.”

While it is still too soon to accurately assess the impacts of the legislation (it has only been in effect for three months), Mississippi’s experience suggests that it will alleviate the budget costs and burdens on Alabama families as well. Alabama is on its way to fixing a part of its very broken criminal justice system—or so it seemed. This week, a committee approved an \$800 million bond for a prison construction project to build four new mega-prisons, proposed by Governor Bentley.

This plan doesn’t solve the problem of nationally-ranked incarceration numbers, and will come at a staggering cost to Alabama taxpayers. While the bond issue may

be for \$800 million, the Alabama Policy Institute found that the total cost to the state would be \$1.5 billion, possibly even more. They also found that the math underlying the estimated savings in the legislation is unrealistic, while the math behind the debt is very real.

In Mississippi, policymakers and stakeholders spent the better part of a year closely examining the drivers, costs and reforms that would go into our prison reform bill before the legislature passed it. Last year in Alabama, legislators and stakeholders did the same before passing SB 67. So why is Governor Bentley trying so hard to pass this legislation without a similar hard look at what it will do and what it will cost?

Let your reform legislation do its work. SB 67 has only been in effect for less than 3 months!

You can’t build your way out of this problem. Our bill continues to prove that you can safely and effectively reduce your prison population. Alabamians need a smarter system, not more prisons and a \$1.5 billion bill.