

# PERSONAL INJURY

## NEWS YOU CAN USE



## What Exactly Is "Personal Injury" And How Is It Caused?

**P**ersonal injury is the term used to describe physical and mental injuries that occur because of someone else's negligence, intentional actions, or strict liability.

- Negligence means the other party failed to act with reasonable care. For example, imagine you are in your car stopped at a red light when another driver rear-ends you because he or she isn't paying attention. If you suffer physical injuries in the crash, those could be personal injury due to negligence. (Any damage to your car is property damage, not personal injury, because the car is an object, not a person.)
- Intentional harm means the other person set out to hurt you. This includes cases of battery, assault, and false imprisonment.
- Strict liability means that anyone involved in the production, distribution, or sale of a defective product can be held responsible if the product injures someone.

### Types of Personal Injuries

There are many types of personal injuries<sup>1</sup>:

- Auto accidents
- Motorcycle accidents
- Boating accidents
- Trucking accidents
- Railroad accidents
- Slip-and-fall accidents
- Medical and dental accidents
- Sexual abuse
- Dog bites
- Injuries that occur because products malfunction or fail
- Wrongful death

Most personal injuries fall into the category of law known as torts. Torts are a type of civil, not criminal, law. It is a way to hold someone else legally responsible for your injuries.

### Negligence

Most personal injury cases involve negligence. To have a valid case, your personal injury attorney must be able to show that your injury was caused by the negligence of another party. To prove negligence, your injury lawyer must prove four separate elements:

- Duty of care: The negligent party had an obligation to act prudently to avoid injuring the other party;
- Breach of duty: The negligent party knowingly exposed the injured party to a substantial risk of injury or didn't even realize (but should have) that there was a substantial risk;
- Direct cause: The negligent party's deliberate acts, or lack of action, caused the injury;
- Harm: The injured party suffered a financial loss because of the negligent party's negligence (a medical bill, for example, would be a monetary loss).

Additionally, damages are designed to compensate someone for their injury. Tort laws vary from state to state. If you have suffered a personal injury, talk to a personal injury attorney who has experience in your jurisdiction. The experienced professionals at Jan Dils, Attorneys at Law will be happy to answer any questions you may have about a potential personal injury claim.

<sup>1</sup>Auto, Motorcycle, Trucking, Boating & Bicycle Accidents, Slip and Fall Accidents, Mesothelioma & Asbestos Related Lung Cancer, Severe Lung Disease, Benzene, C8, Nursing Home Negligence, Medical Malpractice, Talcum/Baby Powder & Ovarian Cancer, Pharmaceuticals including Xarelto and PPIs (i.e. Nexium) and Defective Medical Devices including IVC Filters.

## Letter From Jan

While attending a 3-day meeting with other Personal Injury attorneys recently, I was reminded how important it is to share with others. During the meeting, we discussed current issues that affect personal injury clients, and shared ways to better assist clients. It's a great feeling to know that your experience and hard work can help others. That is just one of the reasons we always encourage people to call us with any questions they may have about a personal injury. I'm so proud of the fact that our team is open, honest, and willing to share their

knowledge to help others—whether we end up representing them or not.

In that same spirit, the holidays will be here before we know it! I'm looking forward to family time which becomes more precious with every passing year. My family and I will be continuing our annual tradition of participating in the Turkey Trot in Parkersburg! I hope to see lots of you there—and that you will be able to spend time with those you care about over the holidays.

Sincerely,  
Jan Dils



Jan Dils brings her expertise to issues that affect you and millions of other Americans every day. While her knowledge spans the critical areas pertaining to Personal Injury, Veterans' benefits, Social Security disability benefits and related appeals and claims, her practice remains focused on people, making sure you get the right answers and results.

## EMPLOYEE SPOTLIGHT!

### Rebecca Nelson

Meet Becki Nelson, a Parkersburg, WV native who graduated from Parkersburg South High School, attended Glenville State College, and received her paralegal certificate from ICS. Prior to joining the Jan Dils team, Becki worked with attorney Kelly Guice who has also joined our team.



"It's really exciting to be a Jan Dils team member," said Becki. "I previously worked in insurance defense for many years, so I really enjoy being on the 'other side of the coin' and doing plaintiff's work." That experience on the other side gives Becki a unique perspective and a distinct advantage in helping our clients build stronger cases against insurance companies.

Becki and her husband Gary have three grown children, Amy, Stephanie and Brad, and one granddaughter, Jory, who is eighteen months old. In her spare time, Becki enjoys bike riding, kayaking, skiing, and spending time outdoors. She and her daughter Stephanie recently competed in the Parkersburg Half Marathon. Please join us in welcoming Becki Nelson to the Jan Dils team!

## Community Corner

Congratulations are in order for Leads Specialist **Camy Dight**, who gave birth to her daughter Myah Jade on September 29th, 2016. Myah weighed in at 6lbs 15oz and is 19 1/2 inches long. Myah and mom are both happy and healthy, and we wish Camy and her newly expanded family all the best.

### GOLDEN APPLE

Also, please join us in congratulating the winner of September's 2016 Jan Dils Golden Apple Award Winner, **Jennifer Wright** of Frontier High School! The first winner of the new school year, Mrs. Wright teaches Spanish, and works hard to inspire her kids to help others. For example, instead of and just going the extra mile, she's actually gone the extra 1,500—by planning a trip to Honduras for about 30 students!

Her students and fellow teachers were all excited to see her take home the award. She said that winning the Golden Apple just affirms that her students are getting her message. "This was a complete shock and I am incredibly grateful," she said. "I prayed for purpose and this is purpose, so thank you," Wright said.



Attorney **Yvonne Costelloe** and Social Media Specialist **Jon Corra** have teamed up to raise money for **The Marine Corps League's Toys for the Needy** program. Also known as Toys for Tots, the program collects new, unwrapped toys during October, November and December each year, and distribute those toys as Christmas gifts to needy children in the community in which the campaign is conducted. The primary goal of Toys for Tots is to deliver, through a shiny new toy at Christmas, a message of hope to needy youngsters that will motivate them to grow into responsible, productive, and patriotic citizens. We are so proud that our teammates Yvonne and Jon are selling snacks and organizing fundraisers to raise money for this worthwhile program!

# NHTSA urgently asks Honda, Acura drivers to repair recalled airbags.



**N**ews outlets have been reporting on the urgent expansion of the Takata airbag recall. NBC Nightly News recently reported that the National Highway Traffic Safety Administration (NHTSA) is urging drivers of over 300,000 cars, mainly Hondas and Acuras, to stop driving them immediately due to a high risk of potentially deadly airbag ruptures. NHTSA Administrator Mark Rosekind said, “We have brand-new laboratory testing that’s showing some of these older models could have a 50 percent rupture rate.” According to Honda, 70 percent of their cars that have been recalled have already been repaired. The CBS Evening News reported that the recalled old models include cars from the 2001 to 2003 model years. ABC World News Tonight reported that additional information on the recall is available on its website.

CNN Money reports that NHTSA said in a statement, “The risk posed by the airbag inflators in these vehicles is grave, and it is critical they be repaired now to avoid more deaths and serious injuries.” The article writes that it has been estimated that at least 20 percent of the cars on US roads have or had a recalled Takata

airbag. The article adds that the airbags are installed across 13 different automakers, with Honda and Acura having the most cars affected. NHTSA said that Honda currently has the replacement parts to fix all of the 300,000 urgently recalled cars. *Bloomberg News* reports that the NHTSA said that vehicles in Texas, Florida, and the Gulf Coast are most susceptible to the explosion risk due to high humidity in those areas.

The AP reports that DOT Secretary Anthony Foxx said in a statement, “These vehicles are unsafe and need to be repaired immediately.” Foxx added, “Folks should not drive these vehicles unless they are going straight to a dealer to have them repaired.” The *Washington Post* adds that Foxx said, “With as high as a 50 percent chance of a dangerous air-bag inflator rupture in a crash, these

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## Biscuit, Sausage & Egg Strata

Start the day with a deliciously easy Biscuit, Sausage & Egg Strata from our teammate, Case Manager Julie Harrell. This serves 6 to 8, so get a crowd together!



### INGREDIENTS:

|                        |   |
|------------------------|---|
| 12 eggs                | 1/2 tsp ground sage   |
| 1 cup heavy cream      | 1-1/2 cups medium-diced onions  |
| 1-1/2 cups milk        | 12 pre-baked buttermilk biscuits, cut in quarters                         |
| 1 tsp salt             | 2 (7-oz) packages precooked frozen breakfast sausage, defrosted and diced |
| 1-1/2 tsp black pepper | 4 cups grated extra sharp cheddar cheese, divided                         |

### DIRECTIONS

Beat the eggs in a deep-sided 11" x 7" oven-safe casserole dish. Beat in the heavy cream, milk, salt, pepper and sage. Fold in the onions, biscuits, sausage, and 2 cups cheddar cheese. Refrigerate for at least 6 hours, or overnight. Preheat the oven to 350°F. Top the strata with the remaining cheese and bake for 1-1/2 hours.



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vehicles are unsafe and need to be repaired immediately." Rosekind also said, "Drivers should visit SaferCar.gov or contact their local dealer to check whether their vehicle is affected. If it is, they should have the vehicle repaired immediately for free by an authorized dealer."

The *New York Times* reports that Senator Bill Nelson (D-FL) is demanding a more proactive approach to deal with the recall. Nelson said in a statement, "Merely telling people to come to dealers

is not enough – they need to go out and find these vehicles and get them off the road." Reuters points out that one of the major challenges to this recall is tracking owners since, "the vehicles can be as much as 16 years old and may have

changed ownership several times since they were new."

*Automotive News* reports that Honda will boost its efforts to repair the recalled vehicles and provide additional information to the NHTSA about the repairs, including weekly progress reports. Honda said in a statement that the recalled vehicles, "should only be driven to a dealer in order to have their Takata airbag inflators replaced as rapidly as possible." Executive Vice President of American Honda said, "We understand that there's a lot of recall fatigue. We've done a lot of research that shows people put it in the stack with the five other notices they've gotten. But they really need to make this happen." Mendel also said, "language barriers and customer fears that dealers will try to upsell them to a new model or demand that additional repairs be made to pass state safety inspections have also hindered the repair process."

*USA Today* suggests that while the NHTSA always emphasizes the seriousness of its recalls it, "rarely issues a warning this urgent."

**“Drivers should visit SaferCar.gov or contact their local dealer to check whether their vehicle is affected. If it is, they should have the vehicle repaired immediately for free by an authorized dealer.”**

Anthony Foxx - DOT Secretary

