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# SCOTT MULLINS & COMPANY, L.P.A.

Exceptional Representation For the Injured



If you need our services, please contact us at **513-621-2100** [www.scottmullinslaw.com](http://www.scottmullinslaw.com)



## Zip-Line Injuries

A relatively easy way to feel like a fearless adventurer is to go zip-lining. With little more effort than getting dressed, you'll be able to fly through the air and get a unique view of your surroundings while getting an adrenaline rush. Many vacation areas offer zip-line tours where participants are suspended on cable lines over mountains, over waterfalls, across rivers, and more. Some zip lines top 500 feet in height and can be almost a mile long!

With the rise in zip-line popularity, zip-line injuries and deaths have also increased. A study published in the *American Journal of Emergency Medicine* reported a 70 percent increase in zip-line-related injuries between 2009 and 2012. Of the reported injuries, 77 percent were

due to falls, and 13 percent were due to collisions with trees or other structures.

Deaths have been reported when lines become tangled or obstructed by debris, and when platforms collapse. In May of 2016, a South Carolina woman fell to her death when high winds caused a tree to fall on her zip line.

While participants may sign a waiver, a commercial tour provider is still responsible to provide safe equipment, basic safety training, trained tour guides, and a path that is free of obstructions.

If you or a loved one was injured while zip-lining, contact our office for a confidential consultation.

## AAA Study Shows That Missing Sleep Doubles Your Risk of Crashing

If you've been looking for a good excuse to get more sleep, you'll be glad to know that a few extra hours of shut-eye could be a lifesaver.

According to a recent AAA Foundation Report, drivers who miss one to two hours of the recommended seven hours of sleep in a 24-hour period nearly double their risk for a crash. The Centers for Disease Control and Prevention says that 35 percent of U.S. drivers sleep less than the recommended seven hours daily. With drowsy driving involved in more than one in five fatal crashes on U.S. roadways each year, AAA warns drivers that getting less than seven hours of sleep may have deadly consequences.

Instead of forcing yourself to stay awake to finish a chore, catch up on email, or watch the news, go to sleep guilt-free—it could save a life!

**AAA found that in a 24-hour period, crash risk for sleep-deprived drivers increased steadily compared to drivers who slept the recommended seven hours or more:**

- Six to seven hours of sleep: 1.3 times the crash risk
- Five to six hours of sleep: 1.9 times the crash risk
- Four to five hours of sleep: 4.3 times the crash risk
- Less than four hours of sleep: 11.5 times the crash risk

Source: AAA news release

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## Could Neck Manipulation Lead to Stroke?

Many people seek chiropractic care to help relieve a variety of problems, from sore backs and hips to migraine headaches and allergies. While neck and spinal cord manipulation is generally considered to be safe, it is not without risks. Chiropractors and osteopathic physicians must inform patients of the risks and possible side effects associated with treatment and are bound by law not to minimize risks in order to gain patient consent. Failure to disclose risks would be grounds for a malpractice suit.

In 2016, 34-year-old model Katie May died from a massive stroke shortly after a chiropractic manipulation. An autopsy reported that “neck manipulation by chiropractor” caused a tear to an artery, which resulted in the fatal stroke.

A statement released in August of 2014 by the American Heart Association warned healthcare consumers that neck manipulations could result in tears to artery walls, which could cause stroke. Four other large studies have found an association between neck manipulation and stroke in those under the age of 45, and a 2017 study published in the *Journal of Family Practice* came to similar conclusions.

If you or a loved one suffers from an injury caused or made worse by a chiropractor or osteopathic physician, call our office for an evaluation.

## NEED AN UBER?

### *If You Have a Disability, You Could Be Out of Luck*

A recent class-action lawsuit has been filed against ride-share company Uber, claiming that it discriminates against disabled riders in New York City. The complaint states that the company, which is valued at over \$50 billion, offers very few vehicles with lifts and ramps. Furthermore, because accessible vehicles aren't reserved for passengers with disabilities, they may not be available when disabled users need them.

In New York, the law states that operators of public accommodations must provide the public, regardless of disability, “the full and equal enjoyment, on equal terms and conditions, of any of the accommodations, advantages, services, facilities, or privileges of the place or provider of public accommodation.”

Uber, which uses independent contractors who drive their own vehicles, does offer special incentives for drivers of wheelchair-accessible vehicles.

## ASSAULT VIA SOCIAL MEDIA

Could your computer be considered a deadly weapon? A grand jury in Texas says that it can.

Since the rise of the internet and social media, people have used their computers to bully, stalk, libel, and harass others. But what if you knowingly did something online that resulted in physical injury or death?

It doesn't seem possible, but in 2016 a Maryland man named John Rivello sent a GIF of a strobe light to Kurt Eichenwald, a reporter who he knew had epilepsy and who he disliked for not supporting then President-elect Donald Trump. Rivello tweeted that he hoped the GIF

would send the journalist into a seizure and that he would die. He also changed Eichenwald's Wikipedia page to show a date of death on the day he sent the GIF.

When Eichenwald clicked on the GIF, he did indeed have a seizure. While it did not result in his death, he had difficulty functioning for days, lost feeling in his hands, and had trouble speaking for weeks. Unfortunately, since the incident, Eichenwald has been sent more than 40 more strobe GIFs.

Rivello was arrested for cyberstalking and assault with a deadly weapon. The 40 other cases are being investigated by the FBI.





## 'Roundup' Lawsuits



Monsanto lawsuits are growing like weeds as agricultural workers and landscapers with cancer are taking the giant to court for failure to warn.

Monsanto brought weed killer Roundup to the market in the 1970s. Its main ingredient, glyphosate, has been linked to non-Hodgkin's lymphoma (NHL) and other cancers. The herbicide is commonly used in commercial, agricultural, and residential environments. The company also engineers crops and created crop varieties that are resistant to glyphosate, which encourages farmers to saturate fields in the

chemical to prevent and kill weeds. As the weeds adapt to the herbicide, more must be used for effective control.

In 2015, the International Agency for Research on Cancer (IARC) declared glyphosate to be a probable human carcinogen. The organization, a division of the World Health Organization, reviewed previous studies and animal testing and linked exposure to glyphosate to NHL, renal cell carcinoma, pancreatic islet cell tumors, skin tumors, DNA damage, and chromosomal damage.

Roundup, and other herbicides that contain glyphosate, must be labeled as a probable carcinogen in California and is illegal in France and other European nations.

As more information on the herbicide becomes available, a number of class-action and individual lawsuits are being filed against Monsanto for failing to warn about the dangers of exposure (and possibly suppressing information) and failure to provide adequate safety precautions for use.



***Roundup, and other herbicides that contain glyphosate, must be labeled as a probable carcinogen in California and is illegal in France and other European nations.***



## Considering a Personal Injury Lawsuit? *Here's What You Can Expect*

There is a lot more to a lawsuit than a day in court—in fact, hopefully you are able to reach a fair agreement without stepping foot in a courtroom. Here's an overview of how a typical case might proceed:

### **Consultation**

Be prepared to discuss your accident, injury, and treatment in detail. In return, an attorney will be able to tell you if your claim is viable and discuss how to best proceed. They will also discuss their fees and payment structure.

### **Review**

Once you've retained a lawyer, he or she will begin to gather information about your claim. You will be interviewed in great detail about your accident, injury, treatment, and prognosis. Your attorney will have questions about your life and background. They will also be gathering medical bills and records, police records, and statements from witnesses. They will use all of this information to consider the next step.

### **Demand**

If your case is really strong, an attorney may not even file a suit, but instead submit a letter of demand to the defense's attorney or insurance company. During the negotiations, your

attorney will advise you as to whether a settlement offer is fair and reasonable.

### **File suit**

If you and your attorney aren't comfortable with the settlement offered, a lawsuit is filed. At this point, your attorney is familiar with your case and has the opportunity to learn about the case that the defense has built. Likewise, defense lawyers will begin their own process of discovery. They will ask to see documents regarding your case and interview people important to the case, most notably you.

### **Settlement**

After both sides have built their cases and shared information, another round of settlement negotiations begins.

### **Trial**

If all else fails, a trial will be scheduled for your case. Depending on the complexity of your case, the entire process can take more than two years.



# Have You or a Loved One Been a Victim of a “Never” Event?

What in the world is a “never” event? If you’ve ever shook your head and thought to yourself, “That should have never happened,” you are familiar with the concept. In the legal realm, never events are mistakes that occur at medical facilities that should never happen.

When medical professionals can’t perform due to long hours and working with limited staff, errors that a reasonable medical professional would not make are more likely to occur. Patients may end up with an incorrect diagnosis, the wrong medicine or dose, and worse. It isn’t just staff fatigue due to long hours responsible for never events; medical facilities that don’t have appropriate administrative and budgetary support can lead to unsafe conditions. For example, a hospital with an insufficient operating budget might cut back on supervisory staff, which impacts both department and individual job performances, and ultimately affects patient care and safety.

Whether it is in a doctor’s office, pharmacy, surgery, or emergency room, according to the medical journal *BMJ*, medical errors cause 250,000 fatalities a year and many more injuries. If you or a loved one was injured due to a medical error, call our office for a confidential consultation.



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### REFERRALS

We want you to think of us as your law firm.

If you have legal matters that need attention, please let us know. If we do not specialize in that area of law, we will refer you to a firm that does.

Please feel free to refer us to your family, friends, and neighbors for their legal needs. We welcome the opportunity to help.



**CALL US. YOU'RE GOING TO FEEL A WHOLE LOT BETTER ABOUT THINGS.**

## Diabetes Drugs Linked to Bone-Fracture Risk

Two popular type 2 diabetes drugs, Invokamet and Invokana, may lead to bone fracture. The FDA has said that individuals taking these medications could experience decreased bone-mineral density and increased risk of bone fracture. In clinical trials, elderly patients on the drugs experienced bone fracture in as little as 12 weeks after starting treatment.

Data showed that fracture risk was high in the lower spine and hip, and that it occurred most often in postmenopausal women.

Bone-fracture risk joins a long list of risks associated with these drugs, including lower-limb amputation, ketoacidosis, heart attack, and kidney problems. Class-action lawsuits filed in 2017 claim Janssen Pharmaceuticals, the drugs’ manufacturer, failed to properly test the medications and failed to provide sufficient warning of these risks.

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