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THE VAUGHAN LAW REPORT

WINTER
2016/17

*Have a safe
and happy holiday!*

Here are a few tips from the National Safety Council that will help you have a safe and happy holiday:

★ Never use lighted candles near trees, boughs, curtains/drapes, or with any potentially flammable item.

★ Small children may think that holiday plants look good enough to eat, but many plants may be poisonous or can cause severe stomach problems. Plants to watch out for include mistletoe, holly berries, Jerusalem cherry, and amaryllis. Keep all of these plants out of children's reach.

★ Stand your tree away from fireplaces, radiators, and other heat sources. Make sure the tree does not block foot traffic or doorways.

★ Avoid placing breakable tree ornaments or ones with small, detachable parts on lower branches, where small children or pets can reach them.

★ If you buy an artificial tree, choose one that is tested and labeled as fire resistant. Artificial trees with built-in electrical systems should have the Underwriters Laboratory (UL) label.

★ Only use indoor lights indoors (and outdoor lights outdoors). Look for the UL label. Check lights for broken or cracked sockets, frayed or bare wires, and loose connections. Replace or repair any damaged light sets.

★ When putting up holiday decorations, always use the proper step stool or ladder to reach high places. Don't stand on chairs, desks, or other furniture.



Can you be forced to sue your family?

Recently, the story of an aunt who sued her nephew for breaking her wrist during a leap-into-the-arms hug angered the public. How could she sue her 8-year-old nephew? Was she heartless? Digging for gold? Actually, she was probably forced to sue the boy by her insurance company—a fact that barely made headlines.

Can an insurance company force you to sue your spouse or other relative? It may surprise you to know that people have to name their spouse and other relatives in lawsuits if they want their medical bills from an accident caused by that person to be covered. For example, in the case above, the aunt (her "nephew" is actually the son of a cousin) incurred \$127,000 in medical bills (a combination of past and future costs) from her broken wrist. Since the boy's overzealous hug caused the accident, the boy's parents' insurance company was asked to pay. The insurance company offered \$1 in compensation. In order to get the insurance company to cover her medical bills, the aunt had to seek judgment against the boy for reckless behavior.

But couldn't she just have her medical insurance pay the claim and forget it? Many medical insurers have subrogation provisions, which means that they recover their payouts by seeking reimbursement from parties who cause an injury. In all likelihood, the aunt was acting according to law and was made out to be a villain by the media and public alike.

We take your family's safety and security personally.



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- one of the nation's top 100 injured workers' attorneys by WILG (Workers' Injury Law and Advocacy Group).
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When it comes to holiday toys, think about safety first

Hoverboards that spontaneously combust, bite-sized magnetic toys, crafting beads that contain the date-rape drug...in the last decade there's been no shortage of bad gift-giving ideas and poorly designed toys. The Consumer Product Safety Commission (CPSC) estimated that there were 188,400 toy-related, emergency department-treated injuries in 2013 to children younger than 15 years old. The majority of toy-related fatalities were due to choking on small toys and small parts of larger toys.

Here are some safety tips from the CPSC and W.A.T.C.H. (World Against Toys Causing Harm, Inc.) to keep in mind when choosing toys this holiday season:

Magnets—Thanks to products like Magnetix and Buckyballs (which weren't marketed as toys, yet ended up being ingested by children), children's magnetic toys must meet stringent safety standards. Even so, toys with magnets should be kept away from young children.

Balloons—Children can choke or suffocate on deflated or popped balloons.

Small balls and other toys with small parts—For children younger than age 3, avoid toys with small parts, which can cause choking.

Scooters and other riding toys—Riding toys, skateboards, hoverboards, bikes, and in-line skates are made to go fast and require skill to control. Falls can be deadly. Purchase with helmet and safety gear, and only if a young child will use the item while under adult supervision.

Realistic weaponry—There are toy manufacturers that actually make toy guns to be detailed replicas of real weapons, which has resulted in a number of deaths, said W.A.T.C.H. Though not available in mass-market stores, these realistic-looking toy guns can be found on Amazon and eBay.

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for the
referrals!*

*Thanks to all of you who have recommended
our firm to your relatives, friends,
and neighbors.*

*We appreciate your vote of
confidence and pledge to care for these "VIPs"
as well as we care for you.*

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Consumer alert

Be sure that there aren't recalled seasonal products lurking in your home, garage, and closet. The following winter and holiday products have been recalled:

One World Technologies snowblowers sold at Home Depot

The snowblowers can overheat, posing a fire and burn hazard. Consumers should stop using the recalled snowblowers and return them to One World Technologies for a full refund. Contact One World Technologies at **800-597-9624** or online at ryobitools.com and click on "Important Safety Information" located at the bottom of the page.

England's Stove Works freestanding pellet stoves

Smoke can build up inside the firebox due to ash accumulation, and the glass in the door can break, posing a laceration hazard. Consumers should stop using the unit until repaired and contact the firm to receive a free repair kit and installation instructions. Contact England's Stove Works at **800-641-3066** or online at heatredefined.com and click on "Notice."

J.Crew girls' coats

The buttons on the front of the coat can detach, posing a choking hazard to young children. Consumers should stop using the recalled coats and return them to J.Crew or Crewcuts stores for a full refund. Contact J.Crew toll-free at **800-261-8422**, email at **24-7@jcrew.com**, or online at jcrew.com and click on "Girls."

Michaels holiday paper boxes

Mold can be present on the boxes, posing a risk of respiratory or other infections in consumers with compromised immune systems, damaged lungs, or an allergy to mold. Consumers should immediately stop using the paper boxes and return them to any Michaels store for a full refund. Contact Michaels at **800-642-4235** or online at michaels.com and click on "Product Recalls."

Arctic Cat snowmobiles

The brakes can fail, posing a risk of injury or death to the operator. Consumers should stop using the recalled snowmobiles and contact an Arctic Cat dealer to schedule a free repair. Arctic Cat is contacting its customers directly, but if you purchased the vehicle secondhand, you may not get the call. Contact Arctic Cat at **800-279-6851** or online at arcticcat.com. Click on "Customer Care," then "Product Recall," and then "List of Safety Bulletins."

Source: cpsc.gov