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THE VAUGHAN LAW REPORT

FALL 2016

What happens if your child is injured at school?

When a child is injured at school, many parents think that they've signed away their rights to recover for their child's injuries. Not true. Public schools do have sovereign immunity, meaning it's more difficult to successfully bring a claim against them; however, if your child is injured at school, whether it be the fault of a teacher, another student, or the school district, you may be able to recover for those injuries, depending on the circumstances. Bringing a claim against a public school, or any government entity, entails several key differences compared to other personal injury claims, and vary by state.

Notice of claim

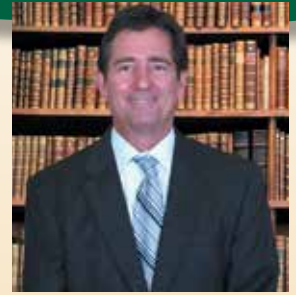
Before actually bringing a suit against a school, one typically must file a notice of claim, which allows the district to accept or deny an injury claim before a lawsuit is actually filed. It's also interesting to note that schools must carry insurance to cover claims for the type of lawsuit you propose to file.

Statute of limitations

Those considering a claim against a school should note that the statute of limitations can be very short; in some states you have just 30 days to file a notice of claim against a government entity, though most states allow six months.

Higher standards

Thanks to sovereign immunity rules, when suing a government agency, the standards of what is considered negligent are very strict. If a student slips and falls in a puddle by a leaking fountain, it's most likely not enough that the school was negligent; a claim would have to prove gross negligence. For example, if a student wearing the proper safety equipment is burned in a lab, the teacher will unlikely be found negligent; however, if the student is not given a pair of safety glasses to wear and gets burned in the eye, the teacher may be accused of gross negligence.



Vaughan Law Group Attorneys At Law

Thomas Vaughan has been recognized as...

- one of the nation's top 100 injured workers' attorneys by WILG (Workers' Injury Law and Advocacy Group).
- one of the top lawyers in Florida by The Legal Network.
- one of Orlando's top lawyers by *Orlando Home & Leisure*.

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If you need help filing a claim, or if your workers' compensation claim has been denied, call a qualified lawyer to discuss your case.

HOSTING A PARTY? Plan for safety!



With football season in full swing, fire pits extending outdoor time, and Halloween and Thanksgiving festivities, fall is becoming a popular party time. If you will be hosting an event this year, please remember that you owe it (legally!) to your guests to provide a safe environment.

While you are planning a party, don't forget to plan for safety. Before the event, inspect your home for potential dangers, including loose carpeting and rugs that don't lie flat; electric wires that are in walkways; loose stairs and handrails; loose or uneven deck boards; wet leaves or anything slippery on driveways

and walkways; and adequate lighting. For the safety of your guests and pets, put pets in a separate room during the party. Allergies to common food ingredients are exceedingly common. If you know a guest has a food allergy, be sure to label the offending food and tell your guest. If jack-o'-lanterns or candles will be part of the décor, consider using flameless candles.

Once the fun begins, be sure to keep a watchful eye out for things like food spills and safe food temperatures. Don't forget to monitor the alcohol intake of guests, and call a cab for anyone who has too much to drink. And, of course, have fun!

We take your family's safety and security personally.

Car-seat safety

It seems like there is always a car seat that is being recalled for safety reasons, but car seats are coming under fire for a completely different reason: Flame-retardant chemicals in the seats are toxic.

Reports by the Ecology Center, in Michigan, say that substances such as bromine, chlorine, and chlorinated tris, used to meet flammability requirements, can cause serious health problems. In fact, the latter has been banned in the manufacture of children's pajamas because it is a carcinogen.

According to a media release, fifteen 2014-model car seats were tested for specific flame-retardant chemicals. The seats were also tested for bromine (associated with brominated flame retardants), chlorine (indicating the presence of chlorinated flame retardants when detected in a certain range of concentration), lead, and other heavy metals. These substances have been linked to thyroid problems, learning and memory impairment, decreased fertility, behavioral changes, and cancer. Heat and UV-ray exposure in cars can accelerate the release of these chemicals from products into the vehicle environment.

"Car seats save lives. It's absolutely essential that parents put their children in them while driving, regardless of the rating a particular seat received at HealthyStuff.org," said Jeff Gearhart, the Ecology Center's research director. "However, our research shows that some car seats contain more harmful chemicals than others." The best-rated companies in the study included Britax and Clek.



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The information included in this newsletter is not intended as a substitute for professional legal advice. For your specific situation, please consult the appropriate legal professional.

SUDOKU CHALLENGE

	8			7				6
					6			3
2					9			5
7								
5								8
	2	4	5					
	5	8	3				2	
4		9					7	
				5				9

Sudoku solution

6	3	8	4	5	1	2	7	9
1	7	5	2	8	9	6	3	4
4	2	9	7	6	3	8	5	1
7	1	6	3	6	5	4	2	8
8	9	4	1	2	7	3	6	5
2	5	3	8	4	6	9	1	7
5	4	1	9	3	8	7	9	2
3	8	7	6	1	5	2	4	9
9	6	1	4	7	5	2	8	3

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Fall consumer recalls

Before you bring in your outdoor furniture and get out the heaters and leaf blowers for the season, make sure your furniture and equipment haven't been recalled. For a full list of product recalls and information, visit the Consumer Product Safety Commission at cpsc.gov.

England Smartstove 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 "Notice."

KUL fan heaters

The fan heaters can overheat, posing a fire hazard. Consumers should immediately stop using the recalled fan heaters and contact CE North America for instructions on returning the recalled heaters with a prepaid shipping label.

Contact CE North America at **844-645-3208**, via email at productrecall@cemglobal.com, or online at cemglobal.com and click "Product Recall."

Craftsman brand recalls blower/vacs

The blower/vac's motor can catch fire, posing fire and burn hazards. Consumers should immediately stop using the recalled blower/vacs and contact the Craftsman brand hotline for a full refund.

Contact Craftsman at **888-266-7096** or online at craftsman.com and click "Product Recalls."

Pier 1 Swingasan chairs and stands

The suspension hardware on the chair and stand can break, or the stand can become unstable during use, posing a fall hazard. Consumers should immediately stop using the chairs and stands, and contact Pier 1 for a free repair kit, or return the chair and stand to a Pier 1 store for a full refund.

Contact Pier 1 at **855-513-5140** or online at pier1.com and click "Product Notes & Recalls."