Preexisting Injuries and Auto Accident Claims

If you suffer an injury as the result of a car accident, the at-fault party’s insurance adjuster or defense attorney may eventually request or subpoena your medical records. In addition to recent medical developments, they’ll also be scouring your records for evidence of preexisting injuries or medical conditions. If they can prove that a previous injury/condition contributed to your current injury, or the accident “simply aggravated” a previous injury, they won’t be on the hook for as much compensation.

Most individuals are well aware of a preexisting injury/condition (though possibly not how it’s related to their current injury)—but not always. For example, a person may be undergoing imperceptible arthritic changes in their neck that haven’t yet caused discomfort or affected their daily living. However, imaging tests for the most recent injury may reveal the condition. Insurance adjusters and defense attorneys will likely pounce on this development as an opportunity to argue for a preexisting injury/condition.

There is good news for claimants, however. Even if you have a preexisting injury/condition similar to the one caused by your car accident, the defense still has the burden of proof to show that it was the direct cause of your current injury. In addition, your medical records may state that a past injury has completely healed, rendering its contribution to a “new” injury a moot point.

Insurance companies will scrape and claw to avoid or limit the amount of compensation they pay. It is imperative that you contact an experienced auto accident attorney to protect your rights. •
When Your World Goes Topsy-Turvy

Whether a large chain store or a local mom-and-pop operation, any business that invites the public onto its premises is obligated to keep customers reasonably safe and out of harm’s way. Failure to do so may be grounds for an injury claim against the store.

Slip-and-fall accidents occur frequently at stores across the nation and even more so during the busy holiday season. Slip-and-falls can occur in a number of ways. An accumulation of snow and ice at the entryway, or melted snow tracked into the store may prove treacherous. A rug or floor mat may bunch up and trip someone. Perhaps some wayward grapes in the produce section have escaped to the floor, or water has trickled onto the floor from a leaky pipe. Poor lighting can conceal dangers otherwise noticeable. Displays may be haphazardly placed, and newly waxed floors might send someone tumbling.

The owner of the store may be held liable for slip-and-fall injuries if he or she created the situation—e.g., an exceptionally slippery floor or awkwardly positioned display. A store may also be liable if it knew of a potentially dangerous condition, even if it didn’t create it, but failed to take the proper action to remedy it in a reasonable amount of time.

Customers have an expectation upon them, too. Should a reasonably careful customer have noticed the unsafe condition and avoided it?

Those who suffer slip-and-fall injuries at a store due to negligence should contact a premises liability attorney to protect their rights.

Company Data Breaches on the Rise

An alarming 43 percent of American companies have reported data breaches within the past year, according to the Ponemon Institute and Experian Data Breach Resolution. The number continues to rise, and the scope of the breaches is expanding.

More than 80 percent of data breaches have their root cause in employee negligence. A company may be spear-fished (an e-mail is received that appears to be from a familiar individual or business, but it’s actually a hacker who’s after confidential financial information); an employee gives out their password; a USB is lost; someone mishandles files; or the network operations hub is not properly secured, allowing someone with nefarious intent to waltz right in.

Affected consumers need to protect themselves:

- Call one of the three major credit bureaus and place a one-call fraud alert on your credit report—Equifax, 1-800-525-6285; Experian, 1-888-397-3742; TransUnion, 1-800-680-7289. Creditors will be required to contact you before opening new accounts or increasing credit limits on current accounts.
- Most states allow consumers to place a security freeze on their credit reports, which forbids credit-reporting agencies from releasing any information without the consumer’s written authorization.
- Order a free copy of your credit report and search for unauthorized activity.
- Monitor your financial accounts for suspicious activity.
- Beware of “phishing”—scammers pretending to represent the organization subject to the data breach, or claiming to be law enforcement, to dupe customers into giving out sensitive information in the guise of confirming account numbers or other financial data. Any doubt, don’t give it out. Contact the company/organization yourself.
The Nose Knows

According to a study recently published by *PLOS ONE*, the inability of older adults to correctly identify scents could mean that trouble is on the way.

The study consisted of 3,005 subjects aged 57–85 (broken down into age groups of 57–64, 65–74, and 75–85) who were tested with Sniffin' Sticks, odor-dispensing devices that resemble a pen. Subjects were asked to identify odors (peppermint, fish, orange, rose, and leather), one at a time, from a series of four choices. A normal sense of smell equaled four or five successful identifications; moderately impaired, two or three; and severely impaired, one or zero.

Between round 1 of testing in 2006 and round 2 in 2011, some of the original participants (430) passed away, translating to an overall weighted mortality rate of 12.5 percent, which was in line with Social Security Administration life tables. However, the mortality rate was 39 percent for those with severe olfactory impairment, and 19 percent for those with moderate impairment. Subjects with healthy sniffing ability registered 10 percent.

Loss of smell is more an outward indicator of overall health trouble, but on its own can take a toll on one’s well-being. Smell has a direct bearing on taste, which impacts enjoyment of eating and good nutritional intake. Odors signifying danger, such as smoke or gas, may be missed, and issues with personal hygiene may go unnoticed. Aromas are also associated with memory, emotions, and social relationships.

Researchers believe that sense of smell has long been undervalued. Inexpensive scent tests may be a good way for everyone to keep tabs on their health. ●

The Old Bait and Switch

The deep-sea anglerfish lives up to a mile below the surface of the ocean in a dank, lightless, cold world, where its bizarre looks go mostly unnoticed. This normally 5–12-inch-long dark-scaled fish has a round body akin to a basketball, an enormous mouth filled with nasty-looking teeth, and an elongated dorsal spine extending from above the mouth that supports an organ called a photophore, which produces blue-green light. When hunger calls, the anglerfish becomes motionless, except for the dorsal spine it waves back and forth like a fishing pole (hence its name), enticing other creatures to investigate the blue-green luminescence. When one gets close enough, dinner is served! The anglerfish can extend its jaw and stomach, enabling it to engulf prey twice its size.

The deep-sea anglerfish male-female relationship is a strange one. Since the much smaller male does not possess the female’s tantalizing lighted lure, food acquisition eventually becomes an issue. So the male follows a pheromone trail and the blue-green light to the female, bites into her belly, and latches on for life. An enzyme dissolves the skin in his mouth and that of the female’s body. They essentially fuse together, including blood vessels, through which the male gets all his nourishment. Now-unneeded body parts—eyes, fins, some internal organs—wither away. It doesn’t get more parasitic than that.

There is method to the madness. Since these fish live in a hostile, desolate environment, this fusion of the male and female guarantees sperm availability at spawning time, assuring the continuation of the species and creatures we can all marvel at. ●
Holiday Wishes

With 2014 coming to a close, all of us at our firm wanted to take a moment to wish you and yours the very best this holiday season, and it is our sincere hope as well that you have a happy and healthy new year. We are truly gratified to have had the opportunity to help and serve so many in our community, and feel blessed by the trust you have placed in us.