



THE  
LAWYERS  
OF

HILL · BOREN<sup>PC</sup>

## The Lawyers Of Hill·Boren

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## Holiday Message

As we thought about the holidays and the memories we have shared, we began looking for a way to share that with you. After searching, we discovered this poem by Del "Abe" Jones that seemed to sum things up:

### Sounds of Christmas

There's music of the holidays  
Playing on the radio -  
There's Christmas decorations  
Almost everywhere you go.

The Salvation Army bells  
Ring out for the poor -  
The "Ho,ho." of Santa Claus  
In the department stores.

Carolers sing Christmas songs  
Going, house to house -  
Tales about, where no one stirs  
Not even, a mouse

Hoofbeats in fresh fallen snow  
Pulling, an open sleigh -  
Children asking Mom and Dad  
"Is Santa on his way?"

Cracklin' from the fireplace -  
Roasting chestnuts 'neath the coals  
The soft murmur of prayers  
Said, for lost souls.

Friends and family gather  
To toast, Christmas cheer -  
There's sounds of angels singing  
(If you really want to hear.)

The sounds of Christmas, fill the air  
As we celebrate His birth -  
Wishing joy, to all mankind  
And peace to all on earth.



T. Robert Hill

We will be ringing the bells for the Salvation Army once again this year, so when you see us, take a moment to stop and drop a little jingle in the kettle as you enjoy the sights and sounds of Christmas.

From the Hill-Boren family to yours. . .

Have a Very Merry Christmas and a Joyous New Year!

THE  
LAWYERS  
OF

HILL · BOREN<sup>PC</sup>

*'Tis The Season....*



**Tamara Hill, R.N.  
J.D.**

## **Fake Surgical Mesh Warning**

The U.S. Food and Drug Administration issued a Class I recall on fake Bard surgical mesh products used to reinforce soft tissue where weakness exists, such as in the repair of hernias and chest wall defects. This product is NOT made by Bard, but is sold in counterfeit Bard packaging. A Class I recall is the most serious type of recall and involves situations in which there is a reasonable probability that use of the product will cause serious adverse health consequences or death. The FDA found the following problems with the fake mesh:

1. The counterfeit mesh samples tested were not sterile, even though they were labeled as sterile, increasing the risk of infection if used.
2. The counterfeit mesh weave openings were larger than that of the authentic mesh.
3. The edges of the counterfeit mesh were improperly finished, which could allow them to unravel in the body.
4. The expiration dates on the packaging and the samples did not match.
5. The counterfeit mesh may not meet the authentic product's specifications, including strength and clinical performance.

The FDA advises that anyone who has problems with implanted surgical mesh report those problems to their physician. It also advises consumers to make sure that their physicians don't implant surgical mesh from any of the recalled lots into their bodies.

If there is any way you may have been implanted with fake Bard surgical mesh, contact Hill-Boren today.

**Find Out  
More At  
[hillboren.com](http://hillboren.com)**





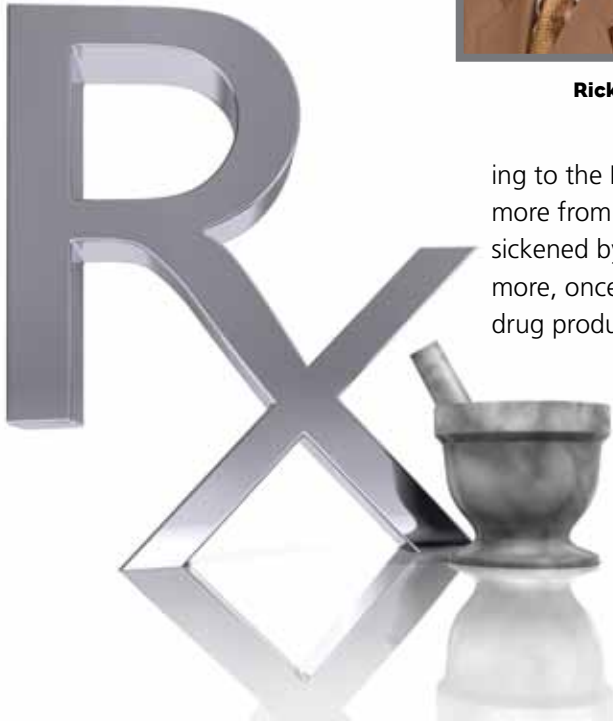
## Glaxo Fine

We put a lot of trust in big pharmaceutical companies. Most of the time, it is safe to do so. But, as a recent \$750 million fine for one company proves, these drug giants are far from infallible. GlaxoSmithKline received a \$150 million criminal fine plus a \$600 million civil penalty for knowingly producing faulty drugs at their Puerto Rico plant.

**Ricky Boren**

Drugs affected included: anti-depressant Paxil, anti-infection ointment Bactroban and the nausea medication Kytril. According to the FDA, the company allowed the faulty manufacture of these drugs and more from 2001-2005. Although no patients are currently known to have been sickened by these tainted drugs, serious illness could have easily occurred. Furthermore, once a patient is sick, it is difficult to trace the illness definitively back to the drug production plant.

When drug giants make mistakes, the effect can be wide-spread and catastrophic. From defrauding federal and state medical programs to deceiving patients and sometimes making them ill, big drug companies must be held accountable. Do not be afraid to confront these companies. If you or someone you love is affected by the negligence of a big pharmaceutical company, call your advocates at Hill-Boren today.



## 15 Passenger Vans

**Greg Petrinjak**

They may look unassuming, but 15-passenger vans are some of the most dangerous vehicles still permitted on US roadways. Over 1,090 occupants were killed in crashes involving these vehicles from 1997 to 2006, plus scores of others who were irreparably injured, maimed, or deformed.

One of the vehicle's primary problems is its high center of gravity, worsened by increased passenger load. The more occupants, the more top-heavy the vehicle becomes. This high center of gravity dramatically increases the risk of fish-tailing and rollover in emergency maneuvers. In fact, according to the National Transportation Safety Board, these vans overturn more than half the time they are involved in single-vehicle crashes, compared to 33% for other vehicles.

Another risk factor in these problem vehicles is their weight. A fully-loaded 15-passenger van is highly subject to blowouts, causing loss of control over the vehicle and, all too frequently, fatal accidents for passengers and other drivers.



For decades, automakers have ignored the dramatic statistics about these vehicles. Although federal law now prohibits the sale of 15-passenger vans for the transportation of students, churches, colleges and other organizations still frequently use them. Do not let your family suffer because of the negligence of others. Avoid these vehicles at all costs. If you or a loved one has been injured in a 15-passenger van accident, Hill-Boren will fight to get you the compensation you deserve.



Mike Hartup

**WE CAN  
HELP!**

## Avoiding Social Security Nightmares

As I was waiting for my case to be called for a recent Social Security disability hearing, I witnessed something that I immediately realized is yet another barrier for the poor individuals who have disability claims pending. From my spot in the representatives' counseling room I could see a nervous mother with her obviously mentally disabled child sitting in the waiting room before their hearing. She did not have a lawyer to help her. The official looking hearing assistant walked very formally from the hearing room and curtly handed this scared young woman an electronic compact disc. She said, "This is your claim file. You have thirty minutes to review it before the judge calls you in for your hearing." The helpless mother just looked blankly at the CD. Her eyes filled with tears. She had no idea what to do with it. The hearing assistant didn't tell her there was a computer available for her to use to review the CD. It wouldn't have mattered, though. The young woman wouldn't have understood what she was looking at even if she could have figured out how to open the electronic file.

I was able to help that girl that day, but it occurred to me that this scenario plays out hundreds, if not thousands, of times a day at hearing offices all across the country. As Social Security has attempted to convert to a paperless claim system, which I must admit is more efficient than the old paper files, the end result for unrepresented claimants, however, has been one more confusing hurdle to navigate. Claim files now require electronic submission of scanned medical records, and require special software to view and review the claim file. As an attorney who practices Social Security disability law, my office, my staff, and myself have evolved our practice with the updates in new technology. We can submit evidence and review files anywhere we have a laptop and internet access. The unrepresented claimant generally cannot, and it is yet one more disadvantage that they have going into a hearing without an attorney.

If you have a disability claim pending, make sure you have a lawyer who has the tools and skills needed to navigate the technical maze of the disability claims process.



### Hill-Boren Team Participates in Charity Golf Tournament

Hill-Boren attorneys T. Robert Hill and Jeff Boyd recently finished 3rd in the Dickie Jerman Foundation Scholarship Golf Tournament. Proceeds from the tournament go to the foundation's scholarship fund, awarding 10 annual scholarships to deserving Tennessee law students.

Pictured, left to right: T. Robert Hill, Jeff Boyd, Sadler Bailey, K. C. McGinley and Gary Wade.



**Jeff Boyd**

## Truck Drivers- Ticking Time Bombs

As most of us know, in order to drive an 18-wheeler, the driver has to pass a drivers examination and be determined to be physically fit enough to operate the rig. The physical, commonly referred to as the "DOT physical," is supposed to provide safety on the roadway by removing drivers that, for whatever reason, cannot safely operate a truck. Unfortunately, the current system allows almost any

provider of medical services to do the exams whether they are a doctor, chiropractor, physician's assistant or nurse practitioners. There are no training requirements and only minimal standards as to what to check. Even more frightening, if a driver is somehow determined to be unfit to drive by one medical professional, he can simply "doctor shop" until he finds one willing to pass him. There is no central database for the medical professionals to look at to determine if a driver has previously failed and for what reason. Adding to the problem, if law enforcement pulls over a driver either without a medical card or one that is out of date, they simply write a ticket and allow the driver to continue on with the promise to get one as soon as possible.

Between 2002 and 2008, there were at least 826 fatal crashes involving medically unqualified truck drivers. Further, it has been determined that up to 36% of truck drivers have a condition known as sleep apnea, a sleep disorder that interrupts breathing. As many of us recall, in 2000 a truck driver with this medical disorder allegedly fell asleep at the wheel and plowed into the back of a Tennessee State Trooper causing his horrific death on I-40 here in Jackson. The investigation process revealed that the medical certification process failed to detect this driver's condition and allowed him to be on the road.

If you or a loved one are injured as a result of a collision with an 18-wheeler, be mindful that there may be more going on than a simple collision. The driver of the truck may be medically unfit and the trucking company may be aware of this fact, yet still allow him to drive. If this is the situation, Hill-Boren can effectively discover this information and prepare a case that may result in a substantial award. We're here to help, and we know how.



### Men's Warehouse Suit Drive

As part of the Men's Warehouse National Suit Drive, the attorneys at Hill-Boren donated a number of suits to Madison Haywood Developmental Services. The national suit drive collects gently used professional attire and distributes them locally to nonprofit organizations. Pictured, left to right: Ricky Boren and Kim McFarland

# RECENT SETTLEMENTS



## Jeff Boyd

Jeff Boyd represented a client who received social security disability for a heart condition. During a leisurely motorcycle ride, a careless driver merged onto the highway and ran over him, causing significant injuries to his hips, legs and shoulder. The client survived, but with significant permanent disability. Attorney Jeff Boyd fought for and won a **\$1 million dollar** settlement the insurance policy limits.

Jeff Boyd represented a client who was injured when an 18 wheeler turned in front of her at an intersection. The client sustained a serious fracture to her femur and worked for several years with excruciating pain until finally having surgery through a workers' compensation program. Jeff Boyd settled her case at mediation for approximately **\$185,000**.



## James Krenis

Mr. Krenis recently represented a Dyer County paver, who was unable to return to work due to a ruptured disk. A workers' compensation settlement gave him the money he needed to go back to school to pursue a less physical career.

Attorney James Krenis represented a Madison County college professor who was injured when a ceiling fan fell on her head and shoulder in her apartment. The ceiling had been soaked by a leak, and despite the client's complaints to management; nothing was done to correct it. After depositions and investigation, the apartment complex settled for **\$30,000**, including repayment of her medical costs of nearly \$9,000.

James Krenis represented a Henry County man who suffered from an on-the-job injury two years earlier. The client had settled then, but required further surgery. Attorney James Krenis represented him on the reconsideration claim, which he won. The client received nearly three times the last offer made by the insurance company, nearly double what he had gotten in the initial settlement.

Mr. Krenis represented another man who hurt his back years earlier on the job and settled his claim. Again, his right of reconsideration was specifically reserved in the settlement, so when he was laid off, Mr. Krenis negotiated another settlement totaling over **\$30,000**.

James Krenis recently represented a girl who was injured in a car accident, due to driver negligence. The driver's insurance company paid approximately **\$50,000** for the nearly \$15,000 in medical bills she incurred as a result of her broken jaw and neck injury.



## Shannon Toon

Shannon L. Toon represented a 60-year old lab technician who sustained injuries to her back, left wrist and left knee when she slipped and fell on a slippery substance on the lab floor. She was diagnosed with strains to her back, left wrist and left knee as well as aggravations of her underlying arthritis in each area. She was released with restrictions, which impaired her productivity. Despite her employer's contention that she had no permanent physical impairment, the client received her workers' compensation claim in the amount of **\$15,500**. In addition, her settlement entitles her to future medical care for her injuries and a right to reopen her claim should she lose her job at no fault of her own.

Shannon L. Toon represented a 45-year old assembler who sustained repetitive injuries to both her hands and arms performing her job. She was diagnosed with bilateral carpal tunnel syndrome and a trigger finger on her left hand. Her employer denied her claim, stating that she did not provide proper notice and that it was not work-related. Despite her employer's denial, Mr. Toon was able to settle her workers' compensation claim for **\$24,905**, along with lifetime future medical treatment and payment of her unauthorized past medical treatment.

Shannon L. Toon represented a 63-year old CNA who sustained an injury to her left shoulder while bathing a patient. She was diagnosed with a left rotator cuff tear and underwent surgery to correct and relieve her symptoms. However, following her surgery, she was placed on permanent restrictions and was unable to return to work with her employer. Mr. Toon settled her workers' compensation claim against the employer for **\$88,504** along with lifetime future medical treatment for her shoulder injury.



## Greg Petrinjak

Mr. Petrinjak represented the family of a man who was killed in a highway construction zone in Carroll County. The crash occurred when a utility construction company parked their truck on the roadway without a proper lane closure or flagmen to warn oncoming motorists. The construction company denied responsibility and fought this case for over two years. Depositions were taken of everyone involved, from the company president to the employees in the field, and the company was finally forced to accept responsibility and compensate the family. The case was recently settled for **\$950,000**.



### Chris Taylor

Chris Taylor represented a truck driver who was injured in a motor vehicle accident. The client sustained multiple injuries as a result of the accident. Chris Taylor settled his claim for **\$49,500** and the client maintains the right to reopen his case in the future if his job is lost, and also has the right to receive lifetime medicals.

Attorney Chris Taylor recently represented an employee who injured his back while lifting on the job. The client was diagnosed with a back strain superimposed on degenerative disc disease. The client received conservative treatment, consisting of therapy and medications. Employee also underwent injections in his lower back. Employee settled his claim for **\$70,612** and is entitled to receive future medical treatment.

Chris Taylor represented a client who sustained back and neck strains when rear-ended at a traffic light. The client underwent extensive physical therapy at the request of his orthopedic surgeon and incurred medical expenses in excess of \$10,000. Mr. Taylor settled the client's case for policy limits of **\$50,000**.

Chris Taylor represented a client who was struck by another vehicle while traveling on the interstate. The client suffered soft tissue injuries that required injections, therapy and medical management. Ultimately, the client was released by his doctor and Chris Taylor settled his case for policy limits of **\$50,000**.



### Mike Hartup

Mr. Hartup recently helped a 60-year-old man from Martin, TN win disability benefits in the amount of \$1,781 a month for back and hip degenerative joint disease. This former janitor will receive past-due benefits of **\$19,951**.

Mr. Hartup represented a 49-year-old Jackson store clerk who was awarded disability benefits of \$1,054 for chronic foot and arch problems that prevented her from standing. She will also receive past-due benefits totaling **\$38,800**.

Mr. Hartup helped a former security guard from Memphis, TN prove his disability for uncontrolled diabetes. He will receive benefits of \$1,124 month. This 60-year-old man will also collect back benefits of **\$15,736**.



### T. Robert and Tamara Hill

T. Robert and Tamara Hill negotiated a confidential settlement for a Shelby County woman, who died in a nursing home due to improper transfer.



T. Robert and Tamara Hill negotiated a confidential settlement with a West Tennessee physician in a case involving failure to diagnose and treat a small bowel obstruction in a timely fashion.



### Ricky Boren

Attorney Ricky Boren recently represented a long-time construction and industrial worker, who was diagnosed with mesothelioma, a cancer caused exclusively by exposure to asbestos. Mr. Boren fought for the client, identifying numerous hazardous materials he was exposed to during his employment. The case settled for approximately **\$1.5 million**.

## WE'RE HERE TO HELP, AND WE KNOW HOW.





La primera consulta es totalmente gratuita. Le ofrecemos la máxima confidencialidad. Hablamos español.

Return Service Requested



visit us at  
[www.hillboren.com](http://www.hillboren.com)

**CAUTION DANGEROUS PRODUCT DOCKET CAUTION**

**MUNCHKIN BATHTUB SUBS**

Munchkin, Inc. has announced a voluntary recall on approximately 34,000 units of the Bathtub Sub toys. The yellow, battery-operated, propelling submarine was found to suck up loose skin, posing laceration hazards to children. The toy was sold in mass merchandise retail stores nationwide from November 2009 through September 2010. If you or someone you know has a child who was injured by a Munchkin Bathtub Sub, contact Hill-Boren today to learn more about your legal rights.



**FISHER-PRICE INFLATABLE BALLS**

The U.S. Consumer Product Safety Commission has recalled the following Fisher-Price products: Baby Playzone Crawl & Cruise Playground, Baby Playzone Crawl & Slide Arcade, Baby Gymastics Play Wall, Ocean Wonders Kick & Crawl Aquarium, 1-2-3 Tetherball and Bat & Score Goal. These products all contain inflatable balls with valves that come off and pose a choking hazard. There have already been 46 reported incidents. Don't put your child at risk. If you own one of these Fisher-Price products and your child has been injured, contact Hill-Boren today.



**GE DISHWASHERS**

On October 26th, a voluntary recall of GE Profile dishwashers manufactured between July 2003 and December 2005 and GE Monogram dishwashers manufactured between January 2004 and December 2006. These appliances were found to develop condensation that can drip onto the electronic control board causing a short circuit and posing a fire hazard to consumers. It is estimated that 174,000 of these units were sold at retail stores, appliance dealers and authorized builder distributors from July 2003 through December 2006. If you or someone you know sustained injuries or damage from one of these dishwashers, contact Hill-Boren about your rights.

