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Legal Matters®

Injury seems hard to prove? It's still worth talking to a lawyer

In a lot of personal injury cases, the harm you suffer is obvious. For example, if you break a limb, suffer a severe burn, or lose a finger, it's apparent to anybody who sees you.

When that happens, it's a matter of proving that the person or company that caused it wasn't as careful as they should have been.

But what if your injury doesn't show up on an X-ray or isn't apparent for the whole world to see? A less visible injury might make your case harder to prove but it's still important to call an attorney who can gather the right kind of medical evidence and maximize the chance of obtaining the recovery you're entitled to.

So what types of injuries fall into this category?

The most common is soft-tissue injury. For example, let's say you got rear-ended and didn't break any bones. You may still have suffered whiplash — a soft-tissue injury caused by a sudden, forceful, back-and-forth movement of the head that results in strained neck muscles, ligaments and tendons. Typical symptoms include neck stiffness and pain, headaches and dizziness. These symptoms can impact your quality of life, and you're entitled to recover if you can prove the other party was at fault.

Brain injury is another type of harm that often won't show up on X-rays or MRIs. But it can impact your life in a number of ways, such as impaired cognitive function. It can also impact your personality, affecting your loved ones. As with soft-tissue injuries, the pain and suffering and loss of enjoyment of life that results are all damages that can be recovered if you can show that the other party's negligence caused it.



Meanwhile, many people suffer chronic pain after a fall or collision. For example, maybe you suffered a back injury that makes it difficult to find a comfortable position while working, driving, relaxing or sleeping. The cause of the pain may not be apparent from medical imaging, but it's very real and impacts your life and you may be entitled to compensation.

The challenging part is that when your injury isn't so visible, the other party's insurance company and their attorney will try to suggest that the injury doesn't exist at all or that it was a "pre-existing condition" you suffered from before the accident occurred. They may even try to blame your symptoms on aging or aspects of your lifestyle.

To preempt these kinds of tactics, there are important steps you can take.

First, you should see a doctor right after the accident and engage in

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Early mediation in PI cases: pros and cons to consider



“Early mediation” is a way for parties in a legal dispute to settle the case either before or soon after the injured party files a lawsuit. A neutral third-party mediator — often an attorney, retired judge or dispute resolution professional — works with the parties to try and bring their dispute to a fair, satisfactory compromise outside

of court. If it doesn't work out, parties can still bring it to trial.

But is it right for you? Here are some advantages and disadvantages to consider.

On the “pro” side of the ledger, early mediation can save time and cut costs. After all, litigation — in other words, fighting it out in court — can be very expensive and adversarial, leading to parties developing bad feelings for one another, stiffening their resolve, and becoming less friendly to reasonable settlement offers.

On the “con” side, mediation can make things worse in certain types of cases.

For example, if a plaintiff's injuries are still in the process of being diagnosed or they are not at the point at which a doctor can really say how permanent and severe they are going to be, early mediation may be less likely to bring the injured party a satisfactory result. That's because the allegedly at-fault party will claim the harm isn't certain or isn't as bad as the injured party says it is.

Additionally, mediation doesn't really work if it's not immediately clear that the other party is at fault. If there's a legitimate dispute about whether the other party caused the injury and if they were negligent — in other words, not as careful as they should have been — the parties are unlikely to be able to resolve the case through early mediation and it may end up feeling like a frustrating waste of time.

Of course, if it becomes evident as the case proceeds that the defendant is at fault, mediation may be more productive at that point.

Still, if you have a case in which the extent of the harm is clear and can be supported by doctors and other experts and it's difficult for the other side to claim they weren't at fault, mediation is worth discussing with an attorney.

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Popular tabletop fire pits can create burn hazard

Tabletop firepits have become a popular feature of people's backyards. They're stylish looking, easy to operate, and don't take as much work as traditional wood-burning firepits. And who doesn't love sitting around a fire with friends and family on a crisp fall night?

But they can also be dangerous. Unlike traditional firepits, where you burn wood in a basin, with tabletop firepits you ignite alcohol-based liquids or gels to start a fire. These fuels are very flammable and accidents can happen in a variety of ways.

For example, if you are operating a tabletop firepit during the day, it is difficult to see the flame when lit. As a result, someone trying to restart the firepit may think the fire is out when it's not. Then when they add more fuel, a flash fire can result, leading to severe burns and even permanent disfigurement.

Another hazard associated with tabletop firepits is “flame jetting.” This occurs when alcohol flames escape from the container, creating a sudden flashback to the fuel source. This can cause nearby objects, clothing and even pets to catch fire, again resulting in severe, life-threatening burns.

Additionally, defective firepits may leak fuel,

causing flames to burn across the spilled liquid and escape the pit, damaging objects and potentially causing burns to people nearby.

It's also important to remember that fuel in tabletop firepits can burn at a temperature of more than 1,600 degrees and cause full thickness burns almost instantaneously, resulting in permanent nerve damage, permanent disfigurement, and the need for painful surgical procedures with a difficult recovery.

In fact, because of these hazards, the U.S. Consumer Product Safety Commission has recommended that people dispose of certain brands of firepits, including FLIKRFIRE Tabletop Fireplaces and Colsen tabletop firepits, in which alcohol or liquid is poured into a bowl and then burned.

If you or someone close to you is a victim of tabletop firepit burns, you may be able to hold the manufacturer accountable and receive compensation for your harm if you can show the firepit was designed defectively. A local personal injury attorney would be able to help you determine what rights you might have and help you pursue whatever recourse to which you may be entitled.

Did poor signage cause your accident? Call an attorney to discuss

Usually, when an automobile accident occurs, it can be blamed on one of the drivers. But sometimes an accident can be caused by other factors. A big one is improper signage.

For example, stop signs, yield signs or one-way signs may be missing, stolen, defaced or worn to the point that you can't read them. In those cases, if the state, city, town or county fails to notice the problem and replace the sign or take other remedial measures in a reasonable amount of time, it can result in confusion that leads to accidents.

In other instances, poor signage design can be the culprit. Perhaps a local authority neglects to place a sign in a spot where common sense dictates there should be one. Or perhaps trees and other vegetation that should have been cut back are blocking a sign.

In some instances, signs may be positioned in places where — when the sun is in a certain position — solar glare prevents people from being able to read them.

And signs positioned in spots that don't give drivers enough time to react to merging lanes, incoming traffic, or a highway exit can cause drivers to make quick, sudden maneuvers.

All these scenarios make accidents predictable.

So who can an injured person hold to account when the signs are to blame?

Most commonly it would be the state or local government authority that failed to provide proper signage, failed to maintain or replace a sign, or placed it in a dangerous spot. But these cases can be complicated. In a lot of states, government agencies



enjoy “sovereign immunity,” meaning they can't be sued unless they've “waived” such immunity.

However, if you can show the signage design was not in compliance with generally accepted standards, this may be an exception in your state that could enable you to sue.

Additionally, a good investigation may reveal that the governmental entity paid a private company to design the signage scheme and install the sign in question. In that case, there is no immunity, and the company could be held responsible for your injuries if you can prove they knew or should have known of the problem and didn't take reasonable steps to address it.

Either way, you will need hard evidence to prove that poor signage caused the accident. This could include photos, accident reconstructions, and the ability to show that the responsible party didn't act with reasonable care to protect the public.

To succeed, it's critical that you work with an attorney.

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all the follow-up care that your doctor recommends. This is a good way to document your symptoms and develop a record to show your injury is real. And if you don't follow through, the defense can use that as evidence that your injuries aren't serious or that they aren't real.

You should also document your injuries and their effect in a daily journal. Describe your pain, how severe it is, and the impact it's having on your life. For example, is it causing you mental distress, anxiety

and depression? Describe it. Are you canceling plans with friends because you hurt too much to go out? Document the pain. Are you having trouble sleeping and is that affecting your ability to perform at work? Make sure you've included that.

Finally, don't wait to talk to a lawyer. An attorney can give you much more targeted advice while helping you gather the right kind of documentation and the appropriate experts to strengthen your case.

Ozempic, Wegovy tied to serious side effects



Over the past few years, Ozempic and Wegovy have become wildly popular as miracle drugs for people looking to lose weight.

Both drugs are part of a class of drugs known technically as “GLP-1 receptor agonists,”

which help manage blood-sugar levels in a way that makes people feel full.

Ozempic is actually a diabetes drug, and the federal Food & Drug Administration has not approved it for weight loss, but physicians have been prescribing it “off-label” for that purpose.

Wegovy, on the other hand, is FDA-approved for weight loss. Both drugs are injected once weekly, and both drugs bring rapid results.

However, for some people, these drugs may be too good to be true. That’s because they’ve been linked with severe gastrointestinal side effects, including intestinal obstruction and injuries to the esophagus, as well as deep-vein thrombosis and even vision loss.

Meanwhile, critics accuse Novo Nordisk, the pharma giant that manufactures these drugs, of spending nearly \$1 billion marketing the drugs for their weight-loss benefits without being up front about their dangerous side effects, both in their advertising and on the drugs’ labels.

In fact, hundreds of court cases have emerged seeking to hold Novo Nordisk accountable. Similar cases have arisen over the Eli Lilly drugs Mounjaro and Trulicity.

If you or somebody close to you uses one of these drugs and has experienced harmful side effects, it’s critical that you let your physician know right away.

At the same time, you may be able to hold the manufacturer accountable as well. Reach out to a lawyer to discuss your legal options.