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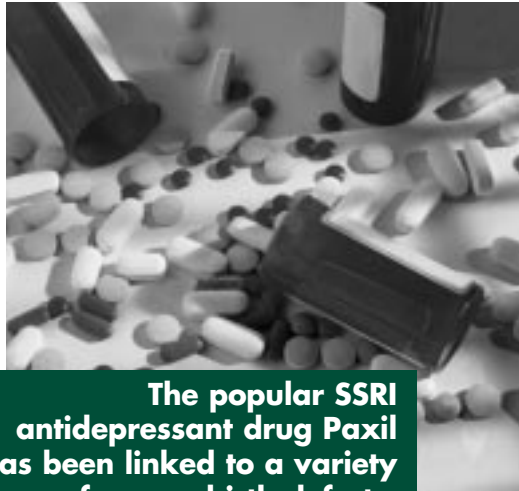
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PAXIL ALERT

If you or a loved one has used Paxil while pregnant and gave birth to a baby suffering from heart or lung defects, you may be entitled to compensation. The popular SSRI antidepressant drug Paxil (generic: paroxetine), used by millions of Americans, has been linked to a variety of severe birth defects, including persistent pulmonary hypertension of the newborn (PPHN), and heart, lung, abdominal, and cranial defects.

Congenital heart defects

In December 2005, the U.S. Food and Drug Administration (FDA) issued a Public Health Advisory regarding Paxil, which was based upon two separate studies done by U.S. and Swedish researchers. The FDA warned doctors and patients that exposure to Paxil during pregnancy posed a serious risk to the fetus and was linked to an increased risk of congenital heart defects.



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antidepressant drug Paxil
has been linked to a variety
of severe birth defects.**

Persistent pulmonary hypertension of the newborn (PPHN)

Recently, the *New England Journal of Medicine* released the results of a case-controlled study wherein Paxil was linked to an increased risk of an infant being born with persistent pulmonary hypertension of the newborn (PPHN). More specifically, the study showed that PPHN was six times more common in infants whose mothers took an SSRI antidepressant during pregnancy compared to babies whose mothers did not take an antidepressant.

Shortly after the study was released, the FDA issued another Public Health Advisory warning that exposure to Paxil during pregnancy posed a serious risk to the fetus and was linked to an increased risk of PPHN.

Abdominal and cranial birth defects

According to information released from the National Birth Defects Prevention Study of Infants, SSRI antidepressants like Paxil may cause two separate congenital abnormalities: omphalocele and craniosynostosis.

Omphalocele is a congenital (present at

birth) abdominal-wall defect at the base of the umbilical cord; the infant is born with a sac protruding through the defect that contains the small intestine, liver, and large intestine.

Craniosynostosis is a congenital defect that causes one or more sutures on a baby's head to close earlier than normal. Sutures are connections that separate each individual skull bone. The

early closing of a suture leads to an abnormally shaped head.

Results from the study prompted Glaxo-SmithKline (GSK) to send a letter to doctors and health-care professionals advising them of a change to the *Pregnancy* subsection of the PRECAUTIONS section in the labels for Paxil regarding the increased risk of omphalocele and craniosynostosis.

If you or a loved one has used Paxil while pregnant and gave birth to a baby suffering from one of the conditions listed above, please contact us to learn more about your legal rights.

Stipe-Harper Law Firm. Over 50 Years of Fighting For You.

Pipes knocked off truck

Severe injuries to truck driver result in settlement

In the early morning working hours of February 7, 2003, a truck driver arrived with a shipment of water pipe at a construction site in a Tulsa residential neighborhood where the pipe was being installed. The construction crew directed the truck driver to park near the curb so that the pipe could be unloaded.

As part of his normal practice, the truck driver began to remove all of the chains from both the front and rear stacks of the shipment. The driver began the chain-removal process by detaching all the chains from the binders located along the driver's side of the trailer and throwing them over to the passenger side, then proceeded to walk to the passenger side to pick up the chains and stow them in the compartments on his trailer.

Unfortunately, an employee for the construction company began to unload the top tier of pipe, using a front-end loader. He did this before the truck driver was finished stowing his chains.

The pipe was stacked in rows, with three pipes in each row. There were nine pieces of pipe on the stack on the front part of the trailer and nine pieces of pipe on the stack in the rear part of the trailer. The operator of the front-end loader removed two of the three pipes from the top tier of the rear stack on his first approach. He then moved the pipe over to the curb for unloading onto the ground.

Company policy and procedure required taking only one piece of pipe and leaving two so that the remaining pipe would not be unstable and roll off the truck.

While that was going on, the truck driver continued to stow his chains. Before he could finish, the remaining piece of pipe

on the top tier rolled off the truck and fell onto the truck driver, knocking him to the ground and rolling over his body, crushing his pelvic area and upper legs, causing severe, life-threatening injuries.

The truck driver was taken to the local emergency room, where many surgeries and procedures were performed to repair his injuries. In all, the truck driver was hospitalized for 3 months and had 19 surgical procedures, went through 18 months of rehabilitation and therapy, and missed over 2½ years of work

Suit was filed in federal court in Tulsa. **Tony Laizure** was one of the attorneys representing the truck driver. In deposition testimony, Mr. Laizure was able to secure admissions from the employees of the construction crew that they were not following company policy and procedure while unloading the

pipe, and that their failure to follow company policy and procedure caused the pipes to roll off the truck and injure the truck driver.

The case was set for trial in May 2007, but the parties reached a settlement, the terms of which remain confidential at the request of the defendant.

When someone suffers serious injury due to the negligence of another, it is important to take immediate action to protect your rights. In this case, the truck driver hired an attorney who was able to take quick action to preserve evidence and obtain other information that might have been lost had there been a delay in hiring an attorney.

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**Pharmaceutical
MARKETING
Dollars**

Pharmaceutical marketing

U.S. drug manufacturers spend 2.5 times more money on marketing drugs to consumers and doctors than they invest in pharmaceutical research.

To make windfall profits on prescription drug sales, pharmaceutical companies spend billions influencing physicians and other health-care providers to prescribe and utilize their medications.

In one case, former Medtronic employees blew the whistle on the company's marketing generosity, which included giving doctors financial kickbacks. Their case settled in federal court in August 2006 for \$40 million.

In other lesser instances, medical-school professors claim that drug representatives often provide many doctors' offices free lunches, some costing as much as \$250, to buy access for sales.

Access costs American consumers millions and adds billions to drug companies' marketing annually. In 2004, Merck alone spent \$7 billion in marketing, compared with \$4.01 billion in research. Public Citizen, a consumer advocacy group, reported that in 2005, the pharmaceutical industry committed more than \$60 billion to marketing efforts.

Pharmaceutical RESEARCH Dollars

FOR YOUR SAFETY

Recalled product roundup

Here are some recently recalled products you may have in your home or at work:

- ✓ **Target Stores** is voluntarily recalling 185,000 Firestreet Scooters. The handlebars, wheels, and brakes can break and detach, causing rider injuries.
- ✓ **Acuity Specialty Products Group, Inc.**, asks consumers to return 6,800 five-gallon pails of “Zep Industrial Purple Cleaner & Degreaser” and “Zep Heavy-Duty Floor Stripper” cleaning products, which can crack, leak corrosive products, and harm users.
- ✓ **Atico International USA, Inc.**, has recalled 209,000 folding picnic tables with legs that can unexpectedly buckle, break, fold, or collapse, injuring users.
- ✓ **Fun Express, Inc.**, has called back 340,000 bendable toys given away at libraries. The toys are decorated with paint containing excessive levels of lead, which is banned under federal law. Lead is toxic and, when ingested by children, can cause adverse health effects.
- ✓ **Black & Decker** has requested buyers to return 160,000 cordless electric mowers. An electrical component in the lawn mower can overheat, catch fire, and burn users.

Legal dictionary



Many clients find legal terms mystifying. From time to time, we’ll provide easy-to-understand definitions to help clear things up. This time, you’ll learn the meanings of several important terms used in courts to help you better understand our legal responsibility concepts.

Liability

A person’s, group’s, or business entity’s legal responsibility for an injury or loss for which they are responsible.

Negligence

The failure to exercise the kind of sufficient care that a reasonably prudent and careful person would use under specific circumstances. If an injury results from another’s negligence, that person or entity may be liable to pay damages for any injury they caused.

Statute of limitations

An arbitrary time limit—in years—that cuts off a plaintiff’s ability to file an injury case after a certain period of time from the date of the injury, even if the injury is not detected until much later.

Statute of repose

Another arbitrary time limit—in years—that terminates a corporation’s responsibility for marketing faulty or dangerous products.

Damages limitations

Can lawsuit damages caps harm those injured? Damages-cap legislation restricts amounts a jury can award for injuries, no matter what case facts may be. Some state legislatures have enacted caps in civil cases, while others have not. Some caps apply to specific kinds of cases, such as medical malpractice. Other caps limit only noneconomic damages, and some limit punitive damages.

In states that cap damages, a jury’s or judge’s award is automatically reduced to the amount of the cap—even though the

jury or judge may believe the plaintiff should be awarded more than the cap as compensation, or even if the circumstances of the case show that a negligent or malicious defendant should be punished with a significant punitive-damages award. There is generally no way to raise a damages award beyond the cap once it is written into law.

Here is an example of how a cap of \$250,000 on noneconomic damages may be incredibly unfair to some victims.

Who is harmed	The victim’s injuries or losses	The amount the jury originally believed should be awarded	The amount the victim is awarded based on the legislature’s cap
VICTIM A	After being hit by a drunk driver, the victim’s car caught fire. Her husband (a passenger) was killed, she was burned and left disfigured, and lost the use of her right arm. She was a homemaker and can no longer work.	\$1.2 million noneconomic damages	\$250,000 noneconomic damages
VICTIM B	After being hit by a drunk driver, this victim suffered two broken legs, had to have surgery to repair them, and was forced to wear a full body cast for two months.	\$250,000 noneconomic damages	\$250,000 noneconomic damages

VICTIM A, who suffered worse injuries than VICTIM B, nonetheless takes home the same compensation for her losses as VICTIM B. Even though the jury thought VICTIM A deserved far more compensation, the jury’s judgment was overruled by a cap put in place by the legislature long before VICTIM A’s case ever arose.

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Recent settlements

James Belote and **Jack Stipe** recently settled a lawsuit involving a young man who, while working on top of a gas pump awning, came in contact with an overhead power line. The electrical shock resulted in him suffering a below-the-knee amputation. The case involved the height of the overhead power line, which is governed by the National Electric Safety Code (NESC). Although the distance between the power line and the gas pump awning failed to meet the NESC guidelines, the power line was not raised until after our client was injured. Our client's employer was also brought into the case by other defendants.

The case was settled at mediation prior to trial. The terms of the settlement are confidential at the defendants' request.



James Belote and **Jack Stipe** recently settled a wrongful-death automobile-negligence case. Our clients' father was driving through Oklahoma on his way to Arizona to visit his family for Christmas. While driving through a construction zone on Interstate 40 in western Oklahoma, our clients' father was rear-ended, which resulted in his vehicle skidding and rolling off the roadway. The defendant failed to slow down, although he had entered the construction zone approximately a mile before the collision. Unfortunately, our clients' father died a few hours after the collision.

The case was settled two days before trial. The terms of the settlement are confidential at the defendant's request.

Community projects

In the McAlester office, **Eddie Harper**, **Russell Uselton**, and **Tim Maxcey** are available to help you with your legal needs. They have over 80 years of combined legal experience practicing law in southeastern Oklahoma. They provide a variety of legal services, handling such matters as truck wrecks, auto wrecks, medical malpractice, nursing home neglect, social security disability claims, and probate matters.

Additionally, these attorneys were actively involved in two recent community projects of the Pittsburg County Bar Association. One project dealt with providing air conditioners to individuals who were unable to afford them during the heat wave of 2006. Eddie, Russell, and Tim contributed funds for the purchase of five air conditioners. Also, they were involved in providing Christmas presents this past Christmas to over 20 underprivileged children in the McAlester area.

Please call them with your questions and legal needs at **1-800-658-1596** or **918-423-0421**.