

**PI E-MAIL & FAX ALERT**

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**“Pain Pumps” can do a lot of damage**

Over 200 lawsuits are filed in California against the unsafe medical devices. Pumps deliver painkillers through a catheter to a targeted area of the body for up to 72 hours. However, bombarding joint areas with painkillers can destroy cartilage. Many athletic careers have been destroyed.

The defendants include I-Flow, owned by Kimberly-Clark. One patient Eric Whitman dislocated his shoulder playing football in high school. After surgery, doctors strapped a pain pump made by Breg Corp, to his shoulder to alleviate pain with anesthetic drugs. Whitman never recovered, leaving him with bone-on-bone pain when he moves. He had to give up sports. .

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**DELAY, DENY AND DEFEND**

**Why insurance companies don't pay claims and what you can do about it.**

By Jay M. Feinman, Professor of Law at Rutgers University, School of Law

Delay, deny and defend violates the rules for handling claims that were recognized by every company and taught to its adjusters. Within the vast bureaucracy of insurance, actuaries assess risks, underwriters price policies and evaluate prospective policyholders, and agents market policies. The claims department only job was to pay what is owed.

This book explains how Allstate hired McKinsey & Co to develop a new strategy. As McKinsey put it...Allstate moved from “Good Hands to Boxing Gloves”. Claimants would take either a low ball offer from good hands or face the boxing gloves of extended litigation. Penguin Group, see

[www.DelayDenyDefend.com](http://www.DelayDenyDefend.com)

**Big Win in Ventura County---Scott Blatt DC**

Police officer Frank Padilla, was on duty when he was struck by Bailard who made an unsafe left turn. Padilla was not wearing a seat belt---which is discretionary when on duty.

Dr. Blatt DC worked with an impressive team -- two orthopods and an occupational therapist. The team was able to prove that Padilla suffered an aggravation of a pre-existing L4-5—with “probability” of requiring future fusion surgery thus reducing Padilla’s work life by 10 years. Padilla underwent cubital tunnel surgery to his left arm with high probability of future surgery to his right arm. Also claimed were minor head injuries, cervical disc at C5-6 and aggravation of a prior knee injury.

Defense Stephen Nagelberg MD, testified the back injury was pre-existing and the arm injuries were unrelated to the accident.



Padilla demanded \$150,000, defense offered \$66,000. *Verdict \$ 866,697.*

*Padilla vs. Bailard 56-2008-00310593 Ventura Superior Court, Judge Henry Walsh*

**Practice Tips**

1. Police officers are excellent witnesses.
2. Working with MD's drives up values.
3. Even “probable” surgery is powerful.
4. Future Loss of Earnings is powerful.