

PERSONAL INJURY NEWS YOU CAN USE

MARCH/APRIL 2019



If You Served in the Military Between 2003–2015, *This Message is for you.*

Defective 3M Dual-Ended Combat Arms Earplugs (Model CAEv2)

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hrough actions taken by the Department of Justice, 3M Company (3M) has agreed to settle to resolve

allegations that it knowingly sold Dual-Ended Combat Arms Earplugs Version 2 (CAEv2) to the United States military without disclosing defects that hampered the effectiveness of the hearing protection device. These earplugs were standard-issue equipment for Veterans exposed to loud environments, including those who served in Afghanistan and Iraq between 2003 and 2015. Defects are likely to have caused tinnitus (ringing or buzzing in the ears) and significant hearing loss of thousands of soldiers during this 12-year time period. Shooting weapons, explosions and machinery exposure can all lead to hearing loss.

“The Department of Justice is committed to protecting the men and women serving in the United States military from defective products and fraudulent conduct,” said Acting Assistant Attorney General Chad A. Readler of the Department’s Civil Division. “Government contractors who seek to profit at the expense of our military will face appropriate consequences.”

“Through rigorous enforcement of the False Claims Act, we protect taxpayer dollars from waste, fraud and abuse,” said U.S. Attorney Sherri Lydon for the District of South Carolina. “And in this case in particular, we are proud to defend the integrity of our military programs and ensure that our men and women in uniform are adequately protected as they serve our country.”

Based on findings from a recent class action lawsuit, 3M and its predecessor, Aearo Technologies, allegedly knew the earplugs were defective, but continued to sell them even though issues were apparent as early as 2000.

According to the U.S. Department of Veterans Affairs (VA), more than 2.7 million Veterans currently receive disability benefits for hearing loss or tinnitus.

What Should You Do?

Veterans injured by defective earplugs may be entitled to compensation. If you are a Veteran who served in the military between 2003–2015 and suffer with hearing issues, contact Jan Dils, Attorneys at Law, toll-free at 844.387.9472 or visit Jandils.com/3M-earplug/. We are here to fight for our Veterans.

Source: <https://www.justice.gov/opa/pr/3m-company-agrees-pay-91-million-resolve-allegations-it-supplied-united-states-defective-dual>

**IN THIS
ISSUE**

**DEFECTIVE 3M DUAL-ENDED
COMBAT ARMS EARPLUGS
(MODEL CAEV2).**

**WHAT TO DO, AND HOW TO
DETERMINE FAULT, IF YOU
HIT A PEDESTRIAN.**

**RECIPE:
CORNERED BEEF
AND CABBAGE**

Letter From Jan

For many, March means basketball and green beer. Bring it on. But did you also know it's Brain Injury Awareness Month? We see all too many Traumatic Brain Injury (TBI) cases. It's a topic we often put the spotlight on.

In this specific Personal Injury newsletter, we are focusing on something we consider to be a travesty to many of those who served in the military from 2003 to 2015. It's our job to hold corporations accountable. In this particular case 3M knowingly sold defective Dual-Ended Combat Arms Earplugs (Model CAEv2) to the military. These earplugs were standard-issue equipment for Veterans exposed to loud environments, including those who served in Afghanistan and Iraq



Jan Dils brings her expertise to issues that affect you and millions of other Americans every day. While her knowledge spans the critical areas pertaining to Personal Injury, Veterans' benefits, Social Security disability benefits and related appeals and claims, her practice remains focused on people, making sure you get the right answers and results.

over this 12-year period. Defects are likely to have caused tinnitus (ringing or buzzing in the ears) and significant hearing loss of thousands of soldiers. If you were serving and are now suffering, don't hesitate to give us a call or visit our website.

The second topic - hitting a pedestrian - is more common that one might think. Accidents do happen. And if you are the driver, you will be shaken. The most important first step is to call the police and seek medical help. But you also might want to call a lawyer. In times of trauma, it's natural to feel guilt. But you may not be the negligent party. Our toll-free number is easy to remember: **877.JANDILS**. We're here to give you peace of mind in either situation, whether you are the driver or the pedestrian.

Sincerely,
Jan Dils

EMPLOYEE SPOTLIGHT! Lauren Richardson

Lauren Richardson is one of Jan Dils, Attorneys at Law's, newer employees. She started January 22, 2019. Lauren came on as a Personal Injury Specialist and has quickly become a part of the PI Pod family.

"My favorite part about working here so far is how welcoming and fun my team members are," says Lauren. "I also love the fact that our firm does so much work in the community and look forward to getting involved."

Lauren is from Belpre, Ohio, with a degree in Psychology and Political Science from Ohio State. Go Buckeyes!

In her spare time, she enjoys traveling. And when asked about her favorite food, she didn't skip a beat:

"pizza and a nice bottle of wine!" She is not married but does have a fur child - a cat named Bella.

Jan Dils, Attorneys at Law, are so pleased to welcome Lauren to the firm. Camaraderie and chemistry are an important part of our culture. She is a joy to the team and the clients she serves.



Community Corner

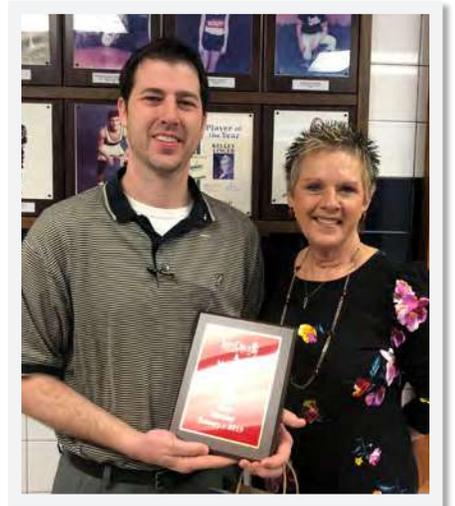
Jan Dils Golden Apple Award

We are pleased to announce our first Golden Apple Award winner of the New Year:

Mr. Todd Meckley - an anatomy teacher at Parkersburg South High School. He was nominated by a former student who stated he was an inspiration. The nomination form listed several instances in which he went the extra mile for his students. One particular example which stood out involved taking students to Alderson Broaddus to learn more about medicine.

Mr. Meckley was also nominated for his collaboration with his fellow educators. The team has created several learning projects which were well received.

Congratulations, Mr. Meckley. Keep up the great work!



Fun at Work Day

Fun at Work Day was celebrated at our office on Friday, January 28. Our team members enjoyed popcorn, a caricature artist, silly animal videos, board games and a scavenger hunt! Everyone at Jan Dils works very hard to fight for our clients' benefits, so we like to show our appreciation by making this a positive place to work.



What to Do, and How to Determine Fault, if You Hit a Pedestrian.

Hitting a pedestrian while driving a car is a scary occurrence, but not uncommon. According to statistics gathered by the National Highway Traffic Safety Administration, more than 60,000 pedestrians were injured in traffic in the course of a year. Hitting a pedestrian at a speed of over 30 miles per hour results in more serious injuries and fatalities – yet a driver can severely disable a pedestrian in a crash where the driver is traveling only 10 miles per hour.

As a driver, it's important to know what to do immediately after an accident with a pedestrian. By staying calm and speaking to the right parties, you can minimize your liability.

What to Do Immediately After the Accident

Most drivers that hit pedestrians are extremely upset immediately after the accident. Take a deep breath and focus on the following:

- **Safety comes first.** First, get any injured people to a place of safety. Do not attempt to administer medical treatment beyond what is required of you in an emergency, such as CPR.
- **Get medical and legal help.** Next, contact the police, medical care providers, and auto insurance providers (the driver's and the pedestrian's). If you

are facing possible criminal charges for the accident, such as driving under the influence, contact a criminal defense attorney for yourself if you can. When the police and your insurance agent arrive, give truthful statements to them about how the accident took place.

- **Exchange contact information, but not much more.** If the pedestrian is not incapacitated, exchange your name, phone number and insurance

information with them. Avoid talking extensively with the pedestrian or their friends or family members. Admitting fault, or making statements such as "I feel so guilty," could expose you to a personal injury lawsuit, so be careful of what you say. You should also avoid speaking directly to the pedestrian's insurance company or attorney.

Who Is at Fault?

When a driver hits a pedestrian, often the biggest question is: Whose fault was the accident? Generally, fault is determined by the law of negligence. A person who fails to exercise a reasonable standard of care under the circumstances may be considered "negligent."

However, both the driver and the pedestrian can be at fault by being negligent. For example, the pedestrian may be crossing the street illegally while the driver is traveling in excess of the posted speed limit. This scenario is treated differently in different states.

Some states follow what's called a "pure contributory negligence" rule. This means that if the pedestrian contributed in the slightest bit to the accident, then he and his auto insurance company cannot recover damages from

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Slow Cooker Corned Beef with Cabbage

Nothing will put you in the St. Patty's Day spirit like receptionist **Tammie McGee's** corned beef with cabbage.



INGREDIENTS:

4 large carrots, peeled and cut into matchstick pieces

10 baby red potatoes, quartered

1 onion, peeled and cut into bite-sized pieces

4 cups of water

1 (4 lbs.) corned beef brisket with spice packet

1/2 head of cabbage, coarsely chopped

6 oz. chicken stock or beer

DIRECTIONS: Place the carrots, potatoes and onion into the bottom of a slow cooker, pour in the water, and place the brisket on top of the vegetables. Pour the beer over the brisket. Sprinkle on the spices from the packet, cover, and set the cooker on High. Cook the brisket for about 8 hours. An hour before serving, stir in the cabbage and cook for 1 more hour.



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Continued from inside story

the driver and his auto insurance company.

Other states follow a "comparative fault" rule. This means that a pedestrian can recover some damages even if he was partly at fault.

Police Reports and Insurance Company Findings

The police will take statements from the driver, pedestrian and witnesses to determine who was at fault. They may make a conclusive finding on the spot or conduct a detailed investigation to make the finding later.

The police report from the accident will indicate which party the law enforcement officer saw as being at fault. Auto insurance companies, however, may dispute this finding. Insurance companies typically send an adjuster to the scene of the accident, or view the damage to persons and property soon after the accident has occurred. If you believe that

your insurance company will unfairly assign you a greater percentage of fault, you may strongly consider giving Jan Dils, Attorneys at Law, a call. We have the experience to go head-to-head with the insurance companies to argue that

you have a lower percentage of fault. Also, state laws vary widely when it comes to car insurance schemes, and each scheme has limitations and exclusions. We're here to give you peace of mind in a very difficult situation.

