



## Big Pharma Strikes Again: Gout and ULORIC

**T**he prescription drug ULORIC® is a medicine used to lower blood uric acid levels in adult patients with gout.

If you or a loved one suffered from a heart attack or stroke while taking ULORIC, you may qualify for compensation.

ULORIC is a xanthine oxidase (XO) inhibitor indicated for the chronic management of hyperuricemia in adult patients with gout.

### What Is Gout?

Gout is a common and complex form of arthritis that can affect anyone. It's characterized by sudden, severe attacks

of pain, swelling, redness and tenderness in the joints, often the joint at the base of the big toe.

An attack of gout can occur suddenly, often waking you up in the middle of the night with the sensation that your big toe is on fire. The affected joint is hot, swollen and so tender that even the weight of the sheet on it may seem intolerable.

Gout symptoms may come and go, but there are ways to manage symptoms and prevent flares.

### Symptoms

The signs and symptoms of gout almost always occur suddenly and often at night. They include:

- **Intense joint pain.** Gout usually affects the large joint of your big toe,

but it can occur in any joint. Other commonly affected joints include the ankles, knees, elbows, wrists and fingers. The pain is likely to be most severe within the first four to 12 hours after it begins.

- **Lingering discomfort.** After the most severe pain subsides, some joint discomfort may last from a few days to a few weeks. Later attacks are likely to last longer and affect more joints.
- **Inflammation and redness.** The affected joint or joints become swollen, tender, warm and red.
- **Limited range of motion.** As gout progresses, you may not be able to move your joints normally.

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## Letter From Jan

Did you or a loved one take ULORIC® (febuxostat) as a first-line treatment for gout and suffer from any Major Adverse Cardiovascular Event? You may qualify for compensation. First approved by the U.S. Food and Drug Administration (FDA) in 2009, troubling correlations to **cardiovascular death, nonfatal myocardial infarction, nonfatal stroke** and **unstable angina with urgent coronary revascularization** led to an in-depth

review with conclusive results. As of February 2019, the FDA is updating the ULORIC prescribing information to require a *Boxed Warning*, their most prominent warning, and a new patient Medication Guide. If you



believe you may have a case, contact Jan Dils, Attorneys at Law, toll-free.

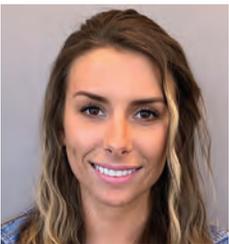
This is also the time of year kids are out of school and families will hit the road for vacations. Please be observant and careful. There are currently about 10.5 million commercial trucks who travel a collective 285 billion miles on the road. Traveling an average speed of 65 and weighing more than 80,000 pounds, if you have a collision, the odds are not in your favor. Make sure you give these vehicles plenty of space and stay out of blind spots. We want to get you to your destination fast, but more importantly, safe!

Sincerely,  
Jan Dils

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.

## EMPLOYEE SPOTLIGHT! Elise McCay

Elise McCay is a Personal Injury Paralegal and Case Manager. She joined our firm just a little over two years ago in March of 2017. When asked what her favorite part about working here was, she responded, "I love working for a company that is active in our community. It's pretty cool to see the Jan Dils logo on the news, as well hold and sponsor community events so often."



Elise is from Parkersburg, West Virginia. She graduated from the Reed College of Media at WVU with a bachelor's in advertising. Afterwards, she

went back to school at WVU's Parkersburg campus and received a certificate in legal studies. Let's go, Mountaineers!

In her spare time, she loves to plan weekend trips, shoot pool, and hang out with her mom and dad. She loves "spicy ethnic food" - Indian, Thai, Mexican - anything with a kick!

Elise is a wonderful addition to our office, and we are so happy to have her on the Jan Dils team.

## Community Corner

### Jan Dils Golden Apple Award

Last May, we had a back-to-back winner at Belpre Elementary School. Give it up for Belpre! This month's honor went to **Becky Inman**, a first-grade teacher who was nominated by a mother of both a current and a previous student. Many describe Mrs. Inman as passionate, caring, and always having an upbeat personality. She is known for her timeliness when responding to messages from parents, no matter what time of day and even on the weekends. Becky is willing to work one-on-one with her students who have IEPs and other needs, and she does so with a smile on her face and love in her heart.

"When a child comes home and tells you they love school, love their classroom, love their teacher, but most of all love what they are learning, then you know as a parent that teacher is going above and beyond her duties."



### Easter Parade in Parkersburg

The Jan Dils team was happy to participate in the Annual Parkersburg Easter Parade on April 13. It was a beautiful, sunny and hot day. We were pleased to keep participants healthy and hydrated by giving away water at the Jan Dils table. There were many smiling faces in attendance and a good time was had by all! Team Dils' volunteer efforts are an important part of our firm's culture.



# It Isn't Always Clear Who Is on the Legal Hook After a Commercial Truck Accident.



Large trucks can weigh up to 80,000 pounds. Because of the heavy weight and size of commercial trucks, accidents are much more likely to be catastrophic or even fatal.

Following an accident, it may seem evident that the truck driver caused the accident, but it's not always that clear-cut. In this article, we'll discuss some key things to consider when answering the liability question.

## When Is a Company Liable for Its Driver's Conduct?

"Respondeat superior" is the primary theory of liability that holds a company responsible for a traffic accident caused by a truck driver employee.

Under this principle, an employer is liable for the wrongful acts committed by its employees or agents, provided the acts were unintentional and were committed within the scope of employment.

The policy governing this rule is a realization that, practically speaking, certain wrongful conduct is bound to occur during the course of the employer's business. As a result, the losses caused by this wrongful conduct should be placed on the employer as a cost of doing business. Another rationale for respondeat superior is that businesses generally have "deep pockets," when compared to their employees, and are better able to protect themselves by purchasing insurance, spreading the cost over the entire business.

## Is the Driver an Employee or Independent Contractor?

The first thing the injured person must show is that the truck driver is an employee of the company, rather than an independent contractor. That's because a company

is generally not liable for wrongful acts committed by independent contractors.

Although each state's laws may differ, generally the emphasis is placed on whether the employer has the right to control the detailed manner and means that the work must be performed. If the employer controls the result of the work, but not how the result is accomplished, then an independent contractor relationship is established.

For example, if a truck driver used his own truck, furnished his own gas and oil and own liability insurance, assumed the cost of repairs, was paid on a "per route" basis, and received no employee benefits, and the company did not withhold taxes from the driver's paychecks or instruct the driver how to make deliveries or how to drive the truck, likely the truck driver is an independent contractor.

## What Acts Are "Within the Scope of Employment"?

Determining what constitutes an act committed "within the scope of employment"

can be a difficult task. Courts have adopted a number of factors to help resolve this issue. Although each state's laws may differ, common factors can include:

- Intent of the employee
- Nature, time and place of the employee's conduct
- Type of work the employee was hired to do
- Incidental acts the employer should reasonably expect the employee to do
- Amount of freedom allowed to the employee in performing his or her duties, and
- Amount of time consumed in the personal activity

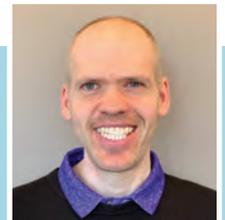
For example, if a truck driver rear-ends a car while making a delivery, the employer would be liable for any harm that results because the truck driver was acting "within the scope of employment." Now suppose that the truck driver leaves work early to go to a basketball game and hits another car outside of the stadium. Here, an argument can be made that the company should not be liable for the accident because the truck driver was not acting "within the scope of employment."

Simply stated, the laws regarding truck accidents are much more complicated than those involving vehicles only. At Jan Dills, Attorneys at Law, we understand the different regulations that govern those in the trucking industry, and that knowledge combined with legal acumen help us provide an honest assessment of liability in trucking cases.

Source: [www.alllaw.com/articles/nolo/auto-accident/liability-commercial-truck-accident.html](http://www.alllaw.com/articles/nolo/auto-accident/liability-commercial-truck-accident.html)

## Slow Cooker Sweet Barbecue Chicken

A perfect picnic potluck from the kitchen of **Jamie Kincheloe** from Mail and Scanning. So easy, so good!



### INGREDIENTS:

4 skinless, boneless chicken breasts or thighs

1 (18 oz) bottle of barbecue sauce

1/4 cup of distilled white vinegar

1/4 cup brown sugar

1 tsp garlic powder

**DIRECTIONS:** 1. Put chicken in slow cooker. 2. Whisk sauce, vinegar, brown sugar and garlic powder together in a bowl until sugar dissolves; pour over chicken. 3. Cook on low for 4 - 6 hours.



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*Continued from cover story*

**Treatment**

ULORIC was FDA-approved in 2009 to treat a type of arthritis called gout in adults. ULORIC works by lowering uric acid levels in the blood. Gout is a chronic disease that affects approximately 8.3 million adults in the U.S. The number of medicines to treat gout is limited, and there is an unmet need for treatments for this disease.

**Have You Been Victimized?**

As of February 2019, the U.S. Food and Drug Administration (FDA) has concluded there is an increased risk of death with ULORIC (febuxostat). This conclusion is based on an in-depth review of results from a safety clinical trial that found an increased risk of heart-related death with ULORIC use.

As a result, the FDA is updating the ULORIC prescribing information to



require a *Boxed Warning*, their most prominent warning, and a new patient Medication Guide. They are also limiting the approved use of ULORIC to certain patients who are not treated effectively or experience severe side effects with allopurinol.

If you believe you've been victimized by ULORIC or have had any severe medical issues with Viagra, Invokana, Nexium, Prilosec or Valsartan, call us for a free consultation at **877.526.3457**.