

# NEWS YOU CAN USE

## PERSONAL INJURY

THE  
**JAN DILS**  
FOUNDATION

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### Why Pedestrian Deaths in the U.S. Hit a Record High in 2021

**P**edestrian death rates climbed to a 40-year high in 2021, but experts say the factors driving the national traffic crisis emerged far earlier — and policymakers urgently need to confront them.

A staggering 7,485 pedestrians died on U.S. roads last year according to estimates from the Governors Highway Safety Association (GHSA). This ranks 2021 among the top 10 deadliest years for walkers since the federal government began tracking roadway fatalities.

And advocates say that's all the more reason to confront the emergency head-on, rather than chipping away at the death count gradually.

"It is shocking, it is unacceptable, and it should be a wake-up call for

everybody," said Pam Shadel Fischer, senior director of external engagement for the Governors Highway Safety Association. "This is a national emergency, and our response to it cannot be business as usual."

Here are some of the major reasons why so many pedestrians are dying, according to GHSA's analysis of

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pre-2021 crashes, for which the most detailed information is available:

- **There aren't nearly enough sidewalks.** The most obvious way to save pedestrians' lives is to give them a sidewalk. By 2020, *more than two-thirds (67.1%) of walker deaths happened on roads without protected space for people on foot or in wheel-chairs.* Modern roads in the U.S. were constructed for the convenience of the driver. The goal was to move as much traffic in as little time as possible. There are now more lanes, more cars, and the speed limits are often higher. More money was spent for road construction, making sidewalks or paved shoulders an afterthought.
- **There are too many ultra-dangerous roads in neighborhoods.** The GHSA found that a staggering 73% of 2020

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## Letter From Jan

How does that song go? *Summertime and the living is easy*. This is the happy 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, each weighing more than 80,000 pounds, traveling a collective 285 billion miles on the road at an average speed of 65 mph. 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 their blind spots.

We want you to get to your destination fast but, more importantly, safe!

Also, be sure to reduce your vehicle's speed when passing through road construction sites. Negligent drivers cause most automobile accidents, but bad roads and construction also play a part. Much more road construction takes place during the warmer months, and there is a lot out there that needs to be repaired. Injuries and major car repairs can put a damper on your vacation, to say the least. *Slow down*.

As we all know, summer is fleeting. Be sure to spend quality time with your loved ones and enjoy these golden summer days.

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.



## RECREATIONAL SPOTLIGHT

### Fishing the Mid-Ohio Valley

A great way to spend time outdoors and enjoy the great summer weather is fishing one of the many streams, lakes, reservoirs, rivers or private ponds generously scattered throughout our region. Many of these are located in public parks or on property that is easily accessed free of charge.

One advantage of fishing is its low cost: All you really need are a fishing license for the state where you're fishing, along with a rod, reel and "tackle" (hooks, sinkers, etc.), and bait (both artificial and live).

#### Good to know:

- Both Ohio and West Virginia fishing licenses allow fishing on both sides of the Ohio River, where the river forms the border between these two states.

- Fishing licenses are manageable online: you can renew, pay for, and print your license without ever walking into a sporting goods store.

The Mid-Ohio Valley features many excellent fishing locations, including:

- Forked Run State Park (Reedsville, Ohio)
- Dow Lake/Strouds Run State Park (Athens, Ohio)



- Belleville Lock and Dam (Reedsville in Ohio, Belleville in West Virginia)
- Mountwood Park (Waverly, West Virginia)
- Ohio River, mouth of the Muskingum River (Marietta, Ohio)
- Ohio River, mouth of the Shade River (Long Bottom, Ohio)

Private ponds and lakes provide some of the best fishing and most consistent luck you will find. If you ever get the chance, take the opportunity to fish in a privately owned body of water with limited access.

#### Helpful hints:

- Know in advance the species of fish that you want to catch. Different types of fish are active in different temperatures, conditions and seasons of the year.
- Pack insect repellent containing DEET to avoid exposure to mosquitoes — and don't forget the mosquito net.
- Be wary and respectful of wildlife and

keep your distance. Avoid going alone in case there's an emergency.

- Have a camera and scales to weigh, or at least measure, any fish you catch. It may be the difference between a "fish story" and a verified catch!

Most importantly, *have fun!*







# Knee and Ankle Implant Systems and Surgical Mesh Products Recalled

**O**n February 7, 2022, Exactech, a global medical device manufacturer, announced that most of the knee and ankle arthroplasty polyethylene inserts it has manufactured since 2004 were packaged in defective vacuum bags.

While the inserts were stored in the defective bags, they were exposed to oxygen, which can cause them to wear out faster or become damaged after they are implanted. The damage to the inserts causes them to loosen, crack, or fracture and results in bone loss, pain and swelling that can lead to a revision surgery. Nearly 150,000 defective Exactech knee and ankle inserts have been implanted in the United States since 2004.

For a complete list of Exactech's recalled replacement systems, visit: <https://www.drugwatch.com/exactech-replacement/recalls/>.

## Are You at Risk?

Because of this product defect, patients who have received an Exactech replacement are at risk for a number of painful side effects, which could potentially require revision surgery. If your replacement is defective and failing, you may experience osteolysis (bone loss) with or without symptoms. Other symptoms to look for include:

- *New or worsening pain while walking*
- *Lack of stability*
- *Pain while bearing weight*
- *Swelling in or around the replaced joint*

- *Clicking or grinding sensations in your knee, ankle or hip*
- *Dislocation*

Your surgeon may contact you to schedule a follow-up appointment if your implant is on the recall list. But if you are concerned and don't hear from your doctor, you can contact their office to see if your implant has been recalled. In addition, you can look up your knee or ankle implant's serial number on Exactech's website: [www.exac.com/medical-professionals/recall-information/](http://www.exac.com/medical-professionals/recall-information/). That serial number should be in your medical records. You can also contact Exactech directly at 1.888.912.0493.

Exactech also has informed surgeons that under certain conditions, patients

with hip replacements that use one of their products, the GXL<sup>®</sup> hip liner, may be at risk for higher wear rates; however, there is no recall for those products at this time.

## Hernia repair mesh recall

Another medical implant found to be defective is surgical mesh commonly used in hernia repair. Hernia meshes are intended to be permanent implants; however, many implants have failed and have caused patients to suffer complications such as chronic pain, bulging, constipation, diarrhea, indigestion and/or sexual dysfunction. These symptoms often lead to revision surgery to replace the defective mesh. Although several manufacturers make surgical mesh, C.R. Bard and Becton Dickinson have been responsible for most of the failed implants. For more information about the brands of mesh that have been recalled, visit: <https://www.drugwatch.com/hernia-mesh/recalls/>.

If you or a loved one suffer from any of the symptoms mentioned here after your replacement surgery, whether it be knee, ankle or hernia repair, see your doctor immediately. Find out if your implant is on the recall list, then contact us at **JanDilsFoundation.com** or call us at **833.534.3577**. You may be entitled to financial compensation for pain and suffering, medical expenses and lost income resulting from the failure of your implant. Let us see if we can help.

[https://www.defectivejoints.com/devices/exactech?matchtype=e&keyword=exactech%20lawsuit&device=c&adposition=&network=g&gclid=CjwKCAjwwo-WBhAMEiwAV4dybbCVKs223FqvHeYPEoqCKQvgkggZOrNEdXXhrzzFsfAvLqRre7SKsxoCZREQA-vD\\_BwE](https://www.defectivejoints.com/devices/exactech?matchtype=e&keyword=exactech%20lawsuit&device=c&adposition=&network=g&gclid=CjwKCAjwwo-WBhAMEiwAV4dybbCVKs223FqvHeYPEoqCKQvgkggZOrNEdXXhrzzFsfAvLqRre7SKsxoCZREQA-vD_BwE) / <https://www.drugwatch.com/exactech-replacement/recalls/> / <https://www.drugwatch.com/hernia-mesh/recalls/>

## What's Cooking? Pesto and Pasta

From **Kellie Blackman**, VA Case Development



### INGREDIENTS:

#### Pesto

- 1 cup firmly packed fresh basil leaves
- 1/3 cup grated Parmesan cheese
- 1/3 cup olive oil
- 1 clove garlic
- 2 Tbsp. sliced almonds, toasted

#### Pasta

- 12 oz. uncooked penne pasta (3-1/2 cups cooked)
- 3 cups Progresso<sup>™</sup> chicken broth
- 2 cups shredded, cooked chicken
- 2 cups cherry tomatoes, halved
- 1/4 cup julienned fresh basil leaves
- 3 Tbsp. grated Parmesan cheese

**DIRECTIONS: Pesto:** Place pesto ingredients in blender or food processor. Cover and process on medium speed about 3 minutes until smooth, stopping occasionally to scrape down sides with rubber spatula. Set aside.

**Pasta:** In a 4-quart saucepan, heat penne and broth over high heat just until boiling. Reduce heat to medium; cover and cook 8 to 10 minutes, stirring frequently, until pasta is al dente and liquid is almost absorbed. Remove from heat. Add pesto, stir in chicken and tomatoes, and cook over medium heat 2 to 3 minutes or until heated thoroughly. Garnish with fresh basil and Parmesan cheese.

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pedestrian fatalities happened on roads classified as principal, minor or interstate arterials, a technical term for high-speed, high-capacity roads in urban areas. In other words, U.S. neighborhoods are full of corridors that run directly adjacent to places where people are likely to walk. Seventy percent of the most-deadly roads in America for pedestrians had four lanes or more, and 75% had posted speed limits above 30 mph.

• **There are too many SUVs and pickups on the road.** According to the GHSA report, “light trucks” — a vehicle class that includes SUVs, pick-ups and vans — were involved in 39.5% of all pedestrian fatalities in 2020, a share that narrowly exceeds the share of crashes involving smaller passenger cars (39.2%). Deaths

involving SUVs alone increased a shocking 76% over the last decade, while deaths involving smaller cars increased just 36% over the same period.

As the pandemic eases and more people resume driving to work, this problem may get worse before it gets better. Be extra vigilant as you drive. Keep an eye out for pedestrians and *slow down*. If you or a loved one is injured in a pedestrian accident, it may make sense to

put your case in the hands of an experienced legal professional. We are here to help.

