

# personal injury advisor

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## Distracted Drivers! Risks that lead to accidents.

AS LONG AS THERE HAVE BEEN DRIVERS, THERE HAVE BEEN DISTRACTED DRIVERS. BUT TODAY'S HAND-HELD TECHNOLOGIES HAVE INCREASED MULTI-TASKING BEHIND THE WHEEL. ARE YOU DRIVEN TO DISTRACTION?



A new study by the National Highway Traffic Safety Administration and the Virginia Tech Transportation Institute offers scientific support to what most people already know from experience: Distracted drivers are dangerous.

Whether managing boisterous children, sipping the morning coffee, chatting on cell phones or adjusting the GPS, distracted drivers are three times more likely to be involved in an accident than attentive motorists.

The recently-released joint study tracked drivers with video cameras and sensors and shows that almost 80% of crashes and 65% of near-crashes happen within three seconds of some form of driver distraction.

### What Distracts U.S. Drivers?

Cell phone usage is the most common distraction for drivers, according to the NHTSA study. And while talking on a cell phone is less risky than dialing or texting, it is a leading factor for accidents because it is done far more often.

An earlier University of North Carolina Highway Safety Research Center study found that drivers were often distracted by something outside their vehicle (29%), followed by changing the radio or CD/MP3 player or talking with passengers (both 11%), adjusting climate controls (3%), eat-

ing or drinking (2%), and smoking (1%).

According to the NHTSA study, retrieving a moving object—a baseball rolling near a driver's foot, a spit-out pacifier, or bottled water sliding across the front passenger seat—multiplies the risk of a crash or near-miss by nine times. Reading, applying makeup, or dialing a handheld device triples the risk.

"All of these activities are much more dangerous than we thought," Dr. Charlie Klauer, a senior research associate at the Virginia Tech Transportation Institute, said to The Associated Press. "The proliferation of technologies in the vehicle have just exacerbated the amount of time that drivers are distracted."

The NCHSR study also correlated age to the type of distraction. Drivers under age 20 are likely to be distracted by adjusting music, while young adults from 20 to 29 seem more distracted by other passengers. Drivers over 65 were most distracted by objects or events happening outside the car.

### Minimize Your Distractions

- **Cell Phone Usage**—Do not dial or text while driving. Remember, cell phone use while driving is illegal in Chicago and many suburbs. Illinois also prohibits cell phone use by teen drivers under age 19.
- **Children**—Kids can be very distracting, particularly when bored or upset. Pull over to manage problems.
- **Applying Make-Up or Shaving**—Do not shave or apply make up while driving. Finish before you leave home or in the parking lot at work.
- **Dropped Items**—Do not pick up items from the floor while the car is in motion. If necessary, pull over and stop to recover the object.
- **Eating**—Be safe. Eat before you drive or during a driving break.
- **Reading**—Do not read and drive. Pull over to consult maps or other materials.
- **Computers, DVD Players & PDA's**—Do not use these items while driving.
- **Radio/CD/MP3 Player**—Adjust your music at a full stop and keep your volume at a level that does not drown out important sounds like sirens.

Download our instructions on what to do if you are in an auto accident—visit:  
[www.adlerandadlerlaw.com](http://www.adlerandadlerlaw.com)

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## Personal Injury Focus

### WALKING CHICAGO: WHO HAS THE RIGHT-OF-WAY?

CHICAGO IS THE 7TH "MOST WALKABLE" CITY, TRAILING WASHINGTON, D.C., BOSTON, SAN FRANCISCO, DENVER, PORTLAND AND SEATTLE, AS RANKED BY A BROOKINGS INSTITUTION SURVEY.

**B**ut watch out pedestrians, Chicago drivers are only just becoming reacquainted with pedestrian traffic laws as this summer's public safety initiative rolls into action. In 2006, 46 pedestrians died in traffic collisions, according to the *Chicago Tribune* and city records. And more than 3,000 auto-versus-pedestrian accidents occur in Chicago each year.

"Currently it's abnormal for motorists to yield—and that's what we're trying to change," the *Tribune* quoted Falon Mihalic, coordinator for the Northwest Chicago Drive with Care campaign, which is helping the Chicago Police Department and Chicago Department of Transportation with a highly publicized joint undercover "sting" operation to enforce pedestrian right-of-ways.

In just the first two hours, the *Tribune* reported that officers and one decoy issued warnings to more than 101 drivers at N. Lawndale and W. Belmont avenues on June 9, for not yielding to pedestrians in crosswalks.

The city also is turning to technology to try to improve pedestrian safety and visibility for motorists. While countdown signals so pedestrians know how much time they have to cross a street, islands in the middle of intersections where pedestrians can wait, and raised crosswalks to help motorists better see pedestrians are helpful, it is important that both drivers and pedestrians know the "rules of the road."

### PEDESTRIAN Precautions

- Although pedestrians have the right-of-way in the crosswalk, the pedestrian must exercise ordinary care for his or her own safety.
- No pedestrian may cross a roadway intersection diagonally
- Pedestrians crossing at any point other than within a marked crosswalk or within an unmarked crosswalk at an intersection must yield the right-of-way to the vehicles on the road, in most circumstances.
- Any pedestrian crossing a street where a pedestrian tunnel or overhead pedestrian crossing has been provided must yield the right-of-way to all vehicles on the road.
- No Jaywalking—Between adjacent intersections where traffic control signals are in operation, pedestrians must not cross at any place except in a crosswalk.
- No pedestrian shall suddenly leave a curb or other place of safety and walk or run into the path of a moving vehicle which is so close as to constitute an immediate hazard.

- Drivers must exercise due care to avoid colliding with any pedestrian, bicyclist, or operator of any other device. This includes using proper precaution around children or upon observing any obviously confused, incapacitated, or intoxicated people.
- Drivers must yield the right-of-way to pedestrians with clearly visible disabilities.
- Whenever stop signs or flashing red signals are in place at an intersection or at a plainly marked crosswalk between intersections, drivers must yield the right-of-way to pedestrians.
- When traffic control signals are not in place or not in operation the driver of a vehicle yields the right-of-way, slowing down or stopping to yield to a pedestrian crossing the road way within the crosswalk.

### DRIVER Obligations

- Drivers do not have rights superior to those of pedestrians in using a street crossing—and the pedestrian and driver of the vehicle must each look out for the other so that accidents do not happen.



# HEPARIN RECALL

**E**arlier this year, the vital blood-thinning drug Heparin was linked with 81 deaths and hundreds of other life-threatening or serious reactions. Your attorneys at Adler & Adler, P.C. are available for free consultations for Heparin reactions—as well as other product liability case evaluations. If you or anyone you know has been adversely affected by a prescription medication, please call our offices at 312.443.1488 to set up a free initial consultation.

AS U.S. COMPANIES CONTINUE TO STRUGGLE WITH QUALITY CONTROL IN CHINA, CONSUMER PRODUCT RECALLS CONTINUE TO OCCUR ALMOST WEEKLY. WHILE MANY RECENT RECALLS HAVE INVOLVED CHILDREN'S TOYS, THIS SPRING'S HEPARIN RECALL AFFECTS THE AGING U.S. POPULATION. AT LEAST 81 DEATHS HAVE BEEN ATTRIBUTED TO TAINTED HEPARIN SO FAR . . .

**A**s the manufacturer of approximately half of the multi-dose Heparin vials used in the U.S., Baxter International's production quality affects the health of millions of U.S. surgery patients each year. A popular blood thinner, Heparin is used to prevent blood clots in surgery, dialysis, and bedridden patients.

Earlier this year, a recall was initiated for Baxter Heparin products after serious—and in some cases, fatal—allergic reactions were tied to the drug. Upon investigation by Baxter and the FDA, these reactions were eventually linked to the contamination of the active ingredient in Heparin produced in a Changzhou, China, manufacturing facility. Baxter also stated that its findings show the "root cause may be associated with the crude Heparin, sourced from China." This contaminant later proved to be chondroitin sulfate—a cheaper version of the active ingredient.

Patients who have been injured by contaminated Baxter-brand Heparin may experience:

- Blood Infection
- Drop In Blood Pressure
- Complications From Drop In Blood Pressure
- Sepsis
- Death

### Producers May Be Negligent

Both the Chinese plant and a Wisconsin facility that also produces the active Heparin ingredient are owned by Wisconsin-based Scientific Protein Laboratories LLC (SPL).

While the Wisconsin plant did have an FDA record of inspections, the agency revealed that it never inspected the Chinese supplier. Upon inspection, the FDA announced the Chinese facility to be seriously deficient and cited it for several violations, among them:

- Incomplete manufacturing instructions
- Lack of an impurity profile for Heparin
- Incomplete manufacturing instructions for Heparin Sodium USP
- Inadequate control of material flow in the processing area

- Lack of annual test results

Baxter initially claimed that it had inspected SPL's Chinese plant within the past six months, but then Baxter CEO Robert Parkinson tried deflecting blame by telling the *Chicago Tribune* that Baxter doesn't monitor its supply chain to the extent that it would know if a supplier-to-a-supplier was ever inspected before Baxter began accepting Heparin from that supply line.

Parkinson's comments reflect the careless attitude the company took toward its suppliers' safety practices, its failure to ensure proper facility inspections, and its delays in recalling the entire Heparin supply. The consequences may be in Baxter International—along with SPL—being held liable for a negligence that has injured so many people.



HEPARIN IS USED INTRAVENOUSLY TO THIN BLOOD BEFORE SURGERY.

## SALAD DAZE . . . The Law & Food Poisoning.

We've all had it . . . the gurgling and churning in our stomachs that cause us to review what we've eaten.

In June, all Roma, plum and round tomatoes were pulled temporarily from the market due to a major salmonella outbreak.



Even McDonald's, Burger King, and Taco Bell are holding the tomato to their sandwiches. Through mid-June, 27 people in Illinois had been diagnosed with tomato-related salmonella. Earlier this year, melons and organic lettuce were suspect foods.

Often, all we experience are minor stomach upsets. But sometimes—especially in the young, the elderly and those with weak-

ened immune systems—food poisoning can land us in the hospital. While types of food poisoning vary, salmonella is the most common. Symptoms of salmonella include diarrhea, cramps, and fever.

Unfortunately, food poisoning is one of the hardest personal injury matters to prove in a court of law. To prove that salmonella caused your symptoms, you must have a

stool test within a maximum of 48 hours of eating the tainted product. Keep a sample of the food you ate and the receipt showing purchase date and store location. Keep the food away from others and properly refrigerated until you have spoken with an attorney.

For more information on personal injury cases, visit [www.adlerandadlerlaw.com](http://www.adlerandadlerlaw.com) or call 312.443.1488.