

the Yes Men. The Yes Men have made quite a name for themselves pretending to be spokespersons for prominent organizations, making false announcements that generate publicity and, they hope, pressure the organizations to make real changes. On October 19, they held a fake press conference announcing that the Chamber of Commerce had reversed its position on climate change policy, and promised to immediately cease lobbying against the Kerry-Boxer pollution reduction bill. They even had cable news organizations fooled for about an hour. The only "damage" that the Chamber of Commerce suffered was having public attention focused on its views about climate change. Yet the Chamber responded by filing a multi-count federal lawsuit. Or maybe the lawsuit itself is another hoax??? If not, this may rank as the Greatest Moment in Tort Reform Hypocrisy...for now. ■

Vehicle Crashes and Product Defect

By John Hopkins

A single vehicle automobile accident is not always what it appears to be on the surface. Typically, when an automobile crash happens involving a single car, even the police attribute it to driver error, environmental causes, or similar combination of contributing factors.

Not always as simple as it seems on the surface. In-depth investigation of single vehicle, including tractor trailer, accidents can often disclose more interesting information.

The actual cause of single vehicle crashes (auto, truck, ATV, etc) may be the result of product defects or product failure. If any of the following factors are involved in a single vehicle crash, they may warrant additional investigation by competent attorneys skilled in this area of law:

- Roof crush
- Low speed rollover
- Faulty seat belts
- Ejection through the back or side windows
- Fifteen passenger vans
- Tire blow outs or similar tire failure
- Reclining seat backs
- Front seat occupants wearing seatbelts, but found in the rear seats after the crash
- Defective door latch
- Evidence of sudden or unexplained acceleration
- Sudden loss of steering
- Difficulty controlling the vehicle at high speeds

It is essential that the evidence be carefully preserved. The vehicle involved must be protected from spoliation and an in-depth evaluation for the suspected defects should be made timely. Time can be an enemy in these cases. ■

Simple Cosmetic Eyelid Surgery Burns Cornea and Leaves Woman Essentially Blind in One Eye

Mrs. Smith (not her real name) wanted to fix a simple eyelid problem called ptosis. Ptosis is the medical name for drooping eyelids, a condition that can partially obstruct a person's vision as the upper eyelids descend. Mrs. Smith's local plastic surgeon, Dr. S, assured her that a safe and simple outpatient procedure called a blepharoplasty would cure the problem. Unfortunately, nothing about this surgery turned out to be simple or safe.

During the surgery, the laser used to cut the eyelid burned through the eyelid tissue, permanently burning Mrs. Smith's left cornea. This tragic error could have easily been avoided by the use of properly trained medical personnel and precautionary measures during surgery. However,



Dr. S's insurance company did not agree and refused to pay the doctor's insurance policy limit, in spite of the fact that Mrs. Smith never regained sight in her left eye. During the next several years, she courageously endured two corneal transplant surgeries performed by a well-respected physician at the Bascom Palmer Eye Institute. Despite these exhaustive efforts, there was very little improvement in Mrs. Smith's vision.

Mrs. Smith contacted SDSBS attorney **Karen Terry** and requested representation in an action to hold the parties responsible for their mistakes. The results of Ms. Terry's investigative and discovery efforts showed even more clearly that the damage to Mrs. Smith's eye would never have happened had proper training, proper safeguards, and effective background checks been in place for Dr. S and the facility where this procedure was performed. Depositions revealed that, unbeknownst to Mrs. Smith and the medical facility used for this delicate procedure, Dr. S had a chronic medical condition for which he was taking a very strong anti-seizure medicine. He was on this medication even during the procedure conducted on Mrs. Smith.

Ultimately, Dr. S admitted in his deposition that this was, indeed, an inadvertent injury. After much prodding by Ms. Terry, the doctor's insurance carrier finally did the right thing and paid his policy limits to settle the case with Mrs. Smith. This case is yet another example where persistence and good discovery techniques make a big difference when seeking truth in the pursuit of justice. ■