

NURENBERG PARIS

Justice for the Injured...since 1928.



NURENBERG PARIS HELLER & MCCARTHY

CO., L.P.A.

The Nurenberg Paris Law Firm has been representing individuals and their families in personal injury and wrongful death cases since 1928.

- Auto, Truck, Train, Boat & Bus Accidents
- Medical, Hospital & Nursing Home Malpractice
- Birth Trauma & Injuries
- Construction Site Accidents
- Workers Compensation
- Airplane Crashes
- Defective Products
- Class Action Litigation

Managing Partner
David M. Paris

Attorneys:

Thomas Mester
Harlan M. Gordon
Jamie R. Lebovitz
William S. Jacobson
Jeffrey A. Leikin
Ellen M. McCarthy
Kathleen J. St. John
Jonathan D. Mester
Andrew R. Young
Brenda M. Johnson
David A. Herman
Nicholas A. Semanko

Counselor to the Firm
Marshall I. Nurenberg (retired)

**Workers Compensation
Administrator**
Robert M. Trivisonno, Jr.



216-621-2300
888-JUSTICE
(in Ohio)
800-562-7438
(outside Ohio)

www.nphm.com

\$4.5 Million Recovery For The Wrongful Death Of 23 Year Old Chicago Woman

On December 5, 2003, our clients' 23 year old daughter, Leigh Anne Tarbill, died from carbon monoxide asphyxiation at a home she rented with another woman. She died when a gas heater illegally installed in the garage malfunctioned, causing her to be overcome by carbon monoxide fumes. Her death was the culmination of multiple acts of gross and reckless misconduct by various persons—including the former and current homeowners and the gas company that performed work at the premises shortly before her death.

A wrongful death action was commenced in Cook County, Chicago, Illinois by attorney **Jamie R. Lebovitz** and co-counsel, Kevin Durkin of Chicago. Over a period of nearly four years, Lebovitz and Durkin embarked on a journey of discovery and investigation that revealed a sea of deceit, misrepresentations, and other despicable conduct that shocked the conscience. Thousands of pages of deposition testimony, as well as documents, demonstrated that a conscious disregard for fundamental rules and regulation intended to protect human life resulted in the death of a bright, beautiful, and loving daughter, sister, and friend to many.

The story begins in 1993 when a well-known architect, Rodrigo DelCanto, purchased a three unit town house in the up and coming Chicago neighborhood known as "Old Town." Delcanto, like many of the residents who gravitated to this upscale area, intended to renovate this structure and turn it into a single family home for himself, his wife and children. Delcanto, who once worked in the City of Chicago building department, understood the requirements for this conversion and build-out, including the necessity of having design, electrical, and construction drawings approved by the City.



As part of the renovation, DelCanto wanted to have a heated swimming pool for his family. DelCanto, together with his architectural firm, Macondo, knew that the pool installation as intended would not pass the local and state building code



Jamie R. Lebovitz

requirements. DelCanto and Macondo, therefore, omitted from the permit applications and plans any reference to a swimming pool and pool heater. The pool was surreptitiously installed on the rooftop of the attached garage and the heater was placed in the garage—in direct violation of the Chicago building code, as well as in violation of the local gas company (People's Gas) safety code and regulations.

Pool heaters, like other gas fired furnaces, produce carbon monoxide gas. As such, pool heaters *must* be placed in areas where there is proper ventilation and a pathway for the gases to escape into the atmosphere. DelCanto not only violated the law by installing a pool heater in a residential garage, but there were shortcomings with the equipment he chose. For instance, a safely-designed heater should disable itself if the ventilator fan (the "inducer") fails for any reason. The inducer chosen by DelCanto lacked this capacity and was not properly wired, thus creating the conditions for a system failure that could lead to an excessive build-up of lethal carbon monoxide fumes.

It was only a matter of time before someone would be seriously injured or killed.

In the fall of 2000, DelCanto sold his Old Town home to the Rupples family. In the course of the sale, DelCanto presented an indemnification agreement to the Rupples which stated that DelCanto agreed to protect the Rupples from any losses and claims which could arise as a result of DelCanto's renovation of the Old Town property in a manner different from the plans and specifications originally submitted.

Continued on page 3

Restaurant Pays \$5 Million To Pregnant Woman And Family After Fall In Parking Lot

David M. Paris achieved a \$5 million settlement for the family of a woman who fell in a restaurant parking lot while pregnant with twins. The lawsuit alleged that, as a result of the fall, the woman went into premature labor. One twin died due to medical complications a doctor attributed to the fall; the other was born with numerous injuries, including developmental delay, brain injury, and chronic respiratory distress requiring a tracheostomy, periodic ventilator treatments, and use of a feeding tube.

The incident occurred in the summer of 2005. The woman, 24 weeks pregnant with twins, patronized a local restaurant for dinner with her 3 year old son. Upon leaving the restaurant, the woman and her son headed for their car parked in the restaurant's lot. A vehicle paused in their path waiting for another vehicle to back out of its parking space. The stopped vehicle hid from view a chuck hole approximately 3 inches deep, a foot wide and 3 feet long. When the stopped vehicle began to pull into the space, the 3 year old, holding his mother's hand, tugged her a few steps forward. With her attention focused on avoiding a car approaching from the right, she stepped forward into the chuck hole and fell.

Expert testimony indicated the chuck hole had existed for a substantial period of time. The restaurant's manager admitted he was aware of the hole and was planning to get it repaired at some point in the future. The engineering expert opined that the failure to repair the hole was negligent and that the hole was not open and obvious to the woman under the circumstances.

In falling, the woman struck her left knee and fell hard onto her abdomen. Paramedics transported her to a community hospital's emergency room. After tests were performed, the woman refused to be dis-

charged home and had her husband drive her to a Level I hospital emergency room where she was admitted.

Physical exam and ultrasound demonstrated she was 3.5 centimeters dilated and her membranes were "hour-glassing" through her cervix. The danger associated with "hour-glassing membranes" is bacterial contamination through the normal vaginal flora. The physicians prescribed antibiotics, as well as steroids in case of premature delivery, placed her in a Trendelenberg position and on a monitor. Four days later, Twin A's heartbeat became irregular, leading to the diagnosis of an infection requiring an emergency C-section. Twin A died at birth of the infection. Twin B was septic, but survived after spending some 9 months in the hospital.

The plaintiffs' medical expert was a board certified OB/GYN with a sub-specialty in infectious disease. He opined that the impact to the mother's abdomen caused her accelerated cervical dilatation and ensuing complications, including the infection (*chorioamnionitis*), the premature birth, and the death of Twin A. The defendants' three medical experts disagreed that the fall caused the premature delivery. They conceded, however, that in most patients *chorioamnionitis* does not occur without an open cervix, and that the plaintiff's *chorioamnionitis* developed at some point after her fall.

The case settled a week before trial, following a full day of mediation, for \$5 million.



Civic Activities

Our Attorneys In The Community

- Attorneys **Andrew R. Young**, **Jeffrey A. Leikin**, **Ellen M. McCarthy**, and **Jamie R. Lebovitz** gave a seminar entitled *Maximizing Damages: Planes, Trains & Automobiles*. The seminar was a half-day event at Lakeland Community College sponsored by the Lorain County Bar Association.
- Attorney **Jonathan D. Mester** has given seminars this past year on various topics, including: *Handling the Personal Injury Case*; *The Law of Damages*; *Voir Dire*; and *Brain Injury Litigation: Proving a Brain Injury*. Also speaking at the Brain Injury seminar was attorney **William S. Jacobson**.

- Attorney **Thomas Mester** has been teaching an undergraduate class at CWRU called *Law & Film*.
- Attorney **David A. Herman** is teaching an evening and weekend course entitled *Tort Law & Litigation Practice* at KSU. The course is designed for pre-law students, and is part of a program of which Mr. Herman is a past graduate.
- Attorneys **Kathleen J. St. John** and **Nicholas A. Semanko** are volunteering in the Cleveland Bar Association's 3Rs program in which attorneys visit 10th grade classes in the Cleveland Public School System to teach students about Constitutional Law and rights and responsibilities of citizenship.
- Attorney **Brenda M. Johnson** is serving on the Board of Advisors of the American Constitution Society's NE Ohio Chapter.

NOTE TO OUR READERS

Nurenberg Paris has prepared this newsletter for its many friends, clients and colleagues world-wide. It is purely a public resource of general information. Although it is not intended to be a source of either solicitation or legal advice, it may be regarded as an advertising or promotional communication in the terms of the lawyers' professional responsibility law. Accordingly, it is necessary that certain information be supplied to and noted by the reader.

This newsletter should not be considered as an offer to represent in any legal matter, nor should it be the basis of legal hiring decisions. Thus, the reader should not consider this information

to be an invitation for an attorney-client relationship, should not rely on information provided herein, and should always seek advice of competent counsel.

All lawsuits are different, and Nurenberg Paris makes no representation or promises that it can obtain the same results as reported in this newsletter in other legal matters. Nothing in this newsletter constitutes a guarantee, warranty or prediction regarding the outcome of any future legal matter. Further, it should be noted that even where the fee arrangements are on a contingency

basis, clients will still be responsible for payment or reimbursement of the costs and expenses of litigation out of the recovery.

The owner of this newsletter is a law firm whose members are licensed to practice in Ohio, California, and the District of Columbia, and who, with the assistance of local counsel, practice and are admitted in courts across the United States. In preparing and disseminating this newsletter, Nurenberg Paris has made a good faith effort to comply with all laws and ethical rules of every state into which it may be sent.

In the event, however, that it is found not to comply with the requirements of any state, Nurenberg Paris disclaims any wish to represent anyone desiring representation based upon viewing this newsletter in such state.

Finally, this newsletter is disseminated to our many friends around the world. We hope you find the information here useful and informative. Anyone, however, who does not wish to receive future newsletters can contact us at the numbers or locations listed here, and the matter will be promptly attended to.

ted to the City of Chicago in 1993. Additionally, the Rupples were agreeing with the DelCantos not to contact the City of Chicago for an inspection unless there were potential structural hazards.

The Rupples were now parties to the illegal and unsafe acts first committed by DelCanto and his architectural firm, Macondo. Moreover, at the time of the purchase by the Rupples from DelCanto, there were several documents including one which specifically pointed out that gas fire furnaces were NOT ALLOWED in residential garages. Despite this ominous warning, the Rupples moved forward with their purchase of the residence and promise of “indemnity” from DelCanto.

The Rupples’ ownership of the Old Town residence was short-lived. In 2002, they sold the home to multi-millionaire Blair Hull, who was running in the Democratic primary for a U.S. Senate seat. As was the case when the Rupples purchased the property from DelCanto, Blair Hull was made aware of the fact that gas appliances were not allowed in residential garages. Why this was so important was never explored or even considered by Blair Hull. Unlike the sale from DelCanto to Rupples, the Rupples never disclosed to Hull the “indemnity agreement” they had with DelCanto.

Hull paid just under \$3 million for this mansion.

At the time of Hull’s purchase of the Old Town mansion, he had recently become engaged to Jennifer Goodlove. Hull purchased the Old Town premises as a place to live with Goodlove, but the two broke up shortly thereafter. When the relationship ended, the two remained friends, but the break-up resulted in a “separation” agreement, whereby Hull permitted Goodlove to reside in the Old Town house while he moved elsewhere. Goodlove enjoyed using the heated pool—so much so that, against the advice of the pool maintenance man, she continued to use it and heat it throughout the fall. Hull complained that the gas bills were high, but did not insist that the pool be closed.

In the fall of 2003, Goodlove, with Hull’s permission, invited Leigh Anne Tarbill, with whom she had briefly worked, to move into the Old Town property. Leigh Anne had recently relocated to Chicago after graduating from college, and was looking for a new place to live. She took up residence at the Old Town property in November, excited to be moving from a shared efficiency apartment into the huge and lavish premises with a heated pool.

Meanwhile, in October 2003, problems had arisen with the gas service to the home, as the furnaces were not providing sufficient heat. Hull’s maintenance man called the gas company — People’s Gas — to address the problem. During an October 3rd service call, People’s Gas determined that the meter was too small for the use being made of it. In filling out the inspection report, the People’s Gas employee noted the existence of a pool heater in the residential garage. Although the gas company’s internal regulations *prohibited* gas appliances in residential garages, the employee did not immediately remove the heater from the gas supply, but simply asked the building’s caretaker to shut the heater down until a new meter was installed.

On October 7th, two People’s Gas employees came to the Old Town residence to install the new, larger meter. The company’s internal rules required that, when installing a new meter, the installer must identify all gas appliances in the residence as well as any unsafe con-



ditions involving those appliances. If an unsafe condition were found (as should have been done with respect to the pool heater in this garage), the gas company’s procedures mandated that the unsafe condition be disconnected, *permanently*. Further, the gas company’s procedures mandated that gas appliance ventilation systems be inspected for dangerous conditions. Had that been done, the employees would have discovered heavy sooting around the pool heater vents—a sign that the system was failing and that excessive amounts of carbon monoxide were being generated.

Nevertheless, on October 7th the gas company’s crew inexplicably ignored these safety mandates—instead installing the new meter and relighting all of the gas appliances, including the unsafe pool heater in the garage.

On December 5, 2003, in the early evening, Leigh Anne Tarbill was home alone preparing herself for a holiday party being given by her employer, American Intercontinental University where Leigh Anne was working at the Registrar’s Office. She was intending to drive to the party and meet up with several friends and co-workers. As Leigh Anne stepped into the garage, she unknowingly walked into a gas chamber. The ventilation/inducer fan system on the pool heater had malfunctioned, and, as a result of this and a decade of grave misconduct on the part of homeowners and so-called experts in “gas”, Leigh Anne was overcome by carbon monoxide gases at levels so extreme that the Medical Examiner found her blood to be saturated with this poison to a level of 89%.

The wrongful death action that ensued was brought on behalf of Leigh Anne’s parents and siblings. The plaintiffs alleged that DelCanto, the Rupples, Hull, Goodlove, and People’s Gas all shared responsibility for Leigh Anne’s death. The wrongdoing alleged included DelCanto’s superior knowledge that he was violating the building codes and misrepresenting his true building plans to the building department, the fact that the Rupples had knowingly entered into an agreement not to reveal these inconsistencies to the City, and the fact that none of the property owners ever hired anyone to maintain or inspect the illegally installed pool heater, thus increasing the risk of system malfunction and danger to occupants. The plaintiffs also alleged that the gas company was grossly negligent in failing to follow its internal procedures for inspecting the safety of gas appliances and failing to permanently disconnect the unsafe pool heater.

The charade of lies and misrepresentations did not stop even after the death of Leigh Anne Tarbill. A few weeks after Leigh Anne was laid to rest, Blair Hull approached Jennifer Goodlove and had her sign



Leigh Anne Tarbill

an amendment to their original “separation” agreement. Although some of the contents of this “amendment” were kept confidential and not discovered, importantly, there was a paragraph wherein Goodlove was promised additional monies from Hull. In exchange thereof, Goodlove agreed not to implicate Hull as being culpable in Leigh Anne’s death.

After four years of extensive discovery and trial preparation, this lawsuit was concluded for a collective total of \$4.505 million.

Before her death, Leigh Anne had competed in a reality show called “Spymaster” which aired on the Learning Channel. Among the thousands of contestants who applied, she was selected as one of the 27 participants. The show involved an intense physical and emotional military-type training to determine which participant had the skills to work as a real life spy. Leigh Anne made it to the last episode and competed to the very end of the competition. The program aired after her death in the spring of 2004. The final episode was dedicated to her memory. Leigh Anne is survived by her mother Cathy, father Dean and brothers Rick and Joe.

News From Workers Compensation Department

Attorney **Ellen M. McCarthy** recently procured a verdict in Common Pleas Court on behalf of a Coca Cola delivery truck driver employed by the company for 32 years. The client injured his shoulder when a pallet

jack loaded with 2,000 pounds of Coke products got caught on poorly maintained decking in a delivery truck. He eventually underwent surgery to repair the shoulder and the biceps tendon. Coke disputed that he tore the structures of his shoulder and needed surgical repair, although the Industrial Commission through its own investigation allowed the claim. For its appeal to the Common Pleas Court, Coke offered testimony from a physician who had never performed or participated in the surgical repair of a shoulder. This physician offered his opinion that the shoulder injury was not related to the jerking event—even before he had reviewed the medical records of the initial treating physicians. He also testified that this type of injury can occur if the shoulder is in a certain position, but never asked the injured worker what position his shoulder was in at the time of the injury. The jury found in favor of the worker, thus allowing his participation in the Workers' Compensation system for this injury.

Ellen M. McCarthy

Meanwhile, some recent awards secured for our clients include:

- 27 year old employee of a local school system slipped and fell at work. The fall resulted in fractures to both wrists and reflex

sympathetic dystrophy (RSD) to the left upper extremity. The client was awarded loss of use of the left arm, which settled for \$120,000. Additionally, Permanent Total Disability benefits for life were secured on behalf of this worker.

- 56 year old worker with allowed claim for severe right upper arm, right shoulder, and neck injuries, as well as major depression. The Industrial Commission had previously awarded permanent total disability benefits. The claim settled for \$275,000.
- 67 year old worker had crushed both lower legs, resulting in RSD in right lower leg. This claim settled for \$130,000.
- 51 year old worker with severe lower back injury, including herniated disc and Depressive Disorder. An agreement has been reached to settle the claim for \$100,000.

Finally, **Bob Trivisonno**, our Workers' Compensation Administrator, has been giving informational seminars on issues ranging from the right to choice of medical providers, type and amount of benefits in a claim, statutory life of a claim, and settlement and reactivation of claims.

Earlier this year, he spoke to the Continental and Express Jet Airlines Flight Attendants Union. More recently, he has been invited to speak to the Ironworkers Local 468.

If you are interested in having Mr. Trivisonno address your organization, please contact the NPHM Workers' Compensation Department at (216) 621-2300 or (800) 562-7438.



Bob Trivisonno

Work Place Injuries

Electrical Injuries Result In \$1.2 Million Settlement

A \$1.2 million settlement was secured by **David M. Paris** on behalf of a worker who sustained electrical injuries while on the job. The worker was employed by a company that moved heavy equipment. That company was hired by an electrical contractor to move a large piece of machinery within a corporate customer's property. While present, our client came in contact with a utility pole's guy wire which had become energized with 11,500 volts of electricity.

The events leading to the client's injury arose due to the location of the guy wires and the failure by the electrical contractor and the property owner to ensure that they were de-energized. The machine that our client needed to move was located near two utility poles. Attached to each pole was a guy wire running from the ground diagonally to the upper portion of the poles. Since our

client needed to drive a large forklift into the working area to remove the machinery, the electrical contractor planned to remove one of the guy wires. In fact, the superintendent of the electrical contractor placed a hoist at the base of the guy wire the day before the accident, in preparation for unraveling the guy wire and moving it out of the way.

On the day of the accident, our client and two co-workers came



to the job site. The electrical contractor's superintendent asked them to assist in moving the guy wire. Our client was told by the superintendent that the overhead circuits on the utility poles were de-energized. The tension was removed from the guy wire, and, as it dropped towards the utility pole, it came in contact with energized wiring on the pole, causing our client and the superintendent to receive electrical shocks. Our client received severe burns to his hands, fingers, and left thumb. He underwent multiple surgeries, suffers PTSD, and has sustained

permanent impairment of his earning capacity.

The claims against the electrical contractor arose from the fact that its superintendent was a qualified electrician, with the responsibility for determining the safety hazards and of instituting and maintaining appropriate

safety protocols. In deposition, he admitted that he failed in this responsibility, and that his failure directly resulted in our client's injury. The claims against the corporate property owner arose from the fact that the property owner retained exclusive control over the determination of whether the electrical lines would be de-energized in any given situation. Although there was conflicting evidence about what was communicated between the electrical contractor and the property owner concerning what needed to be de-energized, the property owner's safety manager admitted that if there was any confusion, it was his responsibility to clear that up so that everyone was on the same page. He also testified that the electrical superintendent had a right to rely on the corporate representative regarding whether the circuits were live or not, and, to that extent, the corporate property owner actively participated in a critical aspect of safety on this project.

Hospital Pays Family \$1,750,000 For Mother's Wrongful Death

David M. Paris represented the family of a 31 year old mother of 5 who died 8 days after giving birth to twin sons. Her death was caused by a sub-arachnoid hemorrhage (bleed on the brain) resulting from a brain aneurysm that would have been treatable if timely diagnosed. The suit alleged a hospital employee was negligent in not appreciating the signs and symptoms of the patient's condition or contacting the OB/GYN to seek his advice. The suit alleged that this negligence resulted in the mother not being treated in a timely fashion, and in her death.



David M. Paris

The events leading to our client's death began near the end of her pregnancy. Her OB/GYN was concerned over her increasing blood pressure and the appearance of protein in her urine which, together with edema, were signs of pre-eclampsia. Near the end of her pregnancy, her pre-eclampsia had worsened. Her doctor admitted her for a C-section which took place on February 2nd. Although the conventional medical view is that pre-eclampsia ceases after delivery, medical literature indicates the condition can worsen during the post-partum period. During her hospitalization, our client did not voice any complaints of headache, epigastric pain or visual disturbance—all classic signs of pre-eclampsia. As such, she was discharged on February 5th with instructions to follow-up with her OB/GYN in 6 weeks.

The hospital provides a routine post-partum visit by a maternal/infant home health care nurse who looks for new signs and symptoms affecting the health of the mothers and newborns. The home health care visit was scheduled for February 7th. Two days earlier, our client began experiencing a severe headache and neck stiffness which were unrelieved by pain medication. She decided to wait until the home health care visit before seeking further medical attention.

On February 7th, the home health care nurse arrived from the hospital and spent 90 minutes checking the status of our client and the babies. Our client informed the nurse of the headache, which the nurse charted. The nurse inaccurately characterized the headache as minor, and told the client it was probably caused by the epidural anesthesia. The nurse also failed to chart the patient's neck stiffness, although a family member present at the time testified the nurse was aware of this symptom. After the nurse left, the patient and her family believed it unnecessary to get further medical treatment, based on the nurse's "diagnosis" that these symptoms were the result of anesthesia.

On February 10th, our client was at home alone with the babies when she suddenly died. The County Coroner's Office diagnosed the cause of death as a sub-arachnoid hemorrhage.

A home health care nurse who testified for our clients stated that the hospital's nurse was negligent by not appreciating the significance of the patient's symptoms, failing to contact the OB/GYN, and instead making her own diagnosis. A neurologist testified that if the OB/GYN had been told of the patient's symptoms on February 7th, the patient would have been admitted to the hospital and her condition diagnosed and successfully treated. Experts hired by the defense gave opposing opinions. The case settled three days before trial for \$1,750,000.

\$2 Million Settlement For Mother's Postpartum Death

William S. Jacobson represented a woman in her early 30's who died from a pulmonary embolism (blood clot) four days after giving birth to her third child. The lawsuit alleged that the home health care nurse employed by the hospital was negligent in her care and treatment of our client following her Cesarean section, resulting in the patient's death.

Women in the postpartum state are prone to developing blood clots. The risk of developing clots is higher after a Cesarean section, as the patient will often be inactive following this major surgery.

The most common area for clots to develop is in the deep veins of the legs. The clots are harmless if they remain in the leg, but if a clot breaks free, it can lodge in the pulmonary arteries leading from the heart to the lungs. When this happens, the right side of the heart beats harder and faster in an effort to dislodge the clot. This will commonly cause the patient to go into right-sided heart failure and die.

When blood clots occur in the leg, the signs can be subtle. These signs, however, which include mild pain and tenderness, are well known to obstetrical personnel, including physicians and nurses, who must be wary of these sorts of complaints due to their potentially deadly consequences.

Two days after our client was discharged home from the hospital with her new baby, she was visited by a home health care nurse employed by the hospital. This nurse had been an obstetrical nurse for 20 years and had often worked with postpartum patients. Our client told the nurse she was experiencing some pain and tenderness in her right leg. The nurse was not impressed with these complaints, and simply advised the patient to call her doctor. She did not advise the patient of the potential consequences, or that she needed to call her doctor that day, right away.

The next morning the patient awoke and collapsed soon thereafter. She was taken to the hospital where diagnostic tests disclosed a large pulmonary embolism. The patient was already in shock, however, and died soon thereafter.

The plaintiffs' experts included a board certified pulmonologist and obstetrician along with a PhD professor of nursing. It was their opinion that the patient should have been advised to call her doctor immediately, or that the nurse should have called the doctor herself from the patient's home. Had this been done, the patient would have survived this event, in good health.

The hospital argued that because of the lack of an autopsy, it was unclear as to the source of the fatal blood clot. If the clot had come from the pelvis, which can occur in patients who have recently had a Cesarean section, a standard diagnostic test would not have detected it. The hospital also argued that the patient was advised to call her physician that day despite the fact that this was not noted in her chart.

The case settled shortly before trial for \$2,000,000.



William S. Jacobson



**NURENBERG
PARIS
HELLER &
MCCARTHY**
ATTORNEYS AT LAW
SINCE 1928

1370 Ontario St., Suite 100
Cleveland, OH 44113-1708
www.nphm.com

PRESORTED
STANDARD
U.S. POSTAGE
PAID
CLEVELAND, OHIO
PERMIT NO. 2453

New Partner

Andrew R. Young Named Partner



Andrew R. Young Nurenberg Paris is proud to announce that, effective January 1, 2008, Andrew R. Young has been named a partner with the firm. Mr. Young started with the firm in May of 2000. Since then, he has recovered a combined total of more than \$3.7 million in jury verdicts on behalf of personal injury plaintiffs. Mr. Young is a graduate of Ohio Wesleyan University and the Case Western Reserve University School of Law. He is an appointed member on the Ohio Supreme Court Commission on Legal Education Opportunity and has served as an

appointed member on a committee to select a replacement Magistrate Judge for the United States District Court, Northern District of Ohio. In 2003, Mr. Young was honored by the Ohio Academy of Trial Lawyers with an award for distinguished service. He has also been recognized as a "Rising Star" in the 2006 and 2007 editions of "Ohio Super Lawyers." Attorneys achieving this honor are chosen through a peer review process, and only a small percentage of Ohio lawyers earn this distinction.

New Cases at Nurenberg Paris

- **Husband dies and wife suffers serious injuries** when their automobile is hit head on by pick-up truck that allegedly went left of center.
- **72 year old man** dies when administered defective heparin.
- **62 year old woman** struck by car while in a crosswalk sustains traumatic brain injury.
- **73 year old man** dies when hit by vehicle while assisting a driver disabled on the roadside.
- **68 year old man's chest x-ray** reveals a suspicious lesion. Family physician fails to heed radiologist's suggestion to perform follow-up CT scan, resulting in 17 month delay in cancer diagnosis.
- **Surgical sponge** left inside woman following surgery results in prolonged infection.
- **Gentleman dies** after becoming afflicted with bed sores at hospital.
- **Woman suffers brain damage** after being improperly intubated at hospital.
- **Injured worker dies** from liver failure after contracting Hepatitis "A" from needle stick at waste disposal site.
- **Minor child with cerebral palsy**, under care of home health care nurse, suffers fatal injuries when power to home goes out and humidifier on his ventilator fails to connect to back up system. Nurse was allegedly either sleeping or failed to hear the alarms on the ventilator that would have warned her to reconnect the system.
- **Four year old child** sustains brain abscess requiring surgery following emergency room's negligence in failing to diagnosis skull fracture caused by child's fall.
- **Failure to timely diagnose** and screen 63 year old for prostate cancer results in advanced stage of disease.