

**NF****NASH & FRANCISKATO****ATTORNEYS AT LAW****WINTER 2008**

Brought to you by
**Nash & Franciskato
Law Firm**

Two Pershing Square
2300 Main Street
Suite 170
Kansas City, MO 64108

816-221-6600
FAX: 816-221-6612

e-mail:

deannash@nashfranciskato.com
bfranciskato@nashfranciskato.com
smortimer@nashfranciskato.com
mparrish@nashfranciskato.com

ATTORNEYS:

Dean Nash
Brian Franciskato
Stacey Mortimer
Mark Parrish

PARALEGALS:

Holly Long
Stephanie Robinson

INVESTIGATOR:

Jay Schwarz

- Appointments available on evenings and weekends
- Free initial consultation

AREAS OF PRACTICE

- Automobile Accidents
- Trucking Litigation
- Wrongful Death
- Product Liability
- Highway Defects
- Slip and Falls
- Burn Injuries
- Pharmacy Malpractice
- Medical Device Failures
- Medical Malpractice
- Commercial Litigation
- ERISA and Insurance
- Railroad Crossing Litigation
- Automobile Crashworthiness
- Tire Tread Separation
- Aviation Litigation

Nash & Franciskato settles wrongful death lawsuit against two companies for \$2 million

Nash & Franciskato was retained by a family to represent them in a wrongful death action against a trucking company after a 39-year-old mother was killed when struck in a crosswalk. The mother was taking her two daughters, ages three and nine, on a bicycle ride. The three-year-old girl was in a trailer attached to the mother's bicycle. The truck, which was hauling asphalt, failed to come to a complete stop at a red light and started to make a right turn when it struck the mother, killing her instantly. The truck continued on with the three-year-old trapped underneath until other motorists were able to get the driver's attention and force him to stop. Miraculously, the girl was not physically injured.



The trucking company eventually offered \$1 million to settle the case against its driver. However, the attorneys at Nash & Franciskato were able to obtain an additional \$1 million in settlement from another company that had hired the truck company to deliver the asphalt. Both payments represented the companies' insurance policy limits.

Nash & Franciskato obtains \$1.1 million for injured driver after discovering the defendant truck driver violated federal trucking regulations



Nash & Franciskato represented a truck driver who was struck from behind by another semi-tractor trailer, causing him to be knocked over a bridge and fall 40 feet to an underpass below. The client sustained a fractured pelvis, broken ribs, broken wrist, bruised spleen, and other severe internal injuries requiring multiple surgeries. The client incurred over \$150,000 in medical bills and missed six months of work.

The attorneys at Nash & Franciskato discovered the defendant truck driver had violated federal trucking regulations, having driven seven hours in excess of the daily limit, and falsified his log books. The trucking company settled the case one month before trial for \$1.1 million.

Let our experience get you the results you want!

LEGAL DICTIONARY

Many clients find legal terms mystifying. From time to time, we provide easy-to-understand definitions to help clear things up. This time, you'll learn the meanings of several important terms used at court to help you better understand legal concepts.

Expert witness

Someone with special skills or expertise who can give accurate testimony at a trial, even though he or she did not see the event in question.

Jury

Citizens who listen to evidence and swear to pronounce a verdict on matters of fact.

Peremptory challenge

Prosecution and defense attorneys can eliminate a limited number of juror candidates without providing a reason. Judges oversee peremptory challenges to prevent keeping members of a certain race or sex off the jury.

Sequester

To insulate juries from improper influences or pressures during deliberations, judges may place jurors in secure locations.

Voir dire

Interviewing jurors to be sure they understand the basics of a case and will tell the truth. From the French "to tell the truth."

Defamation

An individual suffers the harm of defamation when someone makes an untrue remark about them that assails their reputation or good name, or opens them to public derision, hate, or censure.

Damaging false statements that appear in print or broadcast media are called libel. Spoken defamation is slander.

Defamatory comments may refer to the subject's business practices, health, honesty, morals, sexual life, and more.

First Amendment rights make defamation cases difficult to prove. Those believing they have been harmed by defamation should contact an attorney experienced in libel and slander.

Employer defamation



A jury awarded significant damages to a sales engineer who sued when a former employer defamed him by communicating false information. The jury came to its decision after

learning the previous employer, pretending he represented a debt-collection agency, sent false accusatory letters warning the plaintiff's current boss that the employee had sued a number of previous employers.

FOR YOUR SAFETY

Recalled product roundup

Here are some recently recalled products you may have in your home or at work:

✓ **Mega Brands America, Inc. (formerly Rose Art Industries, Inc.)** has voluntarily recalled 4 million Magnetix Magnetic Building Sets. Children who swallow tiny, powerful magnets detached from plastic building pieces can suffer serious perforations and blockages if several magnets or metal pieces attach to each other in a child's intestines.

✓ **The Holmes Group** has recalled 300,000 Holmes® Oil-Filled Electric Heaters with poor electrical connections that can overheat and burn users.

✓ **Lamson & Sessions** asks buyers to return 100,000 Carlon® Drop-In Floor Boxes that are incorrectly wired and can shock or electrocute consumers.

✓ **Sears** warns consumers to remove the "Craftsman" logo labels from the outside of the upper blade guards of 308,000 Craftsman Circular Saws. This label can detach, expose the saw's blade, and injure operators.

✓ **Oeuf LLC** recalled 1,400 Infant Bouncer Seats with tubular metal frames that can break and cause infants to fall from the seat.



