

LANGDON & EMISON

ATTORNEYS AT LAW

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Firm Settles Landmark Auto Defect Cases with General Motors

Langdon & Emison won a significant recovery for a number of clients in the ignition switch defect litigation that we recently wrapped up with a confidential settlement. This defect caused engines to shut off, a problem similar to the deadly defect

that has caused

GM to recall millions of cars. In some models, ignitions were stuck in the “start” position and could slip into the “accessory” position causing the engine to stall, disabling the power steering, power brakes and airbags. Our firm utilized our expertise in auto product defect cases to hold GM accountable, including assisting other firms in the settlement of their GM cases.

**Engines stalled,
disabling the power
steering, power
brakes and airbags.**





Langdon & Emison Makes Defendant Pay for Negligence in Fatal Truck Accident

The firm recently reached a confidential settlement in yet another truck accident case. This latest success was on behalf of a 71-year old decedent, a man who was a veteran of the Vietnam War and active in his community.



David Brose
Lead Attorney

The collision occurred in the early morning hours on Interstate 70. Our client was experiencing engine trouble, and was forced to drive below the minimum speed limit. Before he could reach the next exit, he was hit in the rear by a box truck. The impact was so severe that our client was ejected from his pickup onto the interstate.

The firm made a re-creation video at the scene to demonstrate that the trucker should have seen the flashing lights on our client's truck for at least half mile before impact. Langdon & Emison was able to draw from the defendant the admission that he didn't even see our client's truck until the moment he struck it, and that he was looking down at his radio prior to the accident, for as much as 30-60 seconds. The *Missouri Commercial Driver's License Manual*, by comparison, states that "a good driver looks 12-15 seconds ahead" to anticipate stationary vehicles or anything that might present a hazard.

Our re-creation video at the scene demonstrated that the trucker should have seen the flashing lights at least ½ mile before impact



The legal team showed that despite the driver's knowledge of the requirements to operate a commercial motor vehicle in a safe and reasonable manner, he did not



Flammable Clothing Leads to Catastrophic Burns



There is a sophisticated fire science element to litigating all garment fire cases.

While it's true that garments may catch fire if exposed to a flame, it is also true that serious life-altering burns should not result from these fires. The regulations in place are only effective at identifying and excluding "torch" fabrics from the marketplace, and aren't exacting enough to protect consumers from other dangerous fabrics.

As a result, manufacturers make garments that could be made with safer materials, but aren't. We have seen cases where consumers were severely disfigured due to fires that could have easily been prevented or minimized if the piece of clothing had been made with the consumer's safety in mind, not simply passing a basic flame test.

The minimal textile flammability test allows for misleading results and a false sense of security when talking about flammability. According to the U.S. Consumer Product Safety Commission, an average of 120 clothing-fire related fatalities occurred annually during a recent three-year period. An estimated 3,947 non-fatal injuries were treated in emergency departments during the same three-year period.



Among these non-fatal injuries, 25% were serious enough to require admission to a hospital. This compares to just 5% for all consumer products, a statistic that highlights the danger found in contemporary clothing.

When a garment catches fire, serious burns that lead to severe scarring, permanent disability and even death may occur. These dangerous fires are preventable as the type of fabric has a lot to do with its flammability.

Flammability hazard of a clothing fabric depends on:

- Ease of ignition
- Degree and ease of flame spread
- Ease of extinguishing the flame



Minimum clothing fire standards are not nearly exacting enough to protect consumers.



Tire Defects Lead to Catastrophic Accidents

Every vehicle accident resulting in catastrophic injury or death should be screened for tire defects as a potential cause of the accident or source of recovery. Defects that can cause a tire to fail may not always be apparent.

In a case our firm settled recently, a post-collision inspection of the subject tire revealed sufficient tread to operate on the roadway; yet upon closer examination, a critical design and manufacturing defect caused it to fail before the tire wore out: the inner liner was woefully inadequate.



When the rubber of a tire loses its elasticity, it becomes fragile and susceptible to tearing

Our client, an experienced truck driver, was driving a 1995 Ford LT 900 Diesel concrete mixer across a bridge over an area lake. The truck's right front tire suffered a tread separation causing the truck to impact the bridge wall, break through a guardrail and roll over down an embankment. Our client was thrown from the vehicle and suffered fatal injuries.

The poor design and construction of the inner liner led to oxidation across the belt plies, ultimately resulting in the tread separation that caused our client's truck to overturn. In fact, the subject tire was designed with an inner liner similar to that found in some passenger tires, despite knowing it would be subjected to carrying much greater loads.

Causes of Tire Failure

When evaluating an auto accident case for tire defects, consider these factors:

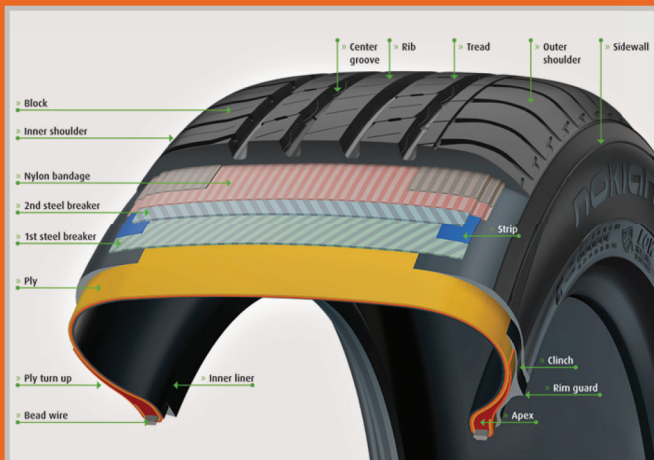
- Age of the tire. Older tires deteriorate with age and have a much higher risk of failure than newer tires with similar wear and tread depth.
- Design/manufacturing defects. Poor design and construction of critical components, such as the inner liner, can allow air flow to permeate the internal tire structure and cause oxidation of the rubber components, making them brittle and susceptible to tread separation.

TIRE FAILURES & DEFECTS

CAUSES OF TREAD SEPARATION:

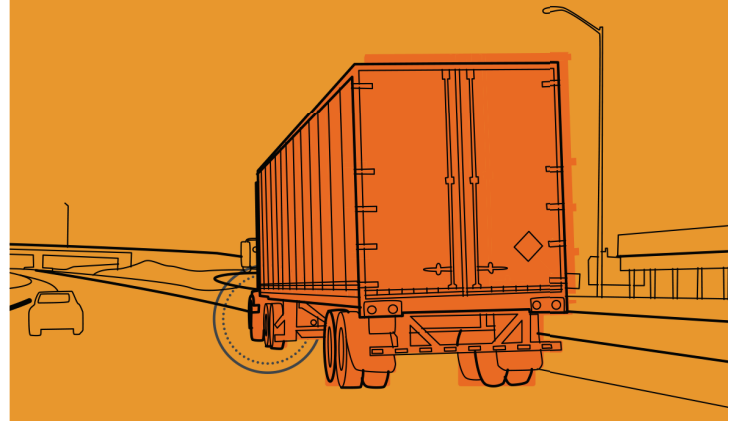
Tread belt separations are often reported as tire blowouts. When the tread and upper belt separate from the body of the tire, vehicle loss of control results, including rollovers that have resulted in serious injuries and fatalities.

- Improper design leading to material failure
- Improper manufacturing practices
- Improper curing of rubber
- Inadequate quality control measures



TRUCK TIRES FAILURES:

The cause of these is similar to passenger vehicles. Retreading drive-axel tires on trucks can lead to failure and ultimately loss of control.



11,000

ESTIMATED NUMBER OF CAR ACCIDENTS CAUSED BY TIRE DEFECTS EACH YEAR (NHSTA)

500

MINIMUM NUMBER OF DEATHS EACH YEAR ATTRIBUTED TO TIRE-RELATED CRASHES (NTSB)



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Safety and Security in Housing and Apartment Complex Cases

Every violent crime at a housing complex, business, or entertainment venue should be investigated for potential liability of the property owner. Whether it is a shopping center, fast food restaurant, upscale apartment complex or Section 8 housing, a business or property owner has a duty to protect invitees from criminal acts when a known violent person is on the premises or when the property owner could foresee injury would result from possible danger. A violent crime against residents or invitees is foreseeable if the location has been the site of prior violent crimes.

Violent crime against residents or invitees is foreseeable if the location has been the site of prior violent crimes.

These tips can help ensure your clients recover the full amount of their loss in premises liability cases:

- Conduct a Crime Risk Survey using the CAP Index or other metric. A crime risk survey will show the relative risk of crime at the property complex and can be critical to show the foreseeability of harm.
- Determine if the property complex is operated as Section 8 Housing. Section 8 Housing complexes must meet a number of specific regulations.
- Do not assume that regulators have inspected the property. Attorneys must dig deep to find or dispute inspections of the property.
- Identify maintenance and monitoring contractors. Many property complexes outsource the maintenance and emergency monitoring of their safety systems. In discovery, find out if the property contracts with others for these systems.

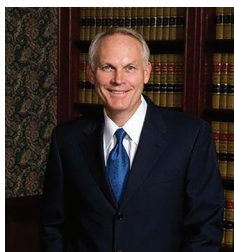
If a complex provides safety devices such as alarm systems, emergency calling systems, or other devices for the protection of its residents, those systems must be kept in working order. A property complex cannot lure residents into a false sense of security by failing to maintain safety systems.

Langdon & Emison has had tremendous success in holding property owners accountable for injuries resulting from foreseeable and preventable crimes. Bob Langdon won a \$27 million verdict after a Texas jury found that a McDonald's restaurant should have protected against a pattern of late night brawls, but failed to hire security despite requests from local police to do so. Brett Emison received a confidential settlement involving a shooting victim at her apartment complex.

Mike Manners obtained a substantial recovery for a client whose elderly father was found dead in his Section 8 housing apartment. The apartment was equipped with a wall-mounted Call-for-Aid device. Our client's father was found near the device, but it did not work.



L&E Obtains Settlement in Missouri Truck Crash



*Kent Emison
Lead Attorney*

Langdon & Emison reached a \$950,000 settlement recently in a case involving a tractor-trailer accident on Interstate 70 in Warren County, Mo. Langdon & Emison represented the plaintiff, Tiffany France, who sustained serious injuries when her vehicle was struck by the tractor-trailer.

On June 16, 2015, Kevin Davis was driving a tractor-trailer for Sievers Truck, headed westbound. Mrs. France was headed eastbound on the interstate, with her husband driving ahead of her in a separate vehicle.

The tractor-trailer suddenly veered into the left lane, continued through the grass median, broke through a cable median barrier and barreled the wrong way through the eastbound travel lanes. Despite Mrs. France's attempt to veer to the right to avoid a collision, the tractor-trailer violently collided with the driver's side of her vehicle, pushing it partially off the highway.

As a result of the crash, Mrs. France sustained a traumatic brain injury as well as fractures to her left clavicle, left ulna and right knee. She was hospitalized for two days after the collision and required subsequent surgery.



Showing that there is no such thing as a "Mild" Traumatic Brain Injury is key to winning this type of case.

Mass Tort Successes at Langdon & Emison

The firm holds a strong winning track record of mass torts litigation for plaintiffs from coast-to-coast. Call us for a free evaluation of your potential case. Below are some of the areas where the firm has successfully represented clients across the country.

YAZ/YASMIN

HORMONE REPLACEMENT THERAPY (HRT)

METAL-ON-METAL HIPS

TESTOSTERONE THERAPY

SSRI/ANTI-DEPRESSANTS

ACTOS

TAXOTERE

ZIMMER KNEES

Metal-on-Metal Hips



Patients nationwide have suffered from the release of tiny metallic particles from all-metal (also called metal-on-metal) hip implants. Recently, a number of failed Stryker V40 Femoral Heads have been reported, with the failure occurring at the taper lock, which is the part of the hip implant that connects the femoral head to the femoral neck. Patients implanted with this hip component may experience loss of mobility, pain, inflammation, dislocation, joint instability, broken bones around the components, leg length discrepancy, and the need for revision surgery.

Metallosis with Metal-on-Metal Hips

Metal poisoning occurs when toxic levels of metal build up in the body. This can cause damage to tissue, bone and the nervous system. Surgeons often do blood work on patients who have had hip replacements, to test for chromium and cobalt levels in their blood. Few people know they can get metal poisoning from their hip or knee replacement.

3M Bair Hugger Warming Blankets



Anyone with a serious infection following hip or knee surgery that took place after 2009 should be evaluated for a Bair Hugger claim. The reason? Bair Hugger warming blankets are commonly used nationwide in surgical rooms, but defects allow contaminated air from the operating room inside to create MRSA, sepsis and other serious infections.

Infection generally results in the need for additional surgeries to replace the implant, clean the affected joint and tissues, and administer intravenous antibiotics. Unfortunately, in some cases, the infection injury may lead to devastating complications, like MRSA, an antibiotic-resistant infection that may require amputation of the affected limb; or sepsis, a life-threatening response to an infection that can lead to tissue damage or organ failure. In some instances, the patient may need to have the affected limb amputated, in order to avoid additional complications.



Defective Aftermarket Vehicles

At Langdon & Emison, we've represented clients nationwide in cases related to all manners of aftermarket vehicles: RV's, police cruisers, ambulances, limousines, and more. Safety procedures and industry regulations in the aftermarket space are much lower than original-equipment manufactured vehicles. L&E has litigated several cases over defective aftermarket vehicles from coast to coast.

- Almost every aftermarket vehicle is negligently designed and/or manufactured.



- Every serious injury involving these vehicles must be investigated for negligent design and manufacture.



- There are an estimated 8,900,000 U.S. households with recreational vehicles in the U.S.
– *RV Industry Association*

LANGDON & EMISON EXPERTISE IN AFTERMARKET VEHICLES:

RV'S (RECREATIONAL VEHICLES)

POLICE CRUISERS

AMBULANCES

LIMOUSINES

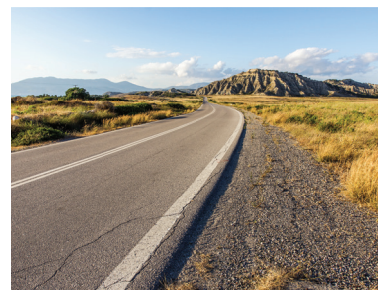


Dangers Lurking on U.S. Roadways

Case examples highlight roadway defects and signage hazards that put motorists at risk

Unsafe Pavement Edge Drop-off

Unsafe construction practices on a Missouri highway caused our client's right front tire to drop off a 4-inch asphalt ledge, which had been left by the defendant during the process of resurfacing the highway. As a result, she lost control over her vehicle and swerved into the opposite lane of traffic, which was still under construction and was about one-inch lower in height than our client's original travel lane. As she tried to return the vehicle to the travel lane, the vehicle overturned two times, causing her to sustain severe and permanent injuries that ultimately rendered her quadriplegic.



Improper Highway Signage Installation

A Missouri teenager was catastrophically injured when his vehicle went into a grass median and struck a highway sign post that did not break away from his vehicle as intended. Because the sign was installed backward – in the opposite direction of highway traffic – the sign post snapped down toward his vehicle, crushing the roof of the teen's truck and paralyzing him.

Inadequate Construction Zone Signage

Without proper markings or signage, raised medians can cause auto accidents. We have recently settled cases against highway design consultants, general contractors and subcontractors.



News and Notes

Langdon & Emison Paralegals Sponsor AIEG Seminar

Attorneys Information
Exchange Group (AIEG)



The Attorneys Information Exchange Group's annual Paralegals Seminar took place January 12-13 in Orlando, Fla. L&E paralegals played a key role in the event again. Two presentations were led by some of the firm paralegals, and the conference's agenda and substantive sessions were shaped by the firm's paralegal team. The seminar focused on information sharing and trial skills for paralegals, and includes camaraderie and informational breakout sessions.



Mark Emison

Mark Emison Named Up and Coming Lawyer

Langdon & Emison associate attorney Mark Emison was named to the Missouri "Up and Coming Lawyer" list by *Missouri Lawyers Weekly*. Last October, the group of top lawyers from the state under the age of 40 were feted in Saint Louis. Mark was singled out for his leadership in personal injury litigation and for his pro bono work on behalf of Michael Politte in conjunction with the Midwest Innocence Project.

Firm Donates to Toys for Tots



The firm continued its tradition of donating toys to needy children this past holiday season. The Toys for Tots Program collects new, unwrapped toys during October, November and December each year, and distributes those toys as Christmas gifts to less fortunate children in the community.



AAJ Leadership Posts for 2017



Over the years our attorneys have been honored to be selected to serve on various committees within the American Association for Justice. This year, we will be active in the following groups:

- Young Lawyers Division
- National Finance Council
- Publications Committee
- Marketing and Client Service Committee
- Political Action Committee
- AAJ Leaders Forum

Over \$25 Million Paid to Co-Counsel



During the past three years, Langdon & Emison has paid our co-counsel in personal injury cases over \$25 million. We plan to continue to grow that amount with successful representations in 2017, and we would love a chance to collaborate with you on any potential personal injury case that you may have. Please reach us via the contact info at the bottom of this page for a no-obligation consultation. We hope you have a great 2017!

Here are some of the recent personal injury litigation highlights from Langdon & Emison:

- \$59 million jury verdict, Reclined Seat Case, *Kumar v. Toyota*.
- \$43.1 million jury verdict, Seat Defect Case, *Heco v. Midstate Dodge LLC*
- \$26.4 million jury verdict, Fuel-Fed Fire Case, *Wasilik v. Ford*.
- \$23.4 million jury verdict, Rollover/Tire Detread Case, *Castillo v. Ford*.
- \$16.9 million jury verdict, Reclined Seat Case, *Martin v. Ford*.
- \$12.5 million jury verdict, Fuel Tank Puncture Case, *Mathes v. Ford*.
- \$11.3 million U.S. Supreme Court opinion, Fuel-Fed Fire Case, *Baker v. GM*



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