

CT SCANS AT HUNTSVILLE HOSPITAL RESULT IN OVERDOSES OF RADIATION TO PATIENTS

The United States Food and Drug Administration ("FDA") recently determined that CT perfusion scans performed at Huntsville Hospital provided patients with approximately eight (8) times the recommended level of radiation. So far, the FDA has identified over 250 patients who have been exposed to excess radiation. CT perfusion scans are used to check for blockages and injuries to the brain. Patients who have recently undergone treatment following a stroke or head injury are likely to have received a CT perfusion scan.

A CT perfusion scan, which shows blood flow in the brain in real time, is a relatively new test now being conducted on stroke patients to speed evaluation and treatment.

As expected, all potentially responsible

parties have denied any wrongdoing. The manufacturer of the scanner and the Huntsville Hospital staff have engaged in a finger pointing contest, with each party blaming the other party for these damages. G.E. Healthcare claims that the overdoses are the result of decisions made by the Huntsville Hospital medical staff. G.E.'s spokesman, Arvind Gopalratnam stated, "As with all CT perfusion scans, the radiation dose delivered was a decision made by healthcare providers during the treatment of stroke patients." There is strong speculation that the manufacturer of the perfusion scanners, G.E. Healthcare, carelessly researched the design of the scanners, failed to adequately test the scanners, and/or that the scanners lacked safety features to warn of overdoses. There has been some indication that there was a problem with

the programming of the scanners. The

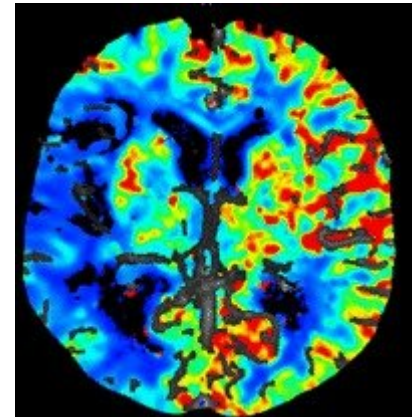


Image from a CT perfusion scan

fact that no party is willing to admit responsibility for these damages is not

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TOYOTA SUSPENDS U.S. SALES DUE TO PRODUCT DEFECTS

Toyota Motor has suspended sales of eight of their car models in the US due to fears of defects which cause the car to accelerate unintentionally. The move follows a massive recall of millions of units due to problems with the acceleration pedals in the vehicles. In addition to suspending sales of the eight models, Toyota has stopped production of vehicles at five different factories. The suspension of sales stems from an accelerator problem where owners of Toyota cars have reported that their cars surged without warning up to speeds of 100 miles per hour. Safety analysts have estimated that there have been over 2,000 incidents involving these stuck accelerators.

The models affected by this halting of sales include the 2005-2010 Avalon, 2009-2010 RAV4, 2007-2010 Camry, 2008-2010 Sequoia, 2009-2010 Corolla, 2005-2010 Tacoma, 2008-2010 Highlander, 2007-2010 Tundra, 2009-2010

Matrix, 2009-2010 Venza, and 2004-2009 Prius.

Toyota's recall is the latest example of a large corporation placing its economic interests ahead of its customers' safety. Instead of protecting its consumers from these deadly defects, Toyota has consis-



Recalled Toyota Prius

tently attempted to ignore these defects. The cars affected by these defects date back to over three years ago. Therefore, it is clear that Toyota has known of these

problems for quite some time. Instead of fixing the problems and building cars without this fatal defect, Toyota continued to build cars with the same flaws. Toyota's attitude kept their profits high but put Toyota's consumers at risk of loss of life and limb. While news agencies ran reports about the problem and Toyota owners complained at record numbers, Toyota continued to downplay the dangers of its cars. Toyota knew that the company's profits were good and that any news of a recall would hurt those profits.

At first, Toyota claimed that the acceleration problem stemmed from accelerators becoming stuck to the floor mats of the vehicle. However, owners of the out-of-control vehicles vehemently denied that this was the case. Toyota now claims it has identified the problem with the accelerators and the possible solution. The defect is a friction device in the pedal designed to provide the proper "feel" by adding

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TOYOTA RECALL

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resistance and making the pedal steady and stable. The device includes a shoe that rubs against an adjoining surface during normal pedal operation. Due to the materials used, wear, and environmental conditions, these surfaces, over time, begin to stick and release instead of operating smoothly. In some cases, friction could increase to a point that the pedal is slow to return to idle or leave the throttle open. Toyota's solution is to reinforce the pedal assembly and thereby eliminate the friction that, Toyota claims, causes the sudden acceleration to occur. There is also public criticism and questioning in Washington D.C. over the failure of the National Highway Traffic Safety Administration to spot the problem sooner.

In one of the most tragic incidents, on the day after Christmas, four people died in Southlake, Texas, a Dallas suburb, when a 2008 Toyota sped off the road, through a fence and landed upside down in a pond. The car's floor mats were found in the trunk of the car, where the owners had been advised to put them as part of the recall. Federal safety investigators have joined with local law enforcement to

investigate this incident.

In New Jersey, a Toyota owner was able to make it to a local dealer with his car racing out of control, even though he says his foot was not on the gas pedal and the floor mats were not involved. The owner, who had seen a report on how to control a car experiencing unex-



pected acceleration, shifted his car into neutral to avoid any further acceleration issues. Upon arriving at the dealer, the Toyota owner showed a Toyota manager his car. The brakes were still smoking and the engine was still racing as the manager viewed the vehicle.

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LEGAL UPDATE

Swine Flu Vaccine Recalled:

The Centers for Disease Control and Prevention has notified doctors about a recall of around 800,000 doses of vaccine made by Sanofi Pasteur. The doses are pre-filled syringes intended for young children between the ages of six months to almost three years.

Cooks® Outdoor BBQ Grills Recalled:

About 5,600 Cooks® Outdoor BBQ Grills have been recalled by JCPenney. The drip pan on the grill does not allow for adequate drainage which poses fire and burn hazards to consumers. The products were sold from February 2009 through September 2009.

Home Depot Recalls Dehumidifiers:

Around 2,000 Hampton Bay Dehumidifiers have been recalled by Home Depot. The danger with these products is that the internal component can fail which causes the dehumidifier to overheat and pose a significant risk of fire and burns. These dehumidifiers were sold at Home Depot from November 2000 through May 2007.

LET'S HELP, NOT HATE, AMERICA'S POOR

My Dad used to tell me that, "There, but for the grace of God, go I." Of course, he used these words when he wanted to encourage me to do the right thing, which normally involved helping someone who was worse off than me. In his wisdom, my Dad understood that the good in our lives was a gift from God, for which we needed to be thankful but about which we certainly should not be conceited and for which we should not take credit. That's a big part of why I am a trial lawyer, because I want to help those who have suffered tragedies through the fault of careless and greedy corporations. That's a big part of why Jeremiah and Tim have joined me in our Firm's quest to achieve some element of justice for the folks we represent. It's also a big part of why we were shocked by recent comments from Republican Lt. Gov. Andre Bauer of South Carolina.

Bauer is currently running for governor of South Carolina. You probably remember him. He recently compared government assistance for poor people to "feeding stray animals." The full quote, as disgusting as it was, is repeated here because we want you to think about what this politician said: "My grandmother was not a

highly educated woman, but she told me as a small child to quit feeding stray animals. You know why? Because they breed. You're facilitating the problem if you give an animal or a person ample food supply. They will reproduce, especially ones that don't think too much further than that. And so what you've got to

The Bible teaches us to take care of the widows, orphans, sick, and poor. It does not teach us to sit in judgment of them and to conceitedly think that we are better than them.

Kenneth B. Cole, Jr.

do is you've got to curtail that type of behavior. They don't know any better."

It is important to put this ignorant and hateful statement in context. Bauer was talking about students who receive free or reduced school lunches. This statement shines a light on the power of ill-conceived and stereotypical views which contradict any reasonable interpretation

of actual facts and, more importantly, ignore important Biblical tenets.

It is high time we quit electing people like him. Bauer and his ilk simply do not understand the reality of poverty and do not care about those less fortunate than them. They are willing to say anything in their efforts to get elected, and will appeal to the most base and cold-hearted emotions that hide inside humans. They prey on our fears, because they know that we all are afraid of being poor, and they want us to think that there is something "wrong" with "the poor" that makes "us" better than "them."

The Bible teaches us to take care of the widows, orphans, sick, and poor. It does not teach us to sit in judgment of them and to conceitedly think that we are better than them. In fact, we could easily be them. If each of us fulfilled these teachings, America sure would need much less in the form of social assistance programs which currently exist. However, so long as people who say they are Christians continue to ascribe to the views of people like this man from South Carolina, we will not take care of the "least of these" as we should.

DOCTOR PLEADS GUILTY TO FRAUD AND ADMITS LYING IN 21 MEDICAL ARTICLES

Dr. Scott Reuben, a Massachusetts anesthesiologist has reached a plea agreement with Federal prosecutors over the phony research data he provided in 21 peer-reviewed published papers. Federal prosecutors accused Reuben of health-care fraud for faking data that suggested after-surgery benefits from painkillers including Merck's Vioxx and Pfizer's Bextra and Celebrex. He faced as much as a 10-year sentence and a \$250,000 fine.

There had been rumors of problems with Dr. Reuben's research in the academic world for over a year. One colleague said that it should have been obvious that Dr. Reuben's studies were not accurate. The colleague stated, "Interestingly, when you look at Scott's output over the last 15 years, he never had a negative study. In fact, they were all very [strong] results where others had failed to show much difference."

Dr. Reuben's research was essentially a house of cards. His phony research spanned a period of over a decade. Some medical ethicists are calling Reuben's massive fraud one of the largest instances of research fraud ever reported. Reuben's falsified research

tricked medical professionals and the public into believing that some of Pfizer's drugs were far more beneficial than they actually are. Reuben accepted large amounts of research money from Pfizer



and was on Pfizer's speaking bureau. This means that Dr. Reuben was making money through speaking fees from the same drug company for which he was reporting positive findings. Because Dr. Reuben found Pfizer drugs to be effective, Pfizer gave Dr. Reuben more money for additional research.

The real danger in Dr. Reuben's lies is the potential effects his lies could have on the public. Among the drugs that Dr. Reuben recommended are Vioxx, Celebrex, Bextra, and Oxycontin. Two of these drugs have been withdrawn from the market because they create an increased risk of heart failure. Dr. Reuben tricked the medical community into believing his false research. Relying on his research, other doctors began prescribing drugs that Reuben claimed were effective.

Consequently, because Dr. Reuben was more interested in his own financial gain than the truth, American consumers were exposed to extremely dangerous and harmful drugs that could have killed them. Dr. Reuben ignored the risks to the American public and encouraged extremely dangerous drugs to enter the American marketplace. And while Pfizer paid him for those reports, Pfizer also took its profits to the bank.

RADIATION OVERDOSE FROM CT SCANS?

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surprising. Corporations consistently deny liability and force individuals to file lawsuits before they even consider settling cases. Ultimately, the judicial process will be crucial in determining which party is responsible for the harm done by these CT scanners.

Some signs of overexposure to radiation from these scanners include sudden lack of balance, migraines, memory loss, redness of skin, vomiting, diarrhea, migraines and hair loss. According to some sources, a radiation overdose may also cause changes in brain function. A radiation overdose can also cause radiation necrosis, which is the death of healthy tissue in the affected area.

Since the FDA release, Huntsville Hospital has continued to review this matter and has stated that it plans to follow the recently announced FDA recommendations to minimize radiation dosage levels and any side effects. Huntsville Hospital has issued a statement saying, "We take all matters involving our patients as serious." Huntsville Hospital spokesman, Burr Ingram, stated that the hospital is

still working to contact any patients who may have received a higher dose. At least one patient received a written notice from Huntsville Hospital which read: "We have identified a few patients, including you, who have received a scan in which the dosage level was elevated." If patient doses are higher than the expected level, but not high enough to produce obvious signs of radiation injury, the problem may go undetected and unreported. Without proper detection and treatment, a patient is at an increased risk for long-term radiation effects, which include cataracts. The FDA is continuing to investigate the scope and causes of these excess exposures and their potential public health impact. The danger with overexposure to radiation is that the long-term effects of this overexposure are ultimately hard to predict. Many predict that exposure to excess radiation places a patient at a higher risk of cancer.

With any lawsuit, there is a limited time in which you must file a lawsuit in order to protect your rights. If you believe a CT perfusion scan was performed on you at Huntsville Hospital, please contact our firm today.

WE WANT TO HELP YOUR FRIENDS AND FAMILY MEMBERS

We want you to think of us as **your** law firm. If you have a legal concern that needs attention, please let us know. If we cannot handle the matter, we will refer you to a competent firm that can.

We continue to rely on "word of mouth advertising" for opportunities to help new clients and take on new cases. We are proud that close to 100% of our new clients come by referral from former clients, businesspeople, other lawyers, and sometimes even former adversaries.

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Please visit our website at www.notanaccident.com for legal information that may be useful or interesting to you.

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We are happy to assist you complete the difficult and complicated application. If denied, we will work with you to appeal your case. If you need a lawyer who will help you get the social security benefits to which you may be entitled, please contact our firm to see if we can help you.

Kenneth B. Cole, Jr.



A graduate of Vanderbilt University School of Law, Kenny has been representing injured persons in Texas and Alabama since 1984. Kenny is a strong believer in the civil justice system.

TOYOTA RECALLS

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New tragic stories involving Toyotas continue to appear. Customers across the nation have soured on Toyota products. In response to the backlash, Toyota has engaged in a massive public relations campaign to try and mend the damage that has happened.

If you or anyone you know has been injured due to an incident similar to the incidents described above, please contact Cole & Hodges for a free consultation today.

Jeremiah M. Hodges



Jeremiah graduated from the University of Alabama School of Law in 2004. He has concentrated his practice in representing people that are injured and he believes need his help the most.

ABOUT THE FIRM

Our firm is based in Huntsville, Alabama, but handles cases all over the State of Alabama and across the United States. Cole and Hodges, P.C. has over thirty years of experience representing injured persons in all types of litigation. If we can help, please contact us.

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Timothy M. McFalls



Tim attended the University of Alabama School of Law. He is eager to help people who have been injured, people injured at work, and those accused of criminal conduct.

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