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KLEIN LYONS WINS CERTIFICATION

Pain pump class action lawsuit By: Milton Kiang

When Curtis Veinot, a steel plant production planner, experienced a limited range of motion in his right shoulder, he wasn't sure what was the cause.

Veinot had been suffering from pain and stiffness whenever he moved his right arm; his shoulder movements sometimes created clicking and grinding sounds.

Back in January 2005, the 30-year-old Saskatoon resident had gone in for a dislocated shoulder operation. The shoulder did not recover from surgery as expected, and Veinot had ongoing pain and disability.

Following a second surgery in 2006, Veinot learned that the joint cartilage in his right shoulder had deteriorated. Subsequently, his surgeon informed him that the cartilage deterioration was due to the use of a pain pump, a device that pumps local anaesthetic into the surgical site.

"It basically ate away at the cartilage," says Veinot, describing a medical condition known as chondrolysis.

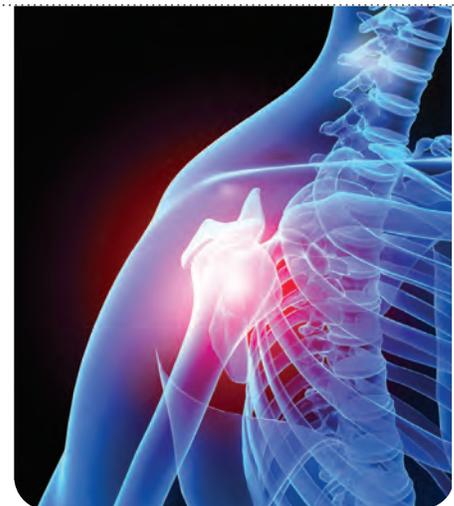
Veinot decided to take legal action. He retained Klein Lyons, who advised him of a possible class action lawsuit against DonJoy Inc., the makers of the DonJoy pain control device.

Veinot found that encouraging, but the challenge was to make sure his case could get certified as a class action lawsuit. That meant that a court would have to rule that his claim, along with those of other DonJoy device users, could be combined into one lawsuit against the manufacturer.

"... It's been great working with Curtis. The court specifically found that he has taken his job very seriously in seeking to help others like him. Chondrolysis is a devastating injury, both for those who have it, and for their families..."

As a representative plaintiff for the class action, Veinot had to commit personal time to the process: he's had to become familiar with the legal issues, assist in the preparation and execution of necessary documents, and attend court proceedings.

In September 2009, the Saskatch-



ewan Court of Queen's Bench heard the plaintiff's motion for class action certification. In March 2010, the motion was granted.

"I think it's worth my time and effort as a representative plaintiff," says Veinot. "I just want to make sure no one else gets injured using this product. Beside, it's Doug Lennox [the lawyer handling the case] who's doing most of the work."

Lennox returns the compliment: "It's been great working with Curtis. The court specifically found that he has taken his job very seriously in seeking to help others like him. Chondrolysis is a devastating injury, both for those who have it, and for their families. One could not ask for a better client."

The defendants are now appealing the court's decision.

ARRIVE ALIVE

Driving and aging By: Beverley Doran

For many, a driver's licence means freedom and self-sufficiency. Seniors in particular know that staying mobile is important to their lifestyle, and growing older doesn't mean they have to stop driving. No one loses a driver's licence because of age, but as we grow older, we should adapt our driving habits to the physical and mental changes that occur.

Everyone ages differently, and while some continue driving well into their eighties and beyond, others need to give up their vehicles because they no longer have the physical or mental acuity to continue using the road safely.



Warning Signs

The most common warning signs of age-related driving risks are:

- Abrupt lane changes, braking or acceleration; failure to use turn signals; drifting into other lanes or driving on the wrong side of the road
- Trouble reading signs or navigating directions, range-of-motion challenges, trouble moving between gas and brake pedals or confusing the two
- Feeling more nervous or fearful, feeling exhausted after driving
- Friends and relatives' reluctance to be a passenger
- Getting lost more often, missing highway exits and trouble paying attention to signals, road signs, pavement markings or pedestrians
- More frequent near crashes, bumping into objects or curbs, increased traffic violations or warnings

Decreasing Age-Related Risks

The following steps will help any senior drive more safely.

- Tend to your health and don't wait for health problems to become serious.
- Select a vehicle with an automatic transmission, power steering and power brakes and keep the car in good working condition.
- If you have physical limitations, consult an occupational therapist about driving aids.
- Regularly see an eye specialist and ensure your eyeglass prescription is correct for driving.
- Check with a pharmacist to ensure that prescription medications won't negatively affect driving.
- Drive in the slow lane so others can pass safely, and stay two car lengths behind other vehicles.

- Avoid distractions such as eating, drinking, tuning the radio, reaching for objects or turning your head to talk with a passenger or admire scenery.
- Avoid driving in conditions that make you feel uncomfortable, such as nighttime, fast-moving traffic or bad weather.

Keeping Driving Skills Current

- In BC, the BCAA Traffic Safety Foundation's "Living Well, Driving Well" workshops help mature drivers assess their driving skills. Visit their website: www.tsfbcaa.com/18.aspx.
- Many provinces have a driver's licence renewal program for those 80 and over to help them remain independent, mobile and safe. The renewal process usually includes an eye exam, a written test on the driving rules, group education and possibly a road test.

VANCOUVER WOMAN LIVES LIFE ON HER OWN TERMS

Vancouver's Teri Thorson, 37, was rendered quadriplegic after a tragic car accident 14 years ago. In this two-part series, we ask Thorson about the accident, her recovery process and her changed outlook on life. By: Milton Kiang

How did your accident happen?

In 1996, I decided to take my first international vacation at the age of 24, to visit a friend in Perth, Australia. Eight days into my vacation, October 23, with my friend at the wheel, we hit an unmarked hairpin turn on a gravel road, going about 140 kilometres per hour.

The car flipped end-to-end three times, and when I woke up from unconsciousness, I knew immediately something was wrong, though I had no idea to what extent.

Emergency crews airlifted me to a hospital in Perth. I spent the next three weeks in and out of consciousness, emerging to learn that my neck had been dislocated at a 90-degree angle, severing the spinal cord, leaving me a lifelong quadriplegic.

How long were you in an Australian hospital? When did you return to Vancouver?

After nearly two months of being bedridden, I was put into a rigid vest that enabled me to sit up, though I passed out almost every time I did. The deal was I had to sit up for four hours straight before I could make the long flight home.

On December 23, I arrived at Vancouver Hospital.

How was the rehabilitation process?

At the rehab centre, they taught me how to live as a person in a wheelchair. I just wanted to not think of that. I wanted to get back to my life that I had before my accident as soon as I could. I went to work every Friday, to try and keep that connection there. Slowly my arm function came back but not my hands, and after nine months in rehab, I went home.

The first three years were physically the hardest — especially since my arms were gaining strength and I wanted to

be as independent as possible. Plus, I tried to do everything I could to get walking again.

Emotionally, it was a roller-coaster ride. I lost some friends on the way but



gained others and strengthened bonds already there. I had an amazing support system, which was key — family, friends and co-workers.

Tell us about your return to sports.

In 2000, I found a job with the BC Rehab Foundation that raises money for people with disabilities, doing public relations, media and special events.

Through the organization, I met great, energetic people who encour-

aged me to try out different activities. I was always against trying sports in a wheelchair because of my experience with them as an able-bodied person. But after five years of being in a chair, I learned that trying new things isn't scary. I mean, my whole life is new now.

My first sport was kayaking through Power to Be, trying to face my fear of the water, which I'd never had before and developed in the hospital while on morphine. I envisioned myself drowning, I think, because of my feeling of loss of control. When I got in the water, I felt a new freedom, plus an adrenaline rush because of my fear. I had such a good time that I opened myself up to trying other things.

Next, I tried sailing with the Disabled Sailing Association, then downhill skiing with Whistler's Adaptive Ski Program, and even rugby through BC Wheelchair Sports.

Now I was on fire, trying everything and anything.

Read more about Teri's journey to the Paralympics in Greece in part 2, which will be published in October 2010.



GOOD SAMARITAN CARS

Help when you need it By: Barbara K. Adamski

In our technologically fast-paced society, cars are becoming smarter as computer systems become more and more attuned to critical incidents, our driving habits, and even road and weather conditions.

Telematics, the integration of wireless communication technology, vehicle monitoring systems and location devices, is changing our driving habits — and our lives. In Japan, navigation systems in many Honda cars will soon provide drivers with earthquake information and heavy-rainfall warnings — something that could certainly come in handy on the Lower Mainland.

Closer to home, Ford's MyFord Touch provides drivers with the most fuel-efficient way to get from A to B. Eco-route isn't based on distance, but rather helps drivers avoid congested routes and choose roads on which they can maintain an efficient rate of speed.

And Chrysler's Enhanced Accident Response System (EARS) makes it easier for emergency responders to see and reach occupants by turning on interior lights, flashing hazard signals and unlocking doors after airbag deployment. EARS also cuts fuel to the engine, making the vehicle less likely to burst into flames.

One of the most well-known safety telematics systems, however, is GM's OnStar program, which dates back to 1995 and has over two million subscribers. The service is available in certain vehicle models in both the United States and Canada and provides real-time personalized help around the clock, every day of the year.

Here are some of OnStar's safety features:

Automatic crash response: If airbags deploy in a crash, sensors alert an OnStar advisor, who sends help to the vehicle's exact GPS location. On most newer models, these sensors alert OnStar even if the airbags don't deploy.

Emergency services: A push of the blue OnStar button will connect the vehicle's occupants to a live advisor, who can dispatch emergency help.

Vehicle diagnostics: Drivers can get a monthly email alert regarding their vehicle's diagnostics, including when to change the oil, inflate tires and more. They can also get on-demand diagnostics by pushing the vehicle's OnStar button.



Stolen vehicle assistance: Once a stolen vehicle has been reported to police, OnStar uses real-time GPS technology to locate it.

Crisis assist: During natural disasters such as an earthquake or extreme weather, OnStar becomes a central point of contact and can help drivers get in touch with family members or obtain medical supplies.

Remote door unlock: Drivers locked out of their car no longer have to wait for someone to come and unlock it. A toll-free call to OnStar results in a remote signal that unlocks the door.

While not every GM vehicle comes with OnStar telematics, it is available for a fee on many newer models. For model years 2007 and later, the cost for OnStar is just under \$300.

To find out the latest in telematics from around the world, visit Telematics News at <http://telematicsnews.info/>.

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