



## DAVID J. GLATTHORN CIVIL TRIAL LAWYER

AGGRESSIVE, ETHICAL REPRESENTATION FOR OVER 30 YEARS

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# A 'Door Prize' No Bicyclist Wants



Across the country, the incidence of bicycle "dooring" accidents is rising. Dooring occurs when someone in a parked vehicle suddenly opens their door into the path of a passing bicyclist. Statistics indicate that dooring accidents account for over 10 percent of bicyclist-motorist collisions.

Dooring accidents can launch bike riders into the air, possibly into traffic. Bicyclists might veer to avoid the door and get struck by a moving vehicle. They may incur fractures, traumatic brain injuries, spinal cord injuries ... or death.

In towns and cities, cars parallel parked along streets, heavy traffic, and narrow roadways/lanes provide ripe conditions for dooring. Bicyclists are typically expected to ride as far to the right as possible, putting them within the "dooring zone." In some municipalities, bicycle lanes have been constructed to improve bicyclist safety. However, many of them are situated within the dooring zone.

In all states, occupants of parked vehicles are required to exercise caution when opening a car door. Forty states have specific dooring laws, which generally place responsibility for a dooring accident on the parked vehicle's occupants.

Bicyclists can take precautions to protect themselves:

- Take it slow in dooring zones; watch for taillights, brake lights, etc.; and make yourself as visible as possible.
- In most states, even when there is a bike lane, bicyclists are permitted to ride in a motor-vehicle lane when traffic permits, thus avoiding the dooring zone.
- Plan routes with safety in mind.
- Wear a bicycle helmet. Always.
- Avoid talking or texting on your cell phone.

If you are injured in a bicycle accident due to another person's negligence, contact a bicycle accident attorney to protect your rights. •



# Broccoli Melts

Looking for a delicious twist on serving broccoli? Give these melts a try!

## INGREDIENTS

- 1 pound of regular broccoli (or broccolini)
- 2 Tbsp. olive oil
- 3 cloves garlic, minced
- Red pepper flakes
- Coarse salt
- Finely grated zest, followed by the juice of half a lemon
- ½ c. finely grated aged Pecorino-Romano
- 8 slices of your favorite bread
- 8 thin slices of provolone

## PREPARATION

- Peel the broccoli stems with a vegetable peeler, then cut into large chunks (if using broccolini instead, cut into 2-inch portions).
- Pour about 1 inch of water into a large sauté pan, adding salt to taste. Bring to a boil, add broccoli, and cover with a lid. Let the broccoli steam this way for 2 minutes, then drain and pat dry on paper towels. Chop into small, half-inch pieces.
- Wipe the sauté pan dry and place on medium heat. Add olive oil and let heat for 1 minute. Add garlic and pepper flakes (if desired) and heat for about one minute, until garlic is starting to look golden. Add broccoli and cook 1-2 more minutes, seasoning with salt. Transfer it all to a bowl, then add the lemon zest and juice, Pecorino, and more salt and pepper flakes (if desired).
- Preheat broiler. Arrange slices of bread on a baking sheet and lightly toast on both sides. Scoop broccoli mixture onto each slice, lay a slice of provolone on top, and cook under broiler until cheese has melted and begun to blister. •



# ‘The Greatest Spectacle in Racing’



Every Memorial Day weekend, the Indianapolis Motor Speedway plays host to the Indianapolis 500. The Speedway, the largest spectator sporting facility in the world, is a 2.5-mile oval surrounded by more than 250,000 permanent seats. Its infield could accommodate the Rose Bowl, Churchill Downs, Yankee Stadium, the Colosseum, and Vatican City—simultaneously.

The Speedway is affectionately known as the “Brickyard,” as the track was originally composed of 3.2 million street-paving bricks—a bumpy ride. The bricks were eventually paved over with asphalt ... with one exception: a 3-foot-wide “Yard of Bricks” at the start-finish line, which has been kissed by the Indy 500 winner since 1997.

The inaugural Indy 500 was held in 1911. For 27 years, most race cars had two occupants: the driver and a “ride-along mechanic.” The mechanic would monitor gauges, keep tabs on tire wear, report on the whereabouts of other drivers, and massage achy arms and shoulders as needed.

The emotional prerace ritual of singing “Back Home Again in Indiana” began in 1946. The true voice of the song will forever be associated with Jim Nabors, who performed it from 1972 through 2014. In 1972, he was a guest at the race and was asked to sing it with only 20 minutes’ notice. Nabors agreed, wrote the lyrics on his hand, and became an icon.

In 1936, Louis Meyer downed a bottle of his favorite drink, chilled buttermilk, on the Speedway infield to celebrate his victory. Milk-industry executives knew a marketing opportunity when they saw one and pounced. The milk celebration has been a mainstay ever since. In 1993, Emerson Fittipaldi broke tradition and drank orange juice. After hearing the crowd response, he decided to have a milk chaser. •

# Misconceptions About Drowning



Swimming season is upon us; unfortunately, that also means an increase in drownings. According to the Centers for Disease Control and Prevention, drowning is a leading cause of unintentional death in young children and adolescents in this country.

The World Health Organization defines drowning as “the process of experiencing respiratory impairment from submersion/immersion in liquid.” Not all drownings are fatal; nonfatal drownings greatly outnumber fatal ones.

With nonfatal drownings, on rare occasions even a small amount of water in the lungs can damage their membranous lining and cause fluid buildup, inflammation, and/or infection, which may progressively worsen. However, symptoms of

respiratory distress will be evident—if not immediately (the norm), then within two or three hours.

What has spooked many parents is rampant misinformation in news and social-media reports about children who were rescued from the water or who otherwise inhaled a small amount of water; were alleged to have appeared perfectly healthy a few minutes afterward; and then many hours later—even days later—died without warning. Medically inaccurate terms like “secondary drowning” and “dry drowning” are frequently tossed about.

Truth is, medical experts say drowning deaths that occur well after an involuntary submersion incident do not come out of left field. A child (or adult) will display symptoms along the way, such as labored breathing, coughing, wheezing, dizziness, confusion, chest pain, or excessive lethargy. Sometimes another medical condition is the true culprit—for instance, a head injury, rib fracture, heart condition, or asthmatic event.

Minor respiratory impairment due to drowning typically improves in two to four hours. If it doesn’t, seek medical attention immediately. •

## May 2019 Notable Dates

- May 2** – World Password Day
- May 5** – National Astronaut Day
- May 9** – National Lost Sock Memorial Day
- May 13** – National Apple Pie Day
- May 17** – National Endangered Species Day
- May 24** – National Scavenger Hunt Day
- May 28** – National Hamburger Day
- May 31** – National Smile Day



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This publication is intended to educate the general public about personal injury, medical malpractice, and other issues. It is for information purposes only and is not intended to be legal advice. Prior to acting on any information contained here, you should seek and retain competent counsel. The information in this newsletter may be freely copied and distributed as long as the newsletter is copied in its entirety.

## Personal Injury Settlements ... and Subrogation

If you file a personal injury claim, insurance companies and/or various government agencies may call dibs on part of your settlement or award, a process called subrogation.

When you are injured by a negligent party, it takes time to sort out issues concerning liability and damages. In the meantime, medical bills mount and you may be without income for the foreseeable future—potentially leading to surly creditors breathing down your neck and a battered credit score.

Your own insurance companies or other agencies fill in the gap until you receive a settlement. At that point, they want to be paid back, since the at-fault party (or their insurance company) is responsible for your medical bills, lost wages, and other injury-related bills.

Subrogation laws vary from state to state. For instance, some states prohibit health insurance companies from placing subrogation clauses in their policies, or place restrictions on them. Other don't.

Some large companies self-insure the healthcare claims of their employees. This is typically governed by federal law (ERISA), which supersedes state law, meaning health insurance companies can pursue subrogation claims even if state law forbids it.

Other entities may claim a portion of your settlement, depending on the circumstances. They include your auto insurance company, your state's workers' compensation fund, a Medicare or Medicaid plan carrier, or the U.S. Department of Veterans Affairs.

If you have been injured due to someone else's negligence, contact a personal injury attorney. They will fight for your rights, take care of all the legwork, negotiate with those making claims on your settlement to lower the amount you pay them, and prevent any subrogation "surprises." •

