



DAVID J. GLATTHORN CIVIL TRIAL LAWYER

AGGRESSIVE, ETHICAL REPRESENTATION FOR OVER 30 YEARS

David Glatthorn, Esq.

What Compensatory Damages Cover

Compensatory damages awarded to a plaintiff in a personal injury case are intended as a step toward making up for the losses the plaintiff has suffered as a result of their injury. Some damages are fairly simple to quantify; others are more subjective.

The cost of medical care is nearly always taken into account, including reimbursement for treatment already received and compensation for the estimated cost of future medical care related to the injury.

Compensatory damages may cover income the plaintiff has already lost as a result of their injury, as well as earnings that will be lost in the future.

If property is damaged as a result of an accident, the plaintiff will likely be compensated for repair costs or the fair market value of the property that was lost.

The plaintiff may also be entitled to compensation for pain and suffering—physical pain and emotional distress endured as a result of the injury. Emotional distress includes depression, anxiety, insomnia, irritability, and so forth.



Injuries may keep a person from enjoying their favorite activities or hobbies. Compensation may be awarded for “loss of enjoyment.”

There may be compensatory damages for “loss of consortium,” which affects a plaintiff’s relationship with his/her spouse—loss of companionship or inability to maintain a sexual relationship. These damages may be directed to the injured party’s spouse.

Most personal injury damages are compensatory damages. Punitive damages, which may be awarded to the plaintiff, are also meant to punish the defendant and act as a future deterrent.

If you are injured due to another’s negligence, contact a personal injury attorney to protect your rights. •



**David J. Glatthorn, PA • 506A Datura Street, West Palm Beach, FL 33401
(561) 659-1999 • www.DavidGlatthorn.com**

Avoid Shortcuts with Children's Car Safety

Car crashes are the leading cause of death for children older than age 3 in the United States, and lead to roughly 179,000 injuries annually. The Centers for Disease Control and Prevention states that child safety seats lower the risk of death for infant passengers by 71 percent, and toddlers (ages 1–4) by 54 percent—if used correctly.



The American Academy of Pediatrics offers the following guidelines:

- Exclusive use of rear-facing seats in the back seat for infants and toddlers until age 2 (or until weight and height maximums are exceeded, which differ from state to state).
- Forward-facing car seats in the back seat for kids older than age 2 until they grow out of them, per manufacturer recommendations.
- Utilization of a belt-positioning booster seat for school-age children until a regular seatbelt fits properly.
- Kids big enough for a regular seatbelt should remain in the back seat until age 13 before graduating to the front.

A new study, published in the *American Journal of Preventive Medicine*, saw researchers stake out gas stations, fast-food restaurants, and childcare and recreation centers, among other locations, to monitor parents' observance of proper restraints for their children while traveling. The most striking result was that guideline adherence became more lax as children got older. Many kids as young as age 5 were sitting in the front seat, often unrestrained. Overall, a low percentage of children were using the restraints recommended for their age groups.

In addition, researchers interviewed parents and concluded that many of them had not been reached equally by community-based public education programs. Broadened use of culturally specific programs may be necessary to bridge the gap. •

January 2017 Important Dates

January 1 – New Year's Day **January 1** – Hanukkah Ends **January 16** – Martin Luther King Day
January 20 – Presidential Inauguration Day **January 28** – Chinese New Year



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Did You Know?

We all know that Coca-Cola is one of the most iconic and well-recognized brands in the world. But, just how popular is Coke? Consider this: if you bottled every drop of Coke ever produced into 8-ounce bottles and placed them end-to-end, they would stretch from the Earth to the moon over 2,000 times! Not only that, the Coca-Cola empire itself is so big that it actually would be the **84th largest economy in the world**, with global revenues exceeding \$35 billion! That's a lot of beverage. •

Alcohol, Moderation, and Heart Benefits

Over a hundred studies appear to be saying the same thing: People who drink moderately (one or two drinks per day) have fewer heart-related medical episodes and are less likely to die of heart disease than those who abstain or drink more heavily.

The most significant benefit of limited alcohol consumption is staving off a drop in HDL—the “good” cholesterol. HDL is important in that it mops up excess LDL—the “bad” cholesterol that builds up within blood vessel walls and can lead to heart attacks. Most people’s HDL levels decline with age. In the studies, those who drank in moderation saw their HDL levels decline much more slowly over time than abstainers and those who exceeded recommended daily limits.



Research suggests that one or two drinks per day—although what constitutes one or two drinks per day varies widely—can lower one’s risk of heart events to a similar degree as losing 30 pounds through proper diet and exercise. Now don’t get ahead of yourself. Proper diet and exercise reduces the risk of heart disease and the risk of cancer, diabetes, and numerous chronic diseases. One or two drinks a day cannot make the same claim. Not even close.

Recommending alcohol intake to remedy or prevent a medical condition is dicey. If things go even slightly out of balance, trouble in the form of poor judgment, impaired driving, or possible addiction, among others, may await the imbiber.

However, if you’re eating healthy, maintaining a proper weight, and exercising daily, go ahead and celebrate with a drink—but probably no more than that. •

The Big Four... *the History of Mount Rushmore*



October 31, 2016, marked the 75th anniversary of iconic Mount Rushmore, the monument to four U.S. presidents—Washington, Jefferson, Lincoln, and Teddy Roosevelt—located in the Black Hills of Keystone, South Dakota. The concept for Mount Rushmore originated with Doane Robinson, who wanted to create an attraction to draw tourists from all over the country. Mission accomplished.

Robinson contacted sculptor Gutzon Borglum in 1925, who had been working on the massive monument to the Confederacy in Georgia but was not able to complete it due to a falling out with management. He wasn’t out of work for long. South Dakota beckoned.

Work on Mount Rushmore began in 1927 and was completed in 1941. According to the National Park Service, over 400 workers climbed 700 steps each day to get to the job site, and got paid \$8 per day to do their dynamite sculpting. No workers died throughout the 14 years of construction—an impressive feat, considering the combination of heights, rocks, and powerful explosives.

The monument underwent a complete makeover at one point. Thomas Jefferson was originally going to be to Washington’s right. It wasn’t working out, so he was blasted out of the way and repositioned on the other side.

Borglum died of a heart attack in 1941 with Mount Rushmore not yet completed. His son took over the rest of that year. After the usual winter hiatus, work was suspended and the project declared finished. World War II was in the offing; there were higher priorities. Although incomplete, Mount Rushmore was still awe-inspiring. Nothing over the last 75 years has changed that assessment. •

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E-Cigarettes...an Explosive Topic

Since their entry into the U.S. marketplace in 2008, electronic cigarettes (a.k.a. e-cigs) have grown in popularity. E-cigs are battery-powered devices that heat a combination of nicotine, propylene glycol, and glycerin to form a vapor that the user inhales—and come in a wide variety of flavors. People can get their nicotine fix by “vaping,” while avoiding the smoke and carcinogenic elements of conventional cigarettes.

However, e-cigs pose their own set of health risks, possibly leading to cardiovascular issues, respiratory distress, eye irritation, and harm to babies developing in the womb, to name a few. In addition, 70–90 percent of e-cig users continue to smoke conventional cigarettes. Since e-cigs are relatively new to the marketplace, there are no long-term studies to draw upon concerning heart and lung health or cancer-causing potential.

To top it off, the e-cig device itself may be hazardous to one’s health. The liquid nicotine is heated via a lithium-ion battery. Lithium-ion batteries pack a lot of energy into a small unit; they’re energy dense...and volatile. If a battery is defective and/or overheats, it may burst into flame or explode. E-cigs are cylindrical in shape, with the weakest structural points at the ends, which can prompt them to rocket into a user’s face, or someone else’s in the vicinity. In 2015, first-degree burns to the face, eye injuries, knocked-out teeth, fractured facial bones, and even a fractured vertebrae resulting in paralysis were reported as a result of exploding e-cigs.

Bottom line: be cautious if you’re an e-cig user, and if you happen to suffer an injury as a result of a defective e-cig, be sure to contact our office to discuss your situation. •

