



MELDON

LAW TALK

NEWSLETTER BY THE LAW OFFICE OF JEFFREY MELDON & ASSOCIATES

Lawyer Jokes (Inspired by The Sky's Bob Rose)

A lawyer defending a man accused of burglary tried this creative defense:

"My client merely inserted his arm into the window and removed a few trifling articles. His arm is not himself, and I fail to see how you can punish the whole individual for an offense committed by his limb."

"Well put," the judge replied. "Using your logic, I sentence the defendant's arm to one year's imprisonment. He can accompany it or not, as he chooses."

MORE COURTROOM EXTRACTS

"Are you married?"
"No, I'm divorced."
"And what did your husband do before you divorced him?"
"A lot of things I didn't know about."

"Doctor, did you say he was shot in the woods?"
"No, I said he was shot in the lumbar region."

"Could you see him from where you were standing?"
"I could see his head."
"And where was his head?"
"Just above his shoulders."

"Are you qualified to give a urine sample?"
"Yes, I have been since early childhood."

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Welcome To Our August Newsletter: *The Penny Controversy*

On August 2, 1909, the Lincoln cent was issued to commemorate Abraham Lincoln's 100th birthday. Although the Lincoln penny quickly became the most sought after coin, its inception was one of the most controversial. Most of the controversy revolved around these issues:

1. Some felt that Lincoln deserved to be on a coin of higher denomination than a penny. Yet, others thought that since he was the common person's president, the penny was the right choice.
2. This was the first American coin to have a real person's image on it, alive or dead. Many felt that it was reminiscent of European monarchies—not fitting with our democracy, even taboo.
3. Indian Head cents had been in circulation since 1859 and were one of the most famous and loved of all U.S. coins. Why replace them?



* The 1909 Lincoln penny is also known as the Wheat penny or a "Wheatie." *Have a safe and happy month of August!*

Office Reminder: *MOVE OVER—It's the law!*

An estimated 71% of Americans don't know about the Move Over law. Therefore, many fail to comply with the law, resulting in crashes with emergency vehicles parked along the roadway. Florida passed its Move Over law in 2002 to protect law enforcement officers and emergency responders from death and injuries. The law states that if there is an emergency vehicle stopped along the road, you must vacate the lane closest to that vehicle and move over. If moving over is not a possible or safe option, then you must slow down to 20 mph below the speed limit. **In other words, if you cannot change lanes, you must slow down!** If you fail to do this, the penalty is about \$149, depending on the county, and 3 points on your license. **More importantly, not moving over could cause a crash resulting in serious injury or death to you, your passengers, or an emergency worker.** Moving over is also recommended for vehicles parked along the roadside with an engine or tire problem. Emergency vehicles include:

- Law enforcement officers of all types;
- Fire trucks and Ambulances; and
- Tow Trucks.

Please, move over or slow down—help protect those who help protect us and also those who drive with us on the roads.



A Note From Jeffrey: *Welcome and Thank You!*

My Staff, Associates, and I welcome our new clients that joined the Meldon Law Family this past month and send our personal thanks to all that referred friends and family and have gone out of their way to send notes of appreciation. The Law Office of Jeffrey Meldon is proud to represent people in the "Heart of Florida" for accidents, personal injury, wrongful death, medical malpractice, dog bites, slip and falls, and criminal defense. **Consultations are always free.** My thank you's go out as well to those that took the time to request topics they would like to see addressed in the Newsletter. **Thank you and please, feel free to call the Office if we can be of help.**



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Tom Copeland

Tom Copeland has been a Fla. Trial lawyer Litigator since 1986. He represents ordinary people who have been hurt by the negligence of others. Born and raised in Valdosta, GA., he joined our Office in 2002. When he is not in the Courtroom or the Office, he enjoys being a Gentleman Farmer on his 15-acre Alachua farm with his family and their horses, cattle, and big garden.

Tom on “Torts:” *Profits Over People—The value of our civil justice system.*

Last month, I said that “big business” is often like a hog, giving no consideration to whether what it does is “right or wrong.” The result of many of these decisions is injury, death, or financial loss suffered by hundreds of thousands of people every year.

How can I say that big business has a “history” of choosing profits over people? While there are much older examples, this month’s featured case will be: Owens Corning Fiberglas Corporation v. Ballard, 749 So.2d 483 (Fla 1999). This case is an example of a company not just sticking its head in the sand to avoid a problem but actively concealing a known danger from its employees, customers, and the general public.

Deward Bullard was a worker at various sites around the country where he was exposed to “Kaylo,” an insulation product containing asbestos that was manufactured by Owens-Corning. Mr. Ballard contracted mesothelioma, an always fatal cancer of the lining of the chest wall. The primary cause of mesothelioma is exposure to asbestos. Some of the questions in the lawsuit were, “What did Owens-Corning know about the danger of asbestos, and when did they know it?” The trial Judge in the case said, “The clear and convincing evidence in this case revealed that for more than 30 years Owens-Corning concealed what it knew about the dangers of asbestos. In fact, Owens-Corning’s conduct was even worse than concealment. It also included intentional and knowing misrepresentations concerning the danger of its asbestos containing product, Kaylo.” The court pointed to the following facts in support of its conclusion:

1. A laboratory study was provided to Owens-Corning in 1956 that showed asbestos to be a toxic carcinogen, yet they continued to advertise Kaylo as “non-toxic.”
2. Owens-Corning developed an asbestos-free product in 1962 but refused to market it because it was not as profitable as Kaylo.
3. In the late 1960’s, Owens-Corning elected not to make any effort to remove asbestos from its Kaylo product because it “did not offer any sales growth potential.”
4. In 1972, after developing an asbestos-free version of Kaylo, Owens-Corning, “knowingly and intentionally contaminated the new product with asbestos containing debris from its old Kaylo and claimed falsely that the new product was “asbestos-free.”

Mr. Ballard was awarded compensatory and punitive damages against Owens-Corning at the trial. The award of punitive damages served not only as punishment, but as a warning to other companies to not conduct themselves in this manner. “We, the people” are safer, at least from asbestos, because of it. This is only one important case. Next month I will discuss the Gulf of Mexico oil spill disaster.

Safety Reminder: *Know when to Stop for a School Bus—The Golden Rule.*



Aug. 23rd is back-to-school day for Alachua County. This means sharing the road with school buses. **Do you know when to stop?** Here is the golden rule:

You must always stop when you see a school bus that has its lights blinking and stop sign showing, regardless if you are behind the bus or driving in the opposite direction. **There is one exception to this golden rule:**

If, and only if, you are on a divided highway traveling in the opposite direction of the stopped bus and there is **at least 5 feet of unpaved space**, a raised median, or a physical barrier, you may proceed without stopping.

Have you read your Consumer Guide Accident Book yet?



Now available on audio CD!

Good news! In an effort to make it more convenient to get the information in Jeffrey’s Consumer Guide Book, Seven Mistakes That Can Wreck Your Florida Accident Case, Storm Roberts of KTK has read it on audio CD. With the help of many others, the book on CD is now available and complimentary to our readers. To request yours, call the Office and request that a copy be sent for you @ (800) 373-8000 or (352) 373-8000. **Be safe and be prepared!**



Consumer Protection
Accident Guide Book

Thanks to Storm Roberts, the book is now available on audio CD. Request yours today!

The Office Blogs: *The high cost of speeding.*

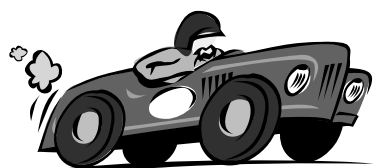
If you think speeding is no big deal, then you are wrong—maybe even dead wrong.

According to the National Highway Traffic Safety Administration (NHTSA), **the likelihood of death or serious disfigurement in a car accident doubles for every 10 mph that a motor vehicle travels over 50 mph.**

In fact, speeding is so damaging that it costs society more than \$23 billion a year. That's nearly \$44,193 per minute! And there is no price tag on losing a family member or friend.

What is it about speeding that is so dangerous? According to the NHTSA, speeding:

- reduces a driver's visibility;
- diminishes a driver's ability to steer around curves or objects in the road;
- extends the distance required to stop;
- decreases the effectiveness of seatbelts, airbags, and crumple zones; and
- can be a sign of aggressive driving or escalate into "road rage."



We ask you to spread the word about speeding to your friends, family, and loved ones and to set a good example by not speeding. Exceeding the speed limit kills. Remember, if you exceed the posted limit by even 1 mph, you are speeding.

Meldon & Friends' "Trivial Pursuit" for August

Q: The original Lincoln penny was made of _____. However, during WWII to better sustain the war effort, the penny was made of _____ with a zinc coating.

Q: America's motto, _____ is on the back of the Lincoln penny. Our motto means, _____.

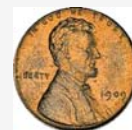
Q: A 2006 National Coinstar Poll revealed that males are more likely to pick up a penny off the ground. True/False

Q: Hawaii became the _____ State on Aug 21, 1959. Hawaii is the only state that grows coffee. True/False.

Q: Hawaii consists of 8 main islands. The largest island, known as "The Big Island," is the Island of _____.

Q: Aug. 19, 1871, is Orville Wright's birthday. He and his brother, Wilber, invented the first powered airplane which was named _____. They first flew it at _____, North Carolina.

Q: The Wright brothers lived in Dayton Ohio. For adequate lift, their planes needed a place with more _____ than Dayton. This is why they flew in North Carolina.



Answers: Copper; Steel; E Pluribus Unum; Out of Many, One; False; 50th; True; Hawaii; Hawaii; Hawaii is the only state that grows coffee. True/False. The Big Island; Kitty Hawk; Wind

Interesting Case of the Month: *Beware of "Driving Blind!"*

Recently, we represented a young man seriously injured while riding his bike on the sidewalk when a car suddenly pulled out in front of him. Our client had no opportunity to avoid the crash because the car pulled out from a private roadway, the view of which was obscured by a solid, tall fence.

The fence, owned by a condo association, had been erected 20 years before the sidewalk was built. (A dangerous condition was created when the county built the sidewalk because the fence obscured the view of the sidewalk for drivers and also obscured the view of the private roadway for pedestrians or cyclists on the sidewalk.) **The driver, the condo association, and the county all contributed to the settlement in the case because:**

- **The condo association** that owned the fence never moved the fence nor did they provide any warning or install a concave mirror at the intersection after the sidewalk was constructed.
- **The county** also could have provided a warning, but did nothing.
- **The driver** of the car did not exercise due caution when exiting from the driveway with an obscured view of the sidewalk.

Moral: This is not an unusual situation for drivers. When you are "driving blind," as the driver was in this situation, exercise caution, and safely exit by inching forward. You never know who could be approaching on the sidewalk—it could be a child on a bike or a mother jogging with her baby in a stroller.

Note: This publication is intended to **educate** the general public. **It is not intended to be legal advice.** Every case is unique.

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**Look Inside
This Issue**

- ▲ Beware of "Driving Blind."
- ▲ Do you know the Golden Rule for school buses?
- ▲ Move Over - it's the law!
- ▲ Tom on "Torts."

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Ask Jeffrey: *Am I an aggressive driver?*

A: This is a good question and an important one as aggressive driving is responsible for two-thirds of auto-related fatalities every year—four times greater than DUI fatalities!

Florida law defines "aggressive driving" as exhibiting two or more of the following behaviors simultaneously or in succession:

- exceeding the speed limit;
- unsafely or improperly changing lanes (weaving in and out of traffic);
- following a vehicle too closely (tailgating);
- failing to yield the right of way;
- improperly passing (passing on the right); or
- violating traffic control and signal devices (running red lights and stop signs).



Aggressive driving also means driving under the influence of emotions and acting in a selfish, bold, or pushy manner on the road, without regard for the rights or safety of others.

You may be an aggressive driver if, on the road you take your frustrations or anger out on other drivers or pedestrians by screaming, honking, and making expressive hand and facial gestures along with the above driving behaviors.

If you think you may be an aggressive driver, it is recommended that you:

- Relax and slow down—possibly use some breathing techniques or listen to calming music;
- Give yourself plenty of time to get to where you are going—leave early and just be late if all else fails;
- Consider using public transportation or car pool, especially when tense;
- Attend an aggressive driving class—it just might save your life or that of another.

Jeffrey Meldon is a proud Life Member of the Million Dollar Advocates Forum, a prestigious group of trial lawyers throughout the country. Membership is limited to attorneys that have won million dollar verdicts, awards and settlements for their clients. Less than 1% of U.S. lawyers are members of this forum!



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