

IN BRIEF

*In
This
Edition*

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Florida's first HRT case to be tried by Alley, Clark & Greiwe in May of 2010

U.S. District Judge William Wilson recently ordered thousands of court documents relating to the medical ghostwriting practices of Wyeth Pharmaceuticals be unsealed. The documents show



Wyeth played a major role in publishing 26 scientific articles over the course of seven years in 18 different medical journals. Wyeth solicited and paid surrogate non-medical authors to draft the articles, and then paid doctors to sign off as authors. Not only did the articles overemphasize the benefits of hormone replacement therapy, but they downplayed the known risks associated

with the drugs. Predictably, Wyeth claims that the practice of hiring surrogate authors to serve as "ghostwriters" is common practice and insists the 26 ghostwritten articles are scientifically accurate.

Alley, Clark & Greiwe has Florida's first HRT trial scheduled for May of 2010 in Pinellas County. We have been involved in a comparable but more expansive push for disclosure of Wyeth documents. Currently, we have a pending motion requesting that Prempro be declared a public hazard under Florida's Sunshine in Litigation Act. If the Court rules in our client's favor, then Wyeth documents classified as trade secret and/or confidential will be made available to the public. We will continue to keep you updated as the litigation progresses.

Firm News Announcements

We are proud to report partners James D. Clark and Don Greiwe of our firm have been recognized again for their legal excellence and board-certified trial experience. Both attorneys were chosen by *Super Lawyers* magazine for the year 2009 for another consecutive year. *Super Lawyers* magazine identifies outstanding lawyers across the country in more than 70 different practice areas who have attained a high degree of peer recognition and professional achievement. James D.

Clark and Don Greiwe have also been selected by *Best Lawyers in America*® for multiple consecutive years. *Best Lawyers* is a time tested and very respected peer-review publication in the legal profession. *Best Lawyers* has released their list of the country's top lawyers in the United States for the year 2010. Mr. Clark is listed again in two categories: Medical Malpractice Law and Personal Injury Litigation. Mr. Greiwe is listed in the Medical Malpractice Law category.

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HOT TOPICS - WHAT YOU NEED TO KNOW

Personal Injury Claims and a Bankruptcy Filing -
What You Need to Know

Always make certain that you consult with both your personal injury and bankruptcy attorneys when making the decision to file for personal bankruptcy if you have a pending lawsuit. Once you file for bankruptcy, your personal injury claim becomes an asset of the bankruptcy estate; in essence, it is no longer your claim as it belongs to the Bankruptcy Trustee. In order to continue the personal injury claim, your personal injury attorney must be appointed as "Special Counsel." The resolution of the personal injury claim will still be the ultimate goal, however, you will no longer have the authority to approve settlement of the claim. Instead, the settlement must be approved by the Bankruptcy court. If a settlement is reached in your case, the Bankruptcy Trustee will

disburse the funds among your creditors, which may also include any outstanding medical bills, attorneys' fees and costs, etc., and only when these obligations are satisfied will you will receive any of the remaining settlement funds.

If you have a pending lawsuit, you **must** disclose it to your Bankruptcy attorney so that it can be included as an asset in your Chapter 7 or Chapter 13 filing. Also, you must advise your personal injury attorney that you have filed for bankruptcy. If you do not include your lawsuit as an asset, then it could have a detrimental effect on your personal injury claim. Our law firm does not specialize in bankruptcy law but we will cooperate with your bankruptcy attorney to fully protect your legal rights. If you have any questions or concerns regarding a bankruptcy that you have already filed and may not have disclosed to us, please contact us immediately.

Health Insurance Company
Lien Reimbursement and Your Lawsuit

If you sustain injuries as a result of a third party, your health insurance company has the right to be reimbursed for medical expenses it paid that are related to your lawsuit. Whether you are insured through a private health care plan, employee benefit plan, or government program (including Medicare, Medicaid and Tricare) your insurer has the right to reimbursement. Many people have little knowledge of the reimbursement language included in their health insurance policy. The fact that you have paid premiums for years has no effect on reimbursement. Obtaining final lien amounts and negotiating health care liens can be lengthy and frustrating, but it is

an unavoidable process. Personal injury attorneys are bound by law to notify health insurance companies of a pending lawsuit. Failure to reimburse these agencies can result in fines, penalties, and a loss of coverage for the insured. The experienced attorneys at **Alley, Clark & Greiwe** work diligently to get health care liens reduced to the fullest extent possible to maximize your net settlement proceeds.



Moving Soon? Please be sure to keep us updated with any changes to your address or phone numbers.

PRODUCT LIABILITY LITIGATION
IMPORTANT UPDATES

Vioxx Settlement Payments

Currently, the Vioxx Claims Administrator is continuing to review heart attack and stroke claims. Their main focus is on completion of the initial review and issuance of interim payments for all claims involving heart attacks by summer's end. According to the Claims Administrator's reports, Vioxx heart attack claimants should expect to receive second payments before the end of this year. While this is the Claims Administrator's goal, payments could still be affected by unresolved healthcare liens

and may also be delayed due to the auditing process. This quality control procedure is included in the settlement agreement plan language and can be performed throughout the settlement process for any Vioxx claim. We will continue to keep individual claimants updated as we receive new information.



Tobacco Trials in Florida



We expect the long hard fight to continue against Big Tobacco in Florida. Although there have been several plaintiff verdicts since 2008, the victims have yet to receive any compensation. Big Tobacco has vowed to appeal all plaintiff verdicts, a process that could take years. Tobacco companies are willing to spend millions of dollars defending these cases. During the discovery phase of litigation, defense attorneys will gather as much information as possible about smokers and their medical history in the hopes that they can present

unfavorable information to a jury. In their attempt to achieve this goal, they will hire private investigators to interview family members, neighbors, friends, co-workers, etc. In addition, they will run background checks and search public records and databases for documentation relating to a plaintiff. For these reasons, it is imperative that all clients with pending tobacco lawsuits discuss with us anything that may have a negative effect on your claim including criminal history, alcohol and/or substance abuse, exposure to toxins through employment or military service, bankruptcy filings, and the filing of other lawsuits. As each claim is selected and prepared for trial, we will be in contact with each individual claimant.

Recent Settlement News

Our law firm handles many types of personal injury cases including medical malpractice, auto & motorcycle accidents, defective medical devices, serious drug side effects and pharmaceutical drug recalls, and general negligence cases. The following lawsuits have been resolved by our attorneys in the past several weeks:

\$400,000 settlement of a case where a patient suffered a severe leg fracture resulting in permanent injury because hospital staff failed to adequately protect and monitor the patient who was at high risk for falling.

\$250,000 partial settlement of a case involving a construction site death resulting from a steel beam being dropped. The remaining defendant will face trial in the first quarter of 2010.

\$320,000 settlement of claim involving an auto accident causing our client to suffer a tibial fracture.

\$450,000 settlement of a case involving a client injured when an elevator malfunctioned and struck the client's head causing a cervical disk injury.

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