

Featured Case:

## Defective Tire Leads to Severe Injuries

Our client was riding as a passenger in a vehicle that was involved in a single car accident in August 2011. As the vehicle was driving on a major highway, one of its tires failed and separated, and the driver lost control. The vehicle then went off the road, struck a concrete median barrier, overturned in the emergency lane, and slid down the road on its top. As a result of the accident, our client sustained permanent and severe injuries.

Our client sued the tire manufacturer for designing and manufacturing a defective tire. The negligence of the tire manufacturer was a direct cause of our clients severe and life changing injuries and damages. We were able to settle the case on behalf of our client for a confidential amount. ♦

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## FAQS about the Motor Vehicle Safety Whistleblower Act : (Senate Bill 340, the Thune-Nelson Act)



**What is this Act?** Initially filed on November 20, 2014 as Senate Bill 2949 by Senators Thune, Nelson, Heller, McCaskill, and Klobuchar, the Act is formally known as the Motor Vehicle Safety Whistleblowers Act.

**What is its core function?** The fundamental purpose of the Act is to improve motor vehicle safety by encouraging those with the best information to come forward and share it.

**What prompted it?** 2014 was a banner year for vehicle recalls. GM led the way, recalling about 30 million cars. Those recalls grew out of our case, the Brooke Melton case, which itself was the result of GM missing, ignoring, and/or hiding proof of defect and internal warnings about the defect in the GM ignition switches for over a decade. Had the Act been in place in 2005, and someone reported the defect and the recall delay, Brooke and many others might still be alive, and thousands might not be injured. In a roundabout way, the Act would have protected GM from itself and its own internal deficiencies and faults.

**Is it federal law yet?** Not yet, but on April 28, 2015, the Senate unanimously approved the bi-partisan Act. The Committee on Commerce, Science, and Transportation modified the legislation to include greater protection of whistleblower identities, extended the deadline for the Secretary to promulgate regulations consistent with the statute from twelve to eighteen months, and allowed that the Secretary to make an award to a whistleblower even before the promulgation of any regulations.

**What would make someone blow the whistle on their employer?** Whistleblower Acts have been around for decades. They motivate those people with the best inside knowledge of hazards, defects, crimes, and frauds to come forward and reveal them. Those actions protect American consumers and the country. And, there is a strong incentive: the whistleblower will receive a large reward for reporting the defect or safety issue.

**How large might such a reward be?**  
Rewards are paid from imposed fines that  
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# Leah Giammarva

## *Taking it Day by Day*

Leah was severely injured in a car accident three years ago as a result of a defective vehicle that lacked proper safety devices. Although her injuries have restricted her to a wheelchair, they have not diminished Leah's positive outlook on life. Leah was only 19-years-old at the time of her accident, with her whole life ahead of her.

Instead of speaking about how the accident has impacted her life in a negative way, Leah shares how beneficial it has been in changing her perspective on life. She takes nothing for granted now. Although being in a wheelchair is sometimes uncomfortable and brings its own set of challenges, Leah has handled it with grace and humility. Things such as using the restroom, putting on her clothes, and taking showers were hard to do at first, but now those things are second nature to Leah.

Her difficult circumstances have pushed her to pursue new goals, such as going to school to get a degree in biology and psychology. Leah shared that she wants to help others through therapy. She has art and music skills that she has thought about applying to therapy. She feels that her story will help her connect with patients. Leah also has a goal to move out on her own soon.



*"One day you look back and you see how far you've come."*

Leah's story speaks to anyone who is struggling to overcome an obstacle. "You have to take it day by day," Leah shared. Each day you build up more strength to face tomorrow. "Everyone has struggles that seem daunting and make you see life differently, but it doesn't have to be bad. One day you look back and you see how far you've come."

We are very proud to know Leah and are privileged to have handled her case for her. ♦



**Leah Giammarva**

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exceed \$1 million. The reward can be up to 30 percent of the total fine. For example, the National Highway Traffic Safety Administration fined GM \$35 million for its admitted violations of the Safety Act. A whistleblower reward on that award would have been \$10.5 million. The reward can be divided if there is more than one whistleblower.

**Won't the whistleblowers be fired?** No, the identity of the whistleblower is hidden. It is also likely that retaliatory termination would be prohibited, possibly via regulation.

**Who decides the merits of each report?** The Secretary of the U.S. Department of Transportation decides both the merits of the whistleblower claim and the amount of any reward to be paid.

**To whom does it apply?** The Act applies to employees and contractors of automakers, automotive suppliers (who often see the emerging defect very early) and automotive dealerships (who often hear first-hand from angry or frightened consumers before the company does). ♦

## Team Highlights



**Linda Stricker Campbell** has a graduating senior of Harrison High School and upcoming sophomore in the magnet program at North Cobb High School.



**Pat Dawson** recently spoke as the keynote speaker at the Washington DC Trial Lawyers Spring Seminar.



**Amanda Lavery's** daughter Alexis graduated from high school a semester early and will be starting her first semester of college soon.



**Doreen Lundrigan** spoke on Choosing Experts and Getting Them to Help with Your Case at the AIEG Paralegal Conference in Charleston, South Carolina. Doreen is also expecting her second grandchild this August.



**Sherry Kerr's** daughter Noelle has had a successful year in cross country, cheerleading and tennis, and will be starting her freshman year of high school this fall.



**Victoria Schneider** is currently serving as Marketing Chair for West Cobb Business Association and Public Relations Chair for the Marietta Business Association.



**Drew Ashby** and his wife have been actively involved in a start-up church in Smyrna, Georgia called Foundry Church. Drew recently joined a committee to help with Leadership and Involvement in the Smyrna Vision Initiative. His son Jackson is also playing his first year of soccer. Drew is also about to complete the Georgia Trial Lawyers Association Lead Program.



*Drew Ashby and Doreen Lundrigan at the AIEG conference in San Diego this April*



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“ I had a very positive experience using Lance and his firm to represent me after my car accident. I felt that Lance was extremely knowledgeable and trusted that he was always representing my best interests. His supporting staff is top notch. ”  
I would highly recommend his firm..

- Darlene, Cooper Firm Client