

Featured:

Exploding E-Cigarette Kills Young Man

In January 2019, a young man died as a result of his e-cigarette exploding during use. He was in his car in a parking lot, when the e-cigarette exploded, cut his lip and became lodged in his throat. Reports show he died from cerebral infarction and herniation after debris from the vape pen cut his left carotid artery. He was 24 years old.

We've written before about the dangers of e-cigarettes. In 2016, the business of e-cigarettes had grown to a nearly \$2.5 billion dollar industry. E-cigarettes are operated using a lithium ion battery. These are the same batteries causing fires and injury in everything from cell phones to hover boards. From 2009-2016 there were 195 reported e-cigarette fires and explosions. Unfortunately, the industry is largely un-regulated and no single public agency is responsible for collecting data on users or safety concerns. This is a big concern for consumer safety when, according to the CDC, 1 in 10 people have tried e-cigarettes. In fact, the FDA is working to restrict certain types of e-cigarettes to reduce the attraction and use among teenagers which is up 78 percent. We believe it won't be long before they are banned completely. ♦

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Court Rules Brand-Name Drug Companies Responsible for Generic Counterpart's Harmful Side Effects

A recent ruling in California has now made it possible to hold brand-name drug companies responsible when a generic version of their drug causes harm to a consumer.

Drew Ashby says, "This is a perfect example of what we often see, not only in our cases, but in other high-stakes product liability trials around the country – glancing over the headline leaves the reader thinking that the jury reached an unjust result, but understanding the actual facts leaves the reader thankful that a wrong was righted. It is too easy to judge these cases like judging a book by its cover, when reality dictates that these bad practices must be stopped. There was only one right decision the jury could have made here, and we are very thankful that they made it."

In *T.H. v. Novartis*, a young family was seeking justice when their twins received brain damage in utero after the mother took a prescribed medication to control preterm labor. The mother took a generic version of the drug called "Brethine" which relies upon the brand-named manufacturer, Novartis, to write the warning label for each bottle and prescription. Federal law requires the brand-name company to produce all labels for the generic equivalent of their medication. This meant

the plaintiffs were not able to sue the generic drug company, as they were not responsible for printing warning labels listing possible harmful side effects. Novartis

knew the generic version of Brethine caused brain damage but did not include it on the label for fear of diminishing the profit being made selling the drug.

The California Supreme Court ruled in favor of the plaintiff and their complaint that the brand-name manufacturers have a duty to consumers of their drugs, and the ones they provide labeling for, to properly warn of the dangers and all side-effects of use.

This is just another way the U.S. Court system is holding large corporations accountable for the products they sell to their consumers. People over profits. Every time. ♦



Takata Airbag Recall Expanded for Multiple Automakers

We start 2019 by covering an expanded Takata recall for many automobile manufacturers. The Takata airbag recall began nearly 4 years ago and currently involves almost 40 million vehicles. It's important to note that most vehicles include a Takata airbag as they were the leading manufacturer. However, the recall announcements have been ongoing in an effort to keep up with the supply and replace those in high risk areas, namely southern hot and humid climates. So, just because you haven't received a recall notice now, doesn't mean you are in the clear.

Takata Airbag expanded for Toyota, Ford, and Fiat Chrysler. These vehicles are all known to have passenger-side front airbags with faulty, and dangerous, Takata manufactured inflators.

Ford adds over 78k vehicles to its initial Takata airbag recall.

- 2010 Ford Edge
- 2010 Lincoln MKX
- 2010-11 Ford Fusion
- 2010-12 Lincoln MKZ
- 2010-12 Mercury Milan
- 2010-14 Ford Mustang coupes and convertibles

Toyota adds 1.3 million vehicles to its Takata airbag recall in the U.S. which includes both Toyota and Lexus models.

- 2010-16 4Runner
- 2010-13 Corolla
- 2010-13 Matrix
- 2011-14 Sienna
- 2010-12 Lexus ES 350
- 2010-17 Lexus GX 460
- 2010-15 Lexus IS 250C and 350C
- 2010-13 Lexus IS 250 and 350
- 2010-14 Lexus IS-F

Fiat Chrysler added 1.4 million vehicles in the U.S. to their Takata recall for Chrysler, Jeep, and Dodge models.

- 2010-16 Jeep Wrangler
- 2010 Ram 3500
- 2010 Ram 4500/5500 Chassis
- 2010-11 Dodge Dakota
- 2010-14 Dodge Challenger
- 2011-15 Dodge Charger
- 2010-15 Chrysler 300

The Safety Institute Vehicle Watch List

Each quarter, the Safety Institute releases a list of the top 15 vehicles to watch with regards to safety concerns. The list is compiled by researching public data in addition to consumer complaints filed with National Highway Traffic Safety Administration database.

In January, TSI provided the watch list for the final quarter of 2018. It's not surprising that the 2015 and 2017 Ford Explorer are at the top of the list. Since 2016, NHTSA has investigated consumer complaints of carbon monoxide odor inside the vehicle. This

includes police reports which stated officers fell unconscious due to the fumes. Ford issued a recall in late 2016 for the 2017 Ford Explorers, but have yet to issue a recall for 2015 model year.

The watch list included several new additions to be mindful of in 2019. Numbers 3 and 10 on the list are the 2015 and 2016 VW Golf, respectively. NHTSA has received several complaints about the structure of the vehicle. Some drivers reported loud creaking noises coming from the frame around the doors and sunroof. One driver even reported a spontaneous sunroof explosion while driving.

Number five on the list is the 2017 Audi A4. A recall was issued in 2017 for these vehicles due to an injury hazard. Consumers reported that the aluminum trim on the front and rear doors can come loose and leave sharp edges exposed.

For a completed Vehicle Watch List, please visit our blog.

The Safety Institute is sponsored by Ken and Beth Melton in memory of their daughter, Brooke Melton.



◆ Thank You to Our Attorney Partners for the Community Good in 2018

Every year, we are thankful for the many partnerships we have formed that benefit the greater good. Our attorney partnerships have allowed us to pursue justice, not just for our deserving clients, but also for our communities. By working alongside one other, we help to ensure that corporations are held accountable when the safety of their employees and customers are not a priority. It is a privilege that so many chose to partner with us to help improve the lives of our clients in the best way we know how to.

Partnering with our fellow attorneys is not the only way we are able to benefit our community. This year we were blessed to support many organizations that reach out to the overlooked and forgotten. These organizations have also found ways to improve society in the best way they know how to do. We hope you will spend time learning about the organizations listed below. Partnering with our law community has in turn helped us partner with our own community. You can find more on our website at www.thecooperfirm.com/2018Giving.

This year we thanked our attorney partners with a Giving Box. Each handpicked item was a gift that benefits many and was merely a way to show how grateful we are for their friendship throughout the year.

2018 Charitable Organizations

- | | |
|---|--------------------|
| Orphan Aid Liberia | Sunrise Ministries |
| Hope for Christmas | Bombas |
| Bless Coalition | One Hope Wine |
| Center for Children and Young Adults (CCYA) | |



◆ Thanks for Your Kind Words, Don Fountain!

“The most serious and complex cases require the most talented, creative and hard working attorneys. Picking an attorney who lacks the skill, commitment and experience to match the case can disastrous.

After years of watching and admiring the work of Drew Ashby in cases around the country the opportunity finally presented to work directly with Drew on an extremely complex and important case. Drew expertly navigated the case through the trial court, the court of appeals and ultimately the Georgia Supreme Court. At every turn I knew that we were in great hands.

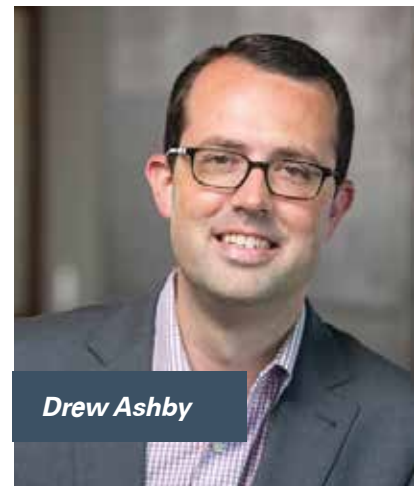
Drew and his firm commanded the respect of the courts and the opposing team of attorneys. This level of representation has led me to handle several other serious and complex cases over the years with Drew and each time I have become more and more impressed.

There is simply not a higher level of representation to be found.”

- Donald R. Fountain, Jr., Partner
Clark, Fountain, La Vista,
Prather & Littky-Rubin



Don Fountain



Drew Ashby



Relentlessly Pursuing Justice

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Save the Date!

Join us as The Cooper Firm again sponsors the
Cobb County Bar Association's Trial Lawyers
Continuing Legal Education (CLE) event
on Friday, September 6th.

Look for more details on our
Facebook page soon.