

# STRIVE FOR EXCELLENCE

## NEWSLETTER



This newsletter is for informational purposes only and no legal advice is intended.

Informing The Injured One Claimant At A Time

## An Amusement Park Ride Injury Requires Fast Action

By: Ken Thayer [Attorney with Gaylord Popp LLC]

Summer is here! Summer brings warm weather, vacations, and a possible visit to an amusement park, water park, or traveling carnival. Unfortunately, a fun day out can turn tragic when maintenance and safety regulations are not followed. No one purchases a ticket to an amusement park with the intention of being involved in an accident which results in injuries. However accidents can happen at some of the happiest places on earth. In December 2011, the National Safety Council published a report title, “*Fixed-Site Amusement Ride Injury Survey, 2010 Update.*” The report noted that for year 2010, 386 amusement facilities reported a total of 1,299 ride related injuries. As an amusement park guest you must be aware that certain rules and regulations apply which could limit your ability to seek just compensation for your losses if you fail to act expeditiously.



Amusement park rides within the State of New Jersey are governed by the Carnival Amusement Rides Safety Act (CARSA), *N.J.S.A. 5:3-31, et seq. (1975)*. The Act requires the owners/operators of amusement rides to abide by a strict set of rules regarding the maintenance, safety, and operation of the rides. The New Jersey Department of Community Affairs is charged with the duty to ensure the rules are properly followed by the amusement operators. The law requires the operators to save and make available up-to-date maintenance and inspection records, clearly post warnings and instructions as to the operation of the rides, and promptly report any accidents or injuries. Park guests are required to follow all warnings and directions, refrain from reckless behavior, and not board a ride if under the influence of drugs or alcoholic beverages.

However, accidents can occur and it is important that a guest at an amusement park is aware of their rights and responsibilities. The Carnival Safety Act requires all claims of injury to be reported to the ride operator. This notice requires a written statement to be sent to the operator within 90 days of the incident. The notice must be detailed and contain all facts specific to the accident and resulting injuries. Failure to provide the proper notice within a timely manner could greatly jeopardize any future claims. Such claims may also require the guest to hire experts with knowledge of amusement park ride operation and safety to provided reports and testimony as to what went wrong thereby causing the ride to malfunction.

For the vast majority of guests, a day at an amusement park is one filled with fun, excitement, and fond memories. But, on the rare occasion when an unexpected tragedy occurs, an injured guest must be aware of their responsibility to timely report the accident. Failure to do so could end the claim before it begins.

If you have any questions concerning the Carnival Amusement Rides Safety Act (CARSA) or any general questions as to amusement park safety/injuries, please contact the attorneys of Gaylord Popp, LLC at 609-771-8611 or visit our website at [www.gaylordpopp.com](http://www.gaylordpopp.com).

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Hello! We are pleased to send you this monthly issue of *Strive For Excellence*. It is our way of saying that you are important to us and we truly value your business. Please feel free to pass this newsletter on to friends and neighbors. Enjoy!

### Monthly Joke



#### Trapped!

An elderly golfer showed up at the course one morning without a partner. The pro agreed to play 18 holes with him, and asked him what kind of a player he was.

“Not too bad, I guess,” the old duffer answered. “But I have a little trouble getting out of sand traps.”

They played a close game, and the older gentleman managed to avoid sand traps until they reached the 18<sup>th</sup> hole. His shot to the green dropped into the trap, and he’d have to sink his ball into the hole with just one shot to win the game.

The pro watched as the elderly golfer carefully stepped into the trap, looked the situation over, and swung his club. To the pro’s amazement, the ball went right into the cup.

“Great shot!” the pro said. “I thought you said you have trouble getting out of sand traps?”

“I do. Could you give me a hand, please?”

## Chemicals And Toxins: Toxic Torts

It today's world you are exposed to a variety of different chemical compounds in virtually all aspects of your life. Most of these chemicals are actually helpful, but even those that were initially developed to make lives better can sometimes end up causing injury, disabilities or even death. In addition there are also issues with accidental exposure to chemicals during spills, industrial accidents or even intentional disposal of chemicals in illegal ways. Contamination of groundwater, air and soil can result in widespread effects of these intentional or accident types of harmful chemical contamination.

There are several different reasons or methods of exposure to chemicals that can trigger a toxic tort case. Basically the type of exposure and the type of damages that occurred will determine the scope of the lawsuit. The most common types of methods of exposure include:

**Medications** – when prescription or over-the-counter medications are used according to the manufacturer's directions and result in health issues, either short or long term, toxic torts can be used to provide compensation to those impacted.

**Chemical exposure with use** – cleaning chemicals, pesticides, herbicides, personal care products or any other household or consumer products that create health issues through use are candidates for suits. This type of toxic tort could also include the presence of black mold or other types of mold in products, homes or residences that were not treated but were known to be present or could have been assumed to be present.

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## GUEST OF THE MONTH

### CRPS (Complex Regional Pain Syndrome)

**By: Dr. David Weiss – Regional Orthopedic Medicine**



People with complex regional pain syndrome (CRPS) face many difficulties. The first and most obvious problem is the pain itself, which can occur in various parts of the body and is excruciating and unrelenting. Second, people with CRPS must cope with having an uncommon disorder that members of the medical community often overlook, misdiagnose or fail to treat appropriately.

Many cases of CRPS arise out of injuries sustained in vehicle accidents, pedestrian accidents, construction accidents, on-the-job accidents and slips and falls. There is no cure, but proper treatment can result in temporary or permanent remission. Unfortunately, those who do not receive appropriate care may find that their CRPS is irreversible.

CRPS, which until recently was called reflex sympathy dystrophy syndrome (RSD), is a chronic pain condition that typically occurs in the arms, legs, hands or feet. The onset of symptoms commonly begins after an injury to the tissues, nerves and bones of the affected limb, and is characterized by a continuous and intense pain that is out of proportion with the severity of the injury.

Physicians have found that most incidences of CRPS seem to arise out of forceful trauma to the body, such as accidents that result in crush injuries, fractures and amputation of the affected body parts. However, the Mayo Clinic reports that occurrences of CRPS have also been noted among patients who have had surgery, heart attacks, strokes, infections and even something as simple as a sprained ankle.

Since there is no known cure, most treatment of CRPS focuses on managing pain symptoms. Proper and timely treatment may control CRPS pain permanently. If the condition goes untreated, however, the symptoms may be irreversible and lead to lifelong pain that can diminish the patient's quality of life by leaving them with a permanent disability.

**Dr. David Weiss – Regional Orthopedic Medicine**

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## A Peek Inside

Since last month, a lot has been happening in the Gaylord household. Of course the most important, and no bias, was celebrating Father's Day. My kids each provided me with a card. The funny thing was that their personalities matched perfectly the cards they gave. Very Funny.

I have to brag a lot now about the troops. My oldest, Rachel, received her Silver Award in Girl Scouts. This is a huge deal and my wife and I could not be more proud. Her project involved her geo-mapping every fire hydrant in Ewing Township so that the data could be imported into the on board computers of the Fire Trucks for the local volunteer houses. She also advised that she made the Jazz Band (playing trumpet just like her old man) and made Honor Roll. What a Freshman year.

My younger daughter Anna also made Honor Roll and continues to keep up with her travel soccer on her team the Pumas which has in fact stayed intact which my wife and I are now volunteering more time to ensure the girls stay together. I'm a sucker for a good story. Finally, Big Ben, made the travel tournament baseball team and is doing swim team and already has a tan. I love these kids.

I want to thank everyone for the continuing comments and encourage you to continue sending me requests as to the information you'd like to read about in our newsletter. In addition, please like us on Facebook and if you know anyone who would be interested in receiving the newsletter please have them contact me directly at [sgaylord@gaylordpopp.com](mailto:sgaylord@gaylordpopp.com) or call 609-771-8611. Your participation is greatly appreciated.

## In The Office – A Welcome To Tanya Phillips

We are thrilled to announce that Tanya Phillips has joined the firm. Tanya is an experienced trial attorney whose practice concentrates in representing injured workers and accident victims.

Tanya is an active member of the Mercer County Bar Association and currently serves as a Trustee and Co-Chair of the Events Committee. She was presented with the Young Lawyer of the Year Award in 2008. She serves as the Treasurer of the Mercer County American Inn of Court – John Hughes Session. She is a Barrister of the Justice James H. Coleman, Jr. New Jersey Workers' Compensation American Inn of Court. She is also a member of the New Jersey State Bar Association, Pennsylvania Bar Association, and New Jersey Association of Justice.

Tanya can be reached at 609-771-8611 or [tphillips@gaylordpopp.com](mailto:tphillips@gaylordpopp.com)



## Chemicals... Cont'd

**On the job exposure** – being exposed to harmful chemicals in the workplace without full disclosure and proper safety equipment or containment of the harmful chemicals. Examples of this type of exposure could include asbestos exposure for those in the construction industry along with several other industries.

If you believe that your short or long term health complications are a result of exposure to a toxin, contact an attorney immediately. These cases can be difficult to prove because of the need to show direct causation between the exposure and the health issue, long delays between exposure and diagnosis, and the difficulty in pinpointing the specific party to bring the suit against.

Early action and evidence gathering can help to decrease some of these difficulties and increase your possibilities of winning your case.

## Quotes Of The Month

*Good health is not something we can buy. However, it can be an extremely valuable savings account.*  
—Anne Wilson Schaefer

*When the positive mind takes the lead, the legs are safe to follow without any shaking!*  
—Israelmore Ayivor

*Happiness does not come from doing easy work but from the afterglow of satisfaction that comes after the achievement of a difficult task that demanded our best.*  
—Theodore Rubin

*Your work is going to fill a large part of your life, and the only way to be truly satisfied is to do what you believe is great work.*  
—Steve Jobs



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A MONTHLY NEWSLETTER TO INFORM AND ENTERTAIN OUR CUSTOMERS

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**Happy 4<sup>th</sup> of July!**

- Also known as the Fourth of July, is a federal holiday in the United States commemorating the adoption of the Declaration of Independence on July 4, 1776, declaring independence from the Kingdom of Great Britain.
- July 4 is also Independence Day in the Philippines and Rwanda.
- American’s have been celebrating Independence Day since 1777; it wasn’t official though until 1870 when a bill was passed marking it as a national holiday. In 1938, it was finally declared a paid holiday.



**Summer vacation time already! I hope you all get some great family fun time this month and enjoy all that summer offers. Most of all I hope it’s a safe one!**

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Samuel Gaylord specializes in the areas of Workers’ Compensation, Social Security Disability and Disability Pension Appeals. Mr. Gaylord is certified by the New Jersey Supreme Court as a workers compensation law attorney and is admitted to practice in New Jersey, Pennsylvania and Washington D.C and before the United States Supreme Court.

**The Funny Thing About Memory**

Memory can be a funny thing, leaving us with tiny details from events in our childhood and yet unable to remember where we put the car key.



There are a number of different kinds of memory, and the mind has different methods of forgetting all of them!

One of the most common yet strange examples of short term memory failure is people who go to a different room only to then forget why they went in there in the first place.

According to researchers, the blame actually lies with the doorway itself as the very act of walking through it tells the brain that it has started a different scene and thus should put away previous memories, thereby resulting in some funny lapses of memory.

Walking through a doorway serves as a kind of event boundary within the brain, which then separates instances of activity and compartmentalizes them, thus making it difficult to recall the decision to enter the room as it was made in a different room, even if only just a minute or so earlier.