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# deepwater horizon

## A TERRIBLE TRAGEDY, A LASTING IMPACT

April 20, 2010, dawned over the Gulf Coast much the same as any other day. Commercial fishermen from Morgan City, LA, to Panama City, FL, made ready their boats and gear, and departed for open water. Grouper, red snapper, shrimp, and crabs awaited them. Hotels, restaurants, and entertainment venues prepared to welcome another day of tourists, recreational enthusiasts, and vacationers to the region.

Meanwhile, some 50 miles off the coast, there was trouble aboard the offshore drilling rig, Deepwater Horizon. Modern and equipped with the latest technology, she had just completed drilling an exploratory well 5,000 feet deep when a blowout and subsequent firestorm occurred. After burning for 36 hours, and despite the heroic efforts of fire-fighters to combat the blaze, Deepwater Horizon sank to its final resting place, 5,000 feet below the surface. Of the 126 crewmembers onboard at the time of the disaster, 11 perished.

The families of those 11 deceased workers will need help. Because the deaths occurred in international waters, they must file wrongful death claims under the 1920 Death on the High Seas Act (DOHSA). However, this law limits compensation to economic damages only and prohibits the fam-

ily from collecting for pain and suffering or loss of love and affection, a restriction certainly not in step with most wrongful death statutes throughout the country.

Even with a temporary cap now in place on the well, the socio-economic impact from an estimated 200 million gallons of oil that flowed into the Gulf waters has been catastrophic. Fishermen can't fish; tourism has ground to a halt. With no business, many people have lost their sources of income, their homes, and their livelihoods. The 1990 Oil Pollution Act allows businesses and residents to sue for these damages, but it caps the defendants' total liability at \$75 million, an amount that is woefully inadequate considering the scope of the disaster.

### **The current laws do not adequately protect the victims.**

As with all Americans, we mourn for the loss of the brave workers from the Deepwater Horizon, and our hearts reach out to Gulf Coast residents. If nothing else, this horrible tragedy has provided the impetus for greater discussion about enhancing our laws to better protect our citizens. Now, it's up to our legislators to make it happen. ■

# don't be fooled

## INSURANCE ADJUSTERS AREN'T YOUR FRIENDS

It's something we see all the time — a person who has suffered injuries in a car accident receives a phone call from the other driver's insurance company at some point after the accident.

The insurance company representative seems very nice and very helpful. They seem like they just want to ask a couple of questions, maybe talk a little bit about what happened during the accident. In fact, they seem genuinely concerned.

### **Don't be fooled.**

An insurance adjuster who calls you after an accident has only one thing in mind: To help the insurance company maximize its profits by paying out as little as possible on your claim, or, in the best case scenario for them, deny your claim completely or just make it go away.

Insurance adjusters are well trained and most are very good at what they do. They'll use all sorts of tricks to see if they can get you to admit some level of responsibility for the accident; they'll discourage you from retaining a lawyer; they may offer a low-ball settlement and declare that it's the absolute best offer you will get; they'll tell you that the courts are all backed up and that it will take years for you to get any money if you don't accept their offer. The list goes on and on.

So, what's your best recourse if you or a loved one receives a call from an insurance adjuster who "just wants to talk" or wants you to give them a recorded statement? Politely decline the offer and make an appointment for a free consultation with an experienced personal injury attorney to make sure that your rights are protected. ■



# slip and fall accidents

Nearly every one of us has slipped and fallen at some point in our lives, and we often end up with just a few bumps or bruises to show for our misfortune. Other times, though, a slip and fall accident can lead to serious injuries which may be caused by someone else's negligence.

While there is no precise way to determine who is liable for a slip and fall, there are some general rules that come into play. In general, to hold another person legally responsible for injuries you suffer from a fall on someone else's property, one of the following three elements must be proved:

- That the owner of the business or premises (or one of his or her employees) caused the condition that led to your fall. Some examples might be a spill on a floor or a wear spot or tear in a carpet.
- That the owner or employee knew about the dangerous condition and made the decision to not do anything about it.
- That the owner or employee should have known about a dangerous condition since a reasonable person at the property or business would have discovered the problem and taken steps to repair it, remove it, or clean it up.

If you've suffered injuries from a slip and fall on someone else's property and think they may be responsible, contact our office to set up a consultation with an experienced personal injury attorney. ■

# stock up on these foods

## NEW FORBES.COM LIST SHOWCASES 10 SURPRISING “SUPERFOODS”

As you probably know, certain foods get a reputation as being exceptionally healthy and good for you. Spinach and salmon are two that immediately come to mind.

But a recent list compiled by Forbes.com focused on some surprising superfoods that consumers should pay attention to — foods that may have gotten a bad rap in the past but actually are packed with nutrition and potential disease-fighting properties. Here’s what they found:

- Raw Chocolate - Can reduce the risk of heart disease and enhance a person’s mood.
- Buckwheat Honey – Anti-inflammatory and anti-bacterial properties.
- Avocados – High in potassium, B vitamins, vitamin E and vitamin K.
- Pumpkin – Can defend against cell damage and help prevent cataracts and macular degeneration, an eye condition that can lead to blindness.

- Black Tea – May help lower cholesterol and prevent dementia.
- Eggs – Help keep bones, hair and nails strong, and also aids in heart and brain health.
- Cinnamon – Helps delay onset of aging and has a positive effect on insulin levels.
- Tomato Paste – Packed with lycopene which can provide strong defense against diseases like prostate cancer.
- Frozen Blueberries – Filled with vitamin C and contain antioxidants that are said to improve brain function.
- Wasabi – May help prevent a wide range of ailments, including ulcers, tooth decay, blood clots, and asthma. It has anti-bacterial properties as well.

Even though the superfoods on the list can be very beneficial, researchers still stress the importance of eating a balanced diet and getting enough exercise. ■

## What Our Clients Are Saying

“The insurance company’s top offer on my car wreck case was \$10,000. Unwilling to accept this offer, my attorney, Sara Root, of the Dover Law Firm, pushed ahead, taking doctors depositions and preparing to argue my case in front of a jury in Clayton County State Court. When we arrived at the courthouse ready for trial, the insurance company finally agreed to settle the case for \$50,000 — 5 times the amount of their offer only 3 days earlier, all because the Dover Law Firm was ready and willing to fight for my case!”

—D. Kelch

## FAQ

### What if I am injured in a car accident that happens out of state?

If you suffer injuries as a result of a car accident in a different state, it is important that you consult with an experienced car accident attorney to review the details of the accident.

Many laws, including how much time you have to file a claim and where you have to file, vary from state to state (and personal injury claim to claim) and can impact your ability to collect damages for your injuries. There may also be instances in which it is more advantageous to file a suit in the state in which the accident occurred. Don’t make the mistake of trying to handle an accident claim by yourself, especially if the accident happened in another state. ■

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## superfoods



10 SURPRISING SUPERFOODS  
**SEE PAGE THREE.**

This publication is intended to educate the general public about personal injury, medical malpractice, and other issues. It is for information purposes only and is not intended to be legal advice. Prior to acting on any information contained here, you should seek and retain competent counsel. The information in this newsletter may be freely copied and distributed as long as the newsletter is copied in its entirety.

# someone stole my identity

## NOW WHAT?

Around nine million Americans are the victim of identity theft every year according to the Federal Trade Commission (FTC). Thieves use the stolen information to apply for credit, sign leases, buy cars, obtain government documents, or establish phone or utility service with no intention of paying on those accounts. That negative information can then impact the victims' credit report and often goes unnoticed until they are called by a debt collector or denied for a loan because of bad credit.

If you find that you have become a victim of identity theft, take the following steps:

- File a police report.

- Provide a copy of the police report to major credit reporting agencies – Equifax, Experian, and TransUnion. This will give you some legal protection by blocking any further harmful information from appearing on the report.
- File an ID Theft Complaint with the FTC.
- Contact all of your financial institutions.
- Contact an attorney who is experienced in handling identity theft cases.

For helpful tips about preventing identity theft and protecting your personal information, please go to [www.ftc.gov](http://www.ftc.gov). ■

Visit us at [www.DoverLawFirm.com](http://www.DoverLawFirm.com)