

A NEWSLETTER FROM

# BRYANT LAW CENTER P.S.C.

**OCTOBER ISSUE**

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**W**hen I left public office in 1990 I had to decide whether to represent insurance companies and big business or to help those in need. I chose to help the people that needed help. I knew that the rich companies and insurers could always find good lawyers. The people, not as easily. I never dreamed that founding the Bryant Law Center would

## A Message From Firm Founder Mark Bryant

help so many people and that it would last as long as it has. I've often been told that if you do what you love, you'll never work a day in your life. Even after all these years I still love what I do and come to the office every day trying to help people, not corporations and insurance companies. We are now in our 31st year and have offices in Paducah and Louisville, Kentucky.

During these past decades we have represented thousands of Kentuckians and Americans from one edge of the continent to the other, and we have obtained in excess of \$100,000,000 for our clients. It has been and remains a labor of love. This

law firm is filled with kind, caring lawyers and staff who also know how to handle cases across the board, from train derailment disasters to cases representing victims of sex abuse, from personal injury cases with brain injury to personal injury cases with whiplash, broken arms and yes, even dog bites!

If we can help you or a friend or family member, a referral is the best compliment you can give our law firm. We all live in Paducah, send our kids to school here, pay taxes here and love to help. Please let us know if we can help you.

Sincerely,  
*Mark P. Bryant*  
Founder, Bryant Law Center

# Reopening Our Office | Working From Home

The week of July 15 marked the return to the office for the Bryant Law Center's seven attorneys and staff. Since mid-March, attorneys and support staff have been busy even though we were working from home because of Covid-19.

How does a law firm accomplish that? By accessing our files remotely from laptops and having multiple group Zoom calls per week. We are meeting clients either outside or at our new annex office next door.

**Contact our office 270-908-0995  
to schedule an appointment.**



## New Locations



### *Our New Office Annex*

We have leased an office suite in the **McCracken County Courthouse Annex at 621 Washington Street** next door to our main office building. We will be seeing clients there exclusively for the next few weeks. We also will house our growing litigation practice against drug and medical device and chemical manufacturers at our annex office.



### *Our New Louisville Office*

The Bryant Law Center has opened an office in **Louisville at 600 W. Main Street Suite # 225**. It allows us to serve Louisville area residents who we represent in personal injury and defective drug and faulty medical device cases.

Our Louisville office phone number is **502-665-2922**.

# Do I Have a Product Liability Case?

*While most products that are being sold on the market are safe most of the time, that is not always the case.*

**S**ometimes, whether due to mistake, carelessness, or deliberate misconduct, dangerous products enter the marketplace.

If you have been harmed or had your property damaged by a defective product, you may be able to assert a claim in “product liability” – an area of law that enables injured consumers to recover compensation from those who manufacture and sell defective, harmful products. To determine

whether you have a viable product liability claim, meet with an experienced injury attorney. The attorney will ask a number of questions regarding your particular circumstances. Here are some questions that you should expect if you would like to prepare.

## **1. Which legal theory (or theories) will carry the day?**

A product liability claim may be based on one or more legal theories. Depending on

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## Legal Updates

1. We are still reviewing cases and accepting clients in our ongoing investigation into panoramic sunroof leaks and resulting interior and electrical damage in certain Volkswagen Golf Sportwagens, Alltracks, Jettas, Tiguan and Atlas SUVs. Litigation has been filed in multiple states.
2. Our cases filed on behalf of clients who developed certain internal cancers after consuming prescription Zantac are proceeding through litigation and we are still accepting new clients.
3. We are still taking clients in our cases involving retail sales of mislabeled tractor hydraulic fluids sold with a “303” label. The fluid can cause damage to agricultural equipment and sales have been banned in Missouri

the facts of your case, you may have a claim for one of the following:

**Negligence.** Manufacturers are generally responsible for exercising a reasonable standard of care in the design, material selection, production, assembly, quality control, and labeling of their products. A manufacturer may be found negligent (i.e., unreasonably careless) if you can establish these five elements below:

- You were owed a duty of care by the manufacturer;
- The manufacturer breached that duty;
- The manufacturer's breach of duty was the actual – or "but for" – cause of your injury;
- The manufacturer's breach of duty was also the proximate – or the reasonably foreseeable – cause of your injury; and
- The manufacturer's breach of duty caused you actual harm. This harm may be economic (medical bills, lost wages) and/or non-economic (physical, mental or emotional pain

and suffering). The law calls this harm "damages."

**Strict Liability.** Unlike negligence, strict liability does not require establishing fault. To prevail under this theory, you must show the following:

- You were sold an unreasonably dangerous product;
  - The dangerous product caused you harm; and
  - You suffered actual damages as a result of the product's defect.
- Breach of Warranty. Whether explicitly or implicitly, manufacturers typically warrant that their products are of a certain quality and serve the purpose for which they are intended. To establish a breach of warranty, you will have to prove:
- You were sold a product that contained either an express or implied warranty;
  - The product failed to comply with that warranty; and
  - You suffered actual damages as a result.

## **2. What types of experts will you need?**

Qualified expert witnesses can make or break a product liability case. As the injured party, you will need to engage experts to opine on the defect itself. Depending on the product, these experts may be engineers, scientists, health care professionals, or industry-specific veterans. Establishing the severity of, and the lifetime costs associated with, the resulting injuries might also require physicians, nurses, physical therapists, accountants, and actuaries.

## **3. Can you overcome common defenses?**

Common defenses to a product liability claim are:

- **Substantial alteration** – Did you change or modify the product in some way that caused or contributed to your injury?
- **Unforeseeable use** – Did you use the product in a manner that would not be reasonably anticipated by either the manufacturer/seller or an ordinary person?
- **Assumption of risk** – Did you know about the risks the product posed, but decide to use it anyway?

These defense arguments can be overcome, but you will need to be honest and forthcoming about your conduct, so that your attorney can anticipate these defenses and gather evidence to rebut them.

### **Talk to an Experienced Injury Attorney**

If you or a loved one was injured by a defective product, reach out to an experienced injury attorney to discuss your legal options. Don't delay in seeking this help. Under the law, you have a limited time to file a claim. If you miss this deadline, you may forfeit your right to any compensation for your injuries and the other harm you have suffered. The earlier you contact an attorney to discuss the specific details of your situation, the more likely you are to have success with the overall case's outcome. 📌

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*Illustrations by Freepik*

## **Barks and Boos**

# **Halloween Pet Safety Tips**

*The spookiest holiday is (lurking) right around the corner. As the leaves change color and the animatronic ghouls come out to play, it's good to remember that while Halloween can be fun for you, it might not be as fun for your pets.*

**S**ave the tricks for humans, and treat your furry friends to a safe Halloween with these tips:

### **Keep your pets inside.**

With Halloween comes loud noises, potentially toxic decorations, and young pranksters who may not love animals as much as you. Keeping your pets inside will ensure they don't accidentally ingest anything that glows or vibrates, as well as keeping them safe from tricksters. When greeting trick or treaters at your door, you may even want to consider keeping your pet inside a bedroom to avoid startling or confusing them.



### **Keep the candy under wraps.**

Hide any candy (even if it's tightly sealed!) in a designated spot that your pets can't reach, and consider using a safety latch or even a lockbox to store your Halloween goodies.

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# Firm Partner Emily Roark Celebrates 20 Years with Bryant Law Center



**A**ugust 7, 2020 was a special day at Bryant Law Center as it marked 20 years of firm partner Emily Roark working with our office! Emily started her law career right here at BLC right after she finished law school at the University of Kentucky. Over the past 20 years Emily has earned her spot as one of the most well-known criminal defense attorneys in western Kentucky and has, in recent years, expanded her practice to mass torts, working on high-profile cases across the nation.

**Happy Anniversary, Emily, and  
Congratulations on this milestone achievement!**

## **Bryant Law Center: PUTTING CLIENTS *first***

Always feel free to contact us with any legal questions. There is never a charge to talk to an attorney, and we are committed to helping you in your time of need.

Call: (270) 908-0995

Email: [lawteam@bryantpsc.com](mailto:lawteam@bryantpsc.com)

## Legal Updates

4. We are still accepting qualified clients in our 3M defective earplug cases. If you were a member of the military, were issued 3M earplugs and suffered tinnitus or other hearing loss, we are still evaluating cases.
5. The Bryant Law Center represented clients from several states who alleged that exposure to Roundup herbicide caused them to develop Non Hodgkin's lymphoma, a type of blood cancer. Those cases were assigned to a federal multidistrict litigation docket and are now in the settlement stage. We are not accepting any new clients for Roundup.

### CONTACT OUR FIRM:

PADUCAH OFFICE  
(270) 908-0995

LOUISVILLE OFFICE  
(502) 665-2922



### 'BARKS AND BOOS' FROM PAGE 5

**Make sure decorations are out of reach.** Better yet, consider keeping all eyeballs, cobwebs, and lights strictly outdoors—decorations can cause tangling, choking, or poisoning. You may be surprised to find that even pumpkins, though generally not poisonous to pets, can cause painful digestive issues in your animals when consumed in large quantities.

**Have some fun, animal-appropriate treats ready.** Make sure your pets have some of their

own treats, so they don't feel left out (and hopefully avoid any of the human treats)!

**Reconsider your pet's costume.** Costumes may be one of the best parts of this hair-raising holiday, but your pets might not feel the same—as cute as it might be to dress your dog up as Elvis, if your pet looks like they would rather be anywhere else than in their costume, it might be time to ditch the duds. 🐾

*Illustrations by pch.vector*

# Mom's Chili

Prep 30 mins | Cook 3 hours | Yield 8-10 servings

## INGREDIENTS

- 1.5 T whole cumin
- 2 t whole coriander seeds
- 2 T olive oil
- 1 onion, chopped
- 4 cloves garlic, minced
- 1 pound beef stew meat
- 1 pound mild turkey italian sausage, casings removed
- 1 28-ounce can of chopped tomatoes
- 1 14-ounce can cannellini white kidney beans, rinsed and drained
- 1 14-ounce can kidney beans, rinsed and drained
- 1 14-ounce can black beans, rinsed and drained
- 1 jar roasted red peppers, drained and cut into 1" pieces
- 1 cup or so of dry red wine or water
- 3/4 ounce of chili powder
- 2 T dried basil
- 2 T dried oregano
- 2 zucchini, sliced in half and then chopped into half-circle pieces
- 2 ears fresh corn, slice kernels off
- Salt and pepper to taste
- Garnish with diced avocado, cucumber, red peppers, cilantro, green onion, sour cream, cheese and tortilla chips



## INSTRUCTIONS

**Over medium heat, toast your whole cumin and coriander seeds in the pot you will cook your chili in.** Stir frequently so they don't burn. This only takes a minute or two. Remove seeds from pot and put in a molcajete or mortar and pestle. Grind the toasted seeds to a powder and set aside.

**Put olive oil in the bottom of a medium hot pan and add onion and garlic and sauté for about 5 minutes.** Add ground cumin and coriander and cook another 5 minutes until everything is soft.

**Push onion mixture to the side of the pot and add beef stew meat and sausage meat.** Brown meat, stirring for about 15 minutes, until the meat is no longer pink. If there is a lot of rendered fat in the pan, pour off most of it.

**Add chopped tomatoes and wine, beans and roasted peppers.** Stir to mix and bring to a boil. Turn down heat and add chili powder, basil, oregano and zucchini. The vegetables and meat should be covered in liquid. If not, add more wine or water. Cook on low heat for 1 to 3 hours. Stir frequently and deeply as beans will stick to the bottom of the pan.

**When you are ready to serve, add the corn kernels and cook for another 5 minutes.** If you want to serve Hawaiian-style, put a scoop of rice in your bowl before you add the chili. Garnish with chopped vegetables of your choice, grated cheese, sour cream and tortilla chips.