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This newsletter is published by Lannom & Williams, PLLC as an informational service to our past and present clients, friends, and family. It is for informational purposes only and no legal advice is intended. Each case is different and should be reviewed on its own individual facts and circumstances.

## CHARITY SPOTLIGHT: THE JASON FOUNDATION

The criminal indictment in Massachusetts earlier this year of nine teenagers involved in bullying an Irish immigrant teenager to the point that she committed suicide has brought the issue of teenage angst and the silent epidemic of youth suicide to the fore of our national conscience.

According to the Center For Disease Control, suicide is the third leading cause of death among youths aged 10-24. And while that statistic represents those who were actually successful in their attempts, there are many more troubled young adults who have attempted unsuccessfully.

An important local charity, however, has been heading the fight against youth suicide. With its headquarters located in Hendersonville, Tennessee, the Jason Foundation, Inc. is a non-

profit corporation whose mission is "dedicated to the prevention of the 'Silent Epidemic' of youth suicide through educational and awareness programs to equip young people, educators/youth workers and parents with the tools and resources to help identify and assist at-risk youth."

"Jason" was the son of the organization's president and CEO. In 1997, 16 year old Jason—a young man who appeared to love life and enjoy sports and friends—took his own life. His father devoted himself to helping others make sure the same thing did not happen to their own friends and loved ones. As he writes on the Foundation's website, "I will never hug my son again. But I can and will work alongside you — perhaps to save your friend, your neighbor's child, a relative, or even your own son

or daughter."

The Jason Foundation now has locations across the country, and provides educational and training materials for parents, students, and educators about how to recognize and help an at-risk youth.

For more information about the Jason Foundation, Inc., how to recognize and help at-risk youths, or how to volunteer your time and/or financial assistance to this important organization, go to [www.jasonfoundation.com](http://www.jasonfoundation.com).

**"NOT ONLY MUST WE BE GOOD, BUT WE MUST ALSO BE GOOD FOR SOMETHING"**

— HENRY DAVID THOREAU



**ATTORNEYS:**

- G. Frank Lannom
- B. Keith Williams
- Melanie Bean
- James R. Stocks

# THE PEOPLE'S VOICE

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## YOU CAN TAKE THE BOY OUT OF THE COUNTRY...

Have you ever heard the old saying, "you can take the boy out of the country, but you can't take the country out of the boy"? I think that saying is true for me, and helps explain why I enjoy my law practice so much.

I am truly blessed to be able to practice law in a community, and to work with others and represent clients, that all share the same small town values I grew up with. The people we represent are good, hardworking people who share my values. It's easy to fight hard for people like that, and it makes my job meaningful to

me.

Of course, as my practice has grown, my cases have taken me all across the country, and even the world. My cases have taken me from California to Pennsylvania, from Florida to Colorado. As some of you may know, we recently filed a class action lawsuit on behalf of Tennessee Toyota owners, and that lawsuit has now been transferred to Federal Court in California. I am even representing the surviving daughter of one of the victims of the Caspian Air Flight 1993 crash in Iran, and have associated the Dean of the Law School of Iran to assist in the case.

Although my practice takes me out of the "country" at times, the country never leaves me. Those same country, small town values keep my feet on the ground and guide me in how I handle all my cases, from my cases here in Middle Tennessee to those across the country with clients from the big city.

And, thankfully, even when

my cases take me away from home for a while, I always end up back here at home, where I continue doing what I love most: representing the injured people of Middle Tennessee.

Of course, you don't necessarily have to be from Hartsville, Tennessee like me to share our same small town values. For example, Jim Stocks in our office is from California, but moved here to get back to just those types of values. Similarly, our paralegals, Dawna Magliacano from Alaska and Melissa Ledford from the "sticks" in Kentucky, share our values.

So, whether from Hartsville or the other side of the United States, it's the small town values of the people in our office that make us who we are as a legal team, and which makes it so rewarding for us all to represent Tennesseans in need of help.

And as we like to say, sometimes the big-city lawyers need a good old country-boy @%! whoopin' ...that's part of the fun of our job, and we're more than happy to oblige when its needed.



—B. Keith Williams

**PRACTICE AREAS**

- Auto Accidents
- Aviation Accidents
- Construction Accidents
- Dangerous Products
- Medical Malpractice
- Motorcycle Accidents
- Nursing Home Abuse
- Personal Injury
- Trucking Accidents
- Vehicle Rollovers
- Workers' Compensation

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## RECALLS—RECENT ITEMS RECALLED

While this is not a complete list, here are a number of the most recent items that have been recalled in the last several months for various reasons. There have been many items of children's clothing recalled recently related to drawstrings and a risk of strangulation, some of which are listed below.

**Vent-Free Gas Logs and Fireplaces**, manufactured by Lennox Hearth products of Nashville and sold at various fireplace and HVAC retailers and installers from March 2008 through December 2009, due to gas leak and fire hazards.

**Eventflo Top-of-Stair Wood Gates**, sold at Toys R Us, Burlington Baby Depot, Kmart, and other juvenile product and mass merchandise retailers nationwide, and on Amazon.com and other online retailers from October 2007 through March 2010, due to fall hazard.

**Infantino SlingRider Wendy Bellissimo Infant Slings**, sold at Walmart, Burlington Coat Factory, Babies R Us, BJ's Wholesale, various baby and children's stores and other retailers nationwide, and online at Amazon.com from January 2003 through March 2010, due to risk of suffocation. Three deaths of infants in these slings occurred in 2009.

**Konrad and Loft Office Chairs**, sold at Cost Plus/World Market website and stores nationwide January through December 2009, due

to fall hazard.

**Graco Harmony High Chairs** sold at AAFES, Burlington Coat Factory, Babies R Us, Toys R Us, Sears, Target, Target.com, Walmart, Walmart.com, Shopko, USA Baby, and other retailers nationwide from December 2003 through March 2010, due to fall hazard.

**Children's Winter and Holiday Themed Charm Bracelets**, imported by Buy-Rite Designs and sold at discount and dollar-type stores nationwide between 2006 and March 2009, due to high levels of cadmium.

**Scooby Doo, Tweety, and Batman Fork and Spoon Sets**, sold at Dollar Tree Stores and Deals during January 2010, due to risk of middle two prongs of fork detaching and posing choking hazard to children.

**Special Forces and Police SWAT Toy Gun Sets**, sold at Dollar General Stores between September 2009 and October 2009, due to choking hazard.

**Britax "Blink" Umbrella Strollers**, sold at Buy Buy Baby and other juvenile product and mass merchandise retailers nationwide and on the internet at Amazon.com, Target.com, babiesrus.com, and diapers.com from July 2009 through February 2010, due to risk of fingertip amputations and lacerations.

**Posey, Lily, Rose and Daisy Girls' Ski Jackets**, imported by Sport Obermeyer, Ltd. and sold at various boutique and ski/sport retailers between July 2009 and February 2010, due to entrapment hazard to children.

**Girls Hooded Sweaters**, manufactured by Children's Apparel Network, Ltd. and sold at Burlington Coat Factory, Pamida, and Ross stores nationwide between June 2008 and November 2008, due to strangulation hazard.

**Girls' Hooded Jackets With Drawstrings**, Distributed by Bubblegum USA of Los Angeles, Calif. and sold at Burlington Coat Factory stores nationwide from August 2006 through September 2009, due to strangulation hazard.

**Girls' Hooded Sweatshirts With Drawstrings**, distributed by Liberty Apparel Company, Inc., and sold at Marshalls, Burlington Coat Factory, and Rainbow Apparel stores nationwide from August 2007 through September 2009, due to strangulation hazard.

**Children's Hooded Sweatshirts With Drawstrings**, distributed by Haselson International Trading Inc. and sold exclusively at Burlington Coat Factory stores nationwide from July 2006 through September 2009, due to strangulation hazard.

**Girls' Cargo Pocket Jackets**, imported by Byer California DBA Amy Byer, Philly, of San Francisco, Calif., and sold at Burlington Coat Factory, Bon Ton Stores, and juvenile clothing retail stores nationwide from December 2008 through September 2009, due to strangulation hazard.

**Girls Hooded Jackets With Drawstrings**, distributed by Regaliti Inc. of New

You can visit [www.cpsc.gov](http://www.cpsc.gov) for more specific information about these and other recalled items.

York, NY and sold at Burlington Coat Factory stores nationwide between November 2007 and September 2009, due to strangulation hazard.

**Boys Hooded Sweatshirts With Drawstrings**, distributed by Brand Evolution of Philadelphia, PA and sold at Burlington Coat Factory, Amm One, Inc., Avante, Dr. Jays, Stop, E & J Lawrence Corp, Exclusive Wear, G-Pulse Apparel, Hip Hop World, Nouveau, Stop Kid, Unica, and Village Mart stores due to strangulation hazard.

**Children's Hooded Sweatshirt Sets With Drawstrings**, manufactured by LELE & Company, Inc. of Los Angeles, Calif. and sold at Frine Solarzvo and Toro Wholesale stores in California, El Carrusel and Hana Hosiery in Georgia, Lacala Design in Illinois, and La Revoltosa stores in Florida from August 2008 through August 2009, due to strangulation hazard.

**Boys Hooded Jackets with Drawstrings**, imported by Ten West Apparel of New York, NY and sold exclusively at Burlington Coat Factory stores nationwide between November 2006 and September 2009, due to strangulation hazard.

## WORKERS' COMPENSATION ISSUES: NEW LEGISLATION AND FUTURE MEDICAL BENEFITS

The Tennessee legislature has completed its 2010 session, and with that comes a number of new laws that modify and change the existing Workers' Compensation law in Tennessee. This year there are a number of laws that could significantly impact current rights under the Workers' Compensation system. One such change has now been signed into law and could make it more difficult to force employers to provide future medical benefits after an employee wins at trial or has a court approved settlement.

SB3731/HB3582 sought to change the way employees can enforce their right to future medical benefits under prior awards or settlements. Generally, when an employee wins at trial or settles a workers' compensation claim, the employee is entitled to receive approved, reasonable and necessary future medical treatment for his or her injuries. Unfortunately, all too often the employer and/or its insurance company will deny needed medical care the treating doctor

recommends at some point in the future.

Prior to the new law, when this happened after the employee won at trial or after the settlement was approved in Court, the employee could go back to the judge who signed the order awarding the future medical benefits and request the judge enforce the court's order and require that the employer/insurance carrier provide the medical treatment. The court could also grant the employee's attorneys' fees for having to come back to court.

The new law, however, muddies the waters on whether employees can still protect their rights in this way. Under the new law, it might be argued that the employee will now first have to seek the assistance of the Tennessee Department of Labor to resolve the medical treatment issue. If so, and if the prior award came after a trial, either the employee or the employer can then appeal the Department's determination to the court anyway, if unsatisfied with the Department's decision. The court would then hear the

arguments and evidence all over again and is not bound by the Department of Labor's ruling. This would simply create an unnecessary step for enforcing future medical rights.

Even worse, if the prior award was as the result of a settlement rather than a trial, the new law would arguably not allow the employee to appeal the Department's decision to the judge who approved the settlement, but would instead allow only an administrative appeal within the Department itself.

Because the new law says a party "may" request assistance from the Department, it can be argued that this new procedure is not mandatory. It may also impermissibly interfere with the courts' powers to enforce their own orders.

If the new procedures were to be followed, though, we think it's real-world impact may unfortunately be to drag out and make it more difficult for employees to enforce their right to future medical treatment. —**Jim Stocks**

## A LITTLE LOCAL HISTORY: TENNESSEE'S SECOND LARGEST CITY

Did you know that at one time, Cairo was the second largest city in Tennessee?

For those who do not know where Cairo is, it is a small community on the Cumberland River in southeast Sumner County south of Bledsoe Creek State Park. To drive through the community today, it is hard to believe that its residents at one time called the river bluffs at its edges "Capitol Hill" out of optimism it would become the state's capitol.

However, in 1799, Revolutionary War veteran James Winchester and William Cage, Jr. bought two hundred acres which he incorporated into the town of Cairo, and platted 150 lots. In Cairo, Winchester located his river shipping operations, and his manufacturing, merchandising, warehousing, real estate development and financial banking operations, as well.

Even after the City of Gallatin was incorporated and named the County seat in-

stead of Cairo, Winchester kept going forward with Cairo's development, including plans for stores, shops, mills, a tanyard, warehouses, a cotton gin, and a combination school/house of worship.

And while you wouldn't know it by visiting today, Cairo became an important shipping location, too. Winchester constructed two seagoing schooners at his nearby mill and floated them to New Orleans, outfitted them with a crew and sent them on to Philadelphia and Baltimore to trade for supplies for the Cairo store. Among the interesting items involved was an order of twenty-seven law



books for his friend, the future President Andrew Jackson.

And while Winchester's development of Cairo did not stand the test of time, one of his other major developments certainly has: Memphis, Tennessee.

—**Jim Stocks**