



137 Public Square
Lebanon, TN 37087

PRE SORTED
FIRST-CLASS MAIL
US POSTAGE
PAID
PPDM

WE'RE ON THE WEB!
KEITHWILLIAMSLAWGROUP.COM

CONTACT INFORMATION

LEBANON OFFICE 137 Public Square
Lebanon, TN 37087
(615) 444-2900

NASHVILLE OFFICE Nashville City Center
511 Union St., Suite 1850
Nashville, TN 37219
(615) 313-3999

EMAIL: info@keithwilliamslawgroup.com

This newsletter is published by the Keith Williams Law Group 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:
FAITH FAMILY MEDICAL
CLINIC**

As noted in Keith Williams' article on page 1, Faith Family Medical Clinic (FFMC) is a local charity that is devoted to providing affordable health care to working families that do not have health insurance. Unfortunately, there are many hardworking people who cannot afford or qualify for health insurance. That is why the services provided by FFMC are so important

For more information about The Faith Family Medical Clinic, or to volunteer time or donate money to support the important services it provides, you can go online to www.faithmedical.org, or call them at (615) 341-0808.

A LITTLE LOCAL HISTORY

At the upcoming Wilson County Fair, the members of the Williams Law Group plan to participate in this year's version of a fair that has a lot of history to it.

The fair has seen its share of name, location, and ownership changes over the years. The fair was first held in Lebanon as the "Third Division Fair" in 1853. From 1854 to 1885, the fair was held on Coles Ferry Pike where the current Jimmy Floyd Center and Lebanon Senior Citizens Center is located.

In 1919 a number of citizens organized a two day fair held at the Courthouse on the Square. This fair was so successful that a fair board was organized, stock sold, and 20 acres were purchased near the old Fair Spring and racing ground. Next came a grandstand, stable, cattle barn, poultry building,

women's building and sheep barn.

In 1927 the fair had an attendance of over 25,000, and from 1927 to 1969, the fair had various owners and stockholders before being closed in 1969. The fair was brought back to life in by the Lebanon Jaycees in 1973 as "The Mid State Fair." From 1975 until 1978, the fair was held on a 104 acre tract of the Baddour Estate that was acquired. From 1979 through the present, Wilson County Promotions has directed the Fair and held it at the James E. Ward Center. The Wilson County Fair has grown ever since, and by 1999 was the number one fair in the state. Last year, over 466,000 people attended!

"MAY THE SUN IN HIS COURSE VISIT NO
LAND MORE FREE, MORE HAPPY, MORE
LOVELY THAN THIS OUR OWN
COUNTRY!"

— DANIEL WEBSTER



ATTORNEYS:

- B. Keith Williams
- Jason G. Denton
- James R. Stocks

THE PEOPLE'S VOICE

VOLUME 2, ISSUE 3

AUGUST 2009

THAT WATER'S COLD!

We would like to invite everyone reading this to come say hello and have some fun with us at the Wilson County Fair this year.

Starting on August 21, the Wilson County Fair will run through August 29 and promises to be loads of fun, as always. This year, however, the members of the Williams Law Group plan to be a part of that fun and raise money for a very important charity in the process.

We plan to have a booth at the fair where for a small donation, those who have always dreamed of getting back at an attorney can do just that. Specifically, the members of the Williams Law Group will be taking turns inside a dunk tank filled with cold water. For a small donation, fairgoers will have a chance to throw a ball and, if they hit the target, dunk a smart aleck attorney. We even plan to have guest judges from the area stop by and take a turn in the tank.

All donations raised by the dunk tank will be going to Faith Family Medical Clinic, a

non-profit primary care medical clinic that offers low cost medical services to working families in the greater Nashville area who, even though they are working, do not have health insurance.

We believe the Faith Family Medical Clinic is an extremely important charity in Middle Tennessee, particularly given the difficulty for many hard working people to obtain health insurance. The Clinic's stated mission is to reclaim the Biblical and historical commitment of people of faith to care for those who are sick, and they do so by providing quality, affordable healthcare, health education and counseling to the growing number of uninsured working people who do not have access to primary health care.

The small fees the Clinic charges to patients covers only a small portion of the actual costs of the medical care the it provides, with the rest coming from donations. We wanted to help, so we tried to think of a fun way to raise money for the Clinic and, at the same time, moti-



vate others to help also. The solution: baseballs, cold water, and attorneys sitting on a dunk tank platform!

And even if you don't want to send us plunging into the icy waters below, come by the booth and fill out an entry form for the chance to win gift certificates for local businesses.

So come see us and help raise money for a good cause this August at the Wilson County Fair. Bring your friends and family, too, as we'd love to meet them and say hello. If nothing else, you'll at least get a good laugh at seeing us cringe with anticipation each time a ball is thrown to try and send us into the water. Should be a really fun time for everyone!!!

—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
- Wrongful Death

INSIDE THIS ISSUE:

WILSON COUNTY FAIR	1
RECALL UPDATE	2
TEXTING DANGERS	3
WORKERS COMP	3
LOCAL HISTORY	4
CHARITY SPOTLIGHT	4

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.

Wolfgang Puck Toaster Oven/Toasters, sold by Frontgate Catalogs nationwide from November 2008 through March 2009 due to reports of the toaster remaining on after the toast has popped up.

Women's Chenille Robes, sold by Blair stores, catalogs and website, between January 2003 and March 2009, due to fire hazard. In June 2009, the CPSC issued an urgent reannouncement of the original recall of this item after receiving reports of six deaths due to robes catching on fire.

Bonavita "Hudson" and Babi Italia "Pinehurst" Drop Side Cribs. Bonavita "Hudson" cribs were sold at Baby Basics, Beautiful Beginnings, and Buy Buy Baby stores and children's product stores nationwide; Babi Italia "Pinehurst" cribs were sold by Babies "R" Us. The cribs were sold between December 2006 and December 2007 and are being recalled because of a risk of falls and/or entrapment and suffocation.

Bonavita "Cabana" Drop Side Cribs, sold at USA Baby, Beautiful Beginnings, Buy Buy Baby and other specialty stores nationwide between January 2006 and May 2009 due to a risk of entrapment and strangulation.

Outdoor Playset Gliders, distributed by Backyard Play Systems, LLC and sold at Backyard Buildings, More and Lowe's stores, as well as online at Costco.com, BettyMills.com, and BackyardBuildings.com between February 2008 and May 2009.

Bugaboo Bee Strollers, sold nationwide between August 2007 and April 2009 due to risk of brake failure.

Step2 Play Up Gym play sets, sold at Toys "R" Us stores nationwide from January 2009 through April 2009 due to risk of swing breaking.

Samsung "Jitterbug" cell phones, sold nationwide March 2008 through May 2009 due to potential failure to connect to emergency 911.

13 Foot Square Trampolines, distributed by Skywalker Holdings LLC, and sold nationwide from January 2007 through February 2009.

Cumberland Outfitters Girl's Hooded Sweatshirts, sold nationwide from April 2007 to April 2009, due to potential strangulation hazard.

Eddie Bauer Sooth & Sway Portable Play Yards with rocking bassinets, sold at Target, Sears and Burlington Coat Factory stores nationwide and internet retailers from January 2008 through May 2009, due to suffocation hazard.

Fushin 90cc youth ATVs, model FXSA 002A-90cc and sold at Fushin dealers and online nationwide from October 2005 through May 2006 due to risk of

injury to young riders.

Abalone and Venetian Carnevale Necklace Craft Kits, imported by Action Products International, Inc. and sold at various retailers nationwide from June 2007 through April 2009, due to risk of lead exposure.

Simplicity Drop Side Cribs, sold nationwide between January 2005 and June 2009, due to risk of suffocation.

Aqua Leisure Inflatable Baby Floats, sold nationwide in a variety of styles and colors from December 2002 through June 2009 due to drowning hazard because leg strap in seat of the float can tear, causing children to unexpectedly fall into or under the water.

Black and Decker Space-maker Coffemakers, model numbers ODC440, ODC440B, ODC 450 and ODC460 sold nationwide between March 2006 and March 2009, due to burn hazard.

DEWALT Framing Nailers, model numbers D51825 and D51850 sold nationwide between January 2008 and September 2008, due to hazard of serious injury.

Crane Bath Tubs With Whirlpool, sold nationwide from March 2007 through February 2009 due to entrapment and drowning hazards.

Orangatang Skateboard Wheels, sold at authorized Loaded Board/Orangatang Wheels dealers nationwide from March 2009 through

You can visit www.cpsc.gov for more specific information about these and other recalled items.

April 2009, due to danger of blow-outs posing risk of injury to riders.

Ionic Salt Lamps, sold by LTD Commodities, ABC Distributing, and Lakeside Collection catalogs and their web sites from March 2009 through May 2009 due to fire hazard.

Intermatic In-Wall Electronic Timers, sold nationwide between March 2007 and June 2009, due to shock hazard.

Wagner Paint Sprayers, model number 0414248, sold nationwide between August 2007 and April 2009, due to electrical shock hazard.

Off-Road Motorcycles, various models sold at KTM dealers nationwide between December 2008 and April 2009, due to danger of front fork failure posing risk of injury or death to the operator.

Bun-O-Matic Single Cup Tea/Coffee Makers, sold nationwide between August 2004 and March 2009, due to burn hazard.

WORKERS' COMPENSATION ISSUES

With the close of Tennessee's 2009 legislative session in June, there are now a number of new laws in place that affect Tennessee's Workers' Compensation system. One of the more interesting new laws deals with the issue of when an employee can obtain Workers' Compensation benefits because of an injury that occurred because the employee participated in some type of exercise or other recreational activity.

The new law is in part a reaction to a 2007 decision by the Tennessee Supreme Court. That case involved a man who suffered a heart attack and died after playing basketball during a 30-minute break at work. At trial, the lower court found that the employee had voluntarily participated in the activity and that the employer had not encouraged it. The lower court therefore ruled that the heart attack did not "arise out of" the employment and ruled against the employee.

In looking at the case, the Supreme Court also noted that the parties did not dispute that the employees

played basketball three or four times a week, that their supervisors sometimes participated, and that the employees could not leave during their break time and were paid for this time. The Supreme Court then stated that while the "voluntary" nature of the activity is a factor to weigh, it does not automatically mean the activity does not arise out of the employment.

Ultimately, the Supreme Court found that the employee's injury did arise out of his employment, pointing to the fact that the employer knowingly permitted its employees to play basketball on their breaks, the games occurred 3 or 4 times a week, supervisors sometimes participated, the games occurred on the employer's property, and employees could not leave during their breaks.

The new law recently passed would likely prohibit that same employee from recovering were it to happen today.

Under the new law, no workers' compensation benefits are available for an injury or death that is due to an employee's voluntary participation in recreational, social, athletic, or exercise

activities. This specifically includes athletic events, competitions, parties, picnics, or exercise programs. This exclusion applies whether or not the employer pays some or all of the costs of such activities.

However, the new law does provide for a limited number of exceptions where an employee might be entitled to benefits related to such activities. Those exceptions include where the employee's participation was expressly or impliedly required by the employer, produced a direct benefit to the employer beyond mere improvement in employee health and morale, or was during the employee's working hours and was part of the employee's work-related duties. There is also an exception in certain circumstances where the employer knew of an unsafe condition and failed to stop the activity or fix the unsafe condition. These exceptions probably would not have applied to the basketball player, however.

—Jason G. Denton



TEXTING WHILE DRIVING: DANGEROUS AND NOW ILLEGAL IN TN

Beginning on July 1, 2009, it is now illegal to text-message while driving in Tennessee. This is definitely a problem in our state that Tennesseans need to address.

Consider the following:

- Tennessee tops the list among all 50 states for drivers who text-message while driving, according to a recent survey. The survey found that 42 percent of those responding

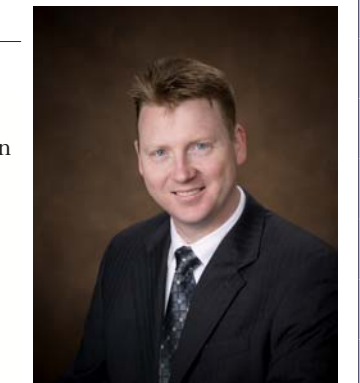
from Tennessee admitted to texting while driving.

- A Clemson University study showed that text-messaging and using iPods caused drivers in simulated driving conditions to leave their lanes 10% more often.

- A British study indicates that drivers sending text messages are even more dangerous than drivers under the influence of alcohol or

drugs. According to the study, text messaging lowered reaction times by 35 percent, compared with 21 percent for persons high on marijuana and 12 percent for persons drunk on alcohol.

This problem is especially troublesome for those of us with children who are, or soon will be, driving. University of Utah researchers have reportedly developed an automobile ignition key that prevents drivers from using cell phones to talk or send text messages, ex-



cept for 911 or pre-approved numbers (like a parent). This could be an important safety tool for TN parents once it becomes available.

—Jim Stocks