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FINNEY INJURY LAW
- TRIAL LAWYERS -

INSIDE THIS ISSUE

- 1 A Plaintiff's Day in Court
- 2 Avoid Getting Your Hands Dirty This Halloween
- 2 Real Dangers of Fake Hauntings
- 3 Grave Matters of the Law
- 3 Leftover Candy Snack Mix
- 4 Freddy, Jason, and the Insurance Adjuster



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A PLAINTIFF'S DAY IN COURT

We recently finished up another trial this past month against the City of St. Louis. We obtained a solid result but one that felt and still feels inadequate for our client. She deserved more. But, more than that, she deserved to be treated better by the City of St. Louis' lawyers.

I forget that people and their lawyers will say pretty much anything when you bring a claim for redress against them. I forget how viciously attorneys will attack innocent victims. Honestly, it is disheartening when you see representatives of the City take unwarranted cheap shots against one of their own citizens — all because the citizen had the courage to stand up to them when she was wronged. I watched how the City attorneys presented a new theory on the case, one that was not the same as what was said at the scene of the crash, and one that was not disclosed at deposition. I watched how their driver suddenly "could not recall" certain things she claimed to have said before. I watched how those attorneys manipulated that poor driver's statements. This was not a hunt for the truth; it was an all-out assault against my client. I watched how the attorneys then went on to accuse my client of using her constitutionally guaranteed rights as a lottery system.

For those of you who do not know, that line of argument is incredibly improper because it says nothing about the merits of any claim

and enflames the jury to become prejudiced and disregard the facts. The City attorneys didn't care and did it anyway.

It was a good reminder for me that nothing is off limits when you bring a case, even an extremely meritorious one. It also reminded me how difficult it is to be a plaintiff in a lawsuit. Your whole life is under a microscope, and your medical records are combed through by people who are trying to discredit you. Any minor statement in the records, whether accurate or not, is used against you as if you are conspiring to defraud everyone.

You cannot respond to the lies or defamation. You have to sit and wait your turn and hope the jury gets the truth in the face of all the lies. You have to listen when you are personally attacked. You have to place an incredible amount of trust in your own lawyers, hoping they respond appropriately and make the right decisions strategically. It is draining. It is stressful. And it isn't fun. No one would choose to go through a lawsuit unless they had no other choice. When you are a good, honest, strong person, simply walking away because it is hard is not a choice.

We want to represent strong people who stand up for themselves, and in doing so, stand for others. In this case, our client stood tall against the City and let them know that she can do it. She did it, and in doing so, showed



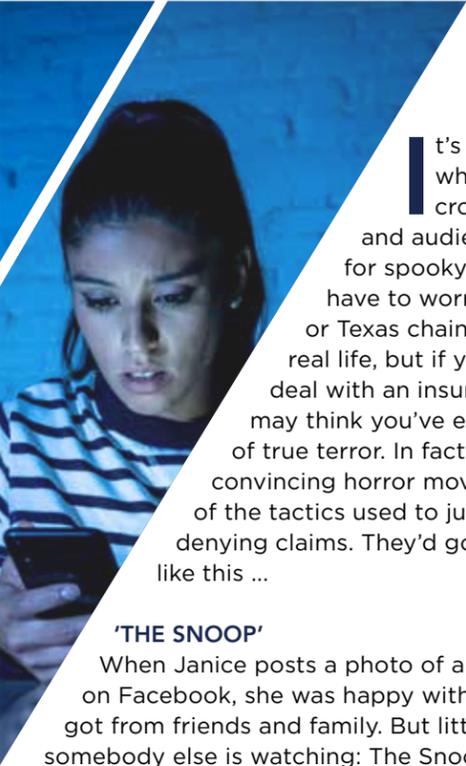
others they can do it as well. We were proud to represent our client.

And the jury did see through the games and personal attacks. The jury came back with a value over eight times what the City attorneys recommended.



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HORROR MOVIES STARRING INSURANCE COMPANIES HOPEFULLY NOT COMING TO A THEATER NEAR YOU



It's the time of year when horror movies are crowding the marquee and audiences are looking for spooky stories. We may not have to worry about killer clowns or Texas chainsaw massacres in real life, but if you've ever had to deal with an insurance company, you may think you've entered into a world of true terror. In fact, they could make convincing horror movies about some of the tactics used to justify lowering and denying claims. They'd go a little something like this ...

'THE SNOOP'

When Janice posts a photo of a cake she baked on Facebook, she was happy with the "likes" she got from friends and family. But little does she know somebody else is watching: The Snoop. After having been put on Janice's claim, The Snoop decides to friend her on Facebook to see if she is as injured as she claimed. When he

sees she was able to bake a cake, he moves heaven and hell to deny her claim.

'RECORDS AND FACTS'

Not long after being in an accident, Tim receives a call from an insurance company. "We represent the driver who hit you," the voice on the other line says. "We'd like to ask you a few questions." What begins as a seemingly innocuous call will come to haunt Tim's future for months on end, played out in courtrooms and his nightmares.

'THE CASE OF THE VANISHING EVIDENCE'

Everything is going so well for Doris until she's hit by an 18-wheeler, sending her little sedan careening off the road. When she wakes up in a hospital room, all she wants is some time to put her life back together. By the time she calls an attorney, the trucking company has already moved to make as much evidence as possible disappear. It's up to Doris and her legal team to locate the evidence and the truth.

If you find yourself in a real-life movie with a plot resembling any of these, call Finney Injury to find out how we can help you work toward a happy ending.



NO-CARVE PUMPKIN DESIGNS!

JUST IN TIME FOR HALLOWEEN

Jack-o'-lanterns go hand-in-hand with Halloween, but digging through the inside of a pumpkin is not something everyone enjoys. If you aren't keen on cutting open a pumpkin, here are a few no-carve ideas you can try this Halloween!

HAUNTED HOUSE

Take a few pumpkins, stack them on top of each other, and create a spooky pumpkin haunted house! Then, use paint, balsa wood sheets, and hot glue to create silhouettes, ghosts, windows, and doors for a haunting effect!

CREATIVE WITH STRING

Use cotton twine and hot glue to create a web-like design on the surface of your pumpkin. Don't forget to add a

few plastic spiders! You can also use string art to create ghostly words or images. Lay out your design with small pegs or nails and wrap the string around them to reach your desired effect.

NOTHING BUT NET

You can create eerie pumpkins using fishnet stockings. Spray-paint your pumpkin if desired — just make sure the design of the stockings will stand out. Once the paint is dry, cut the legs off the stockings, slide the pumpkin inside, remove the extra fabric around the stem, and use hot glue to secure it.

COLORFUL PAINT

Painting your Halloween pumpkins gives everyone a chance to participate.

Be creative by using different designs, cutouts for silhouettes, drip paint to create a marble design, or nail polish and water to give white pumpkins a unique and vibrant look.

A SPOOKY MONSTER

By adding a witch hat, wrapping a pumpkin in cheesecloth, attaching spider legs, or tying on a vampire cape, you can create a pumpkin version of the most popular Halloween monsters. Along with these accessories, you can also use paint, construction paper, and other craft materials to add the details that will make your creation pop!

For more detailed directions for these pumpkin designs and more ideas, visit WomansDay.com.

HALLOWEEN DECORATIONS OR FIGHTING WORDS? A GRAVE LEGAL MATTER

We've all played a harmless trick or two, but sometimes, Halloween shenanigans get out of hand. They can lead to hurt feelings, outraged neighbors, and, in the case of *Purtell v. Mason*, a lawsuit.

In the days leading up to Halloween, all was not quiet in the village of Bloomingdale. Previously parked in a storage unit, Jeff and Vicki Purtell's 38-foot RV was now parked in front of their house. In protest, neighbors petitioned to town officials, wanting an ordinance put in place to prohibit RV parking on residential property.

While the ordinance was under consideration, Jeff Purtell took matters into his own hands. He erected six wooden tombstones in his front yard. They seemed to be innocuous Halloween decorations, but these tombstones displayed a special message for the neighbors. Each headstone was inscribed with a sarcastic message and house number, implying the occupants' death dates. These messages soon caught the neighbors' attention.

"Bette wasn't ready, but here she lies, ever since that night she died. Twelve feet deep in this trench, still wasn't deep enough for that stench! 1690."

Insulted and a little afraid, Purtell's neighbors called the police to have the headstones removed. After a couple of visits, Officer Bruce Mason arrived and threatened to arrest Purtell if he didn't take the tombstones down. Purtell obliged, but the matter wasn't put to rest.

THE VERDICT

Purtell sued Officer Mason on the grounds of violating his rights to free speech, and the case made it all the way to the 7th U.S. Circuit Court of Appeals. Judge Sykes ruled that the tombstones did not constitute fighting words and were protected under the First Amendment. However, she also ruled that Officer Mason was entitled to qualified immunity, as any reasonable officer would act the same under the circumstances.

The bigger question might be *how* this case made it all the way to the U.S. Court of Appeals. As Judge Sykes wrote in her opinion, "Lawsuits like this one cast the legal profession in a bad light and contribute to the impression that Americans are an overlawyered and excessively litigious people."



HAUNTED HOUSES SHOULD BE SCARY BUT THE DANGER SHOULDN'T BE REAL

Every year, the challenge to create an eye-catching Halloween costume grows ever more difficult. A decade or two ago, you could get away with picking up a bagged costume at the local party store, call it a day, and still come off looking fun and festive. Today, not so much. In a world where adults spend months planning their get-up, you need to go big if you want to stand out. And what's true for costumes is also true for haunted houses and other spooky experiences, which have gone from backyard business to major industry in short order. As with any fast-growing industry, plenty of companies in this space put profits over the safety of their guests.

When you attend a haunted house, you expect to leave with an elevated heart rate and some cold sweat but certainly not any permanent damage. The art of a good haunted house, after all, is that the threats feel real without being so. However, if a

business is unscrupulous in their practices, they may dole out actual terror along with the simulated kind. To avoid an actual catastrophe, it's important to remain vigilant and not suspend all your disbelief.

Before you go to a haunted experience, do some research. Due to the seasonal and upstart nature of many businesses in the space, it's all too easy to end up at a place that's less than professional. You probably wouldn't go to a restaurant that's been set up in an abandoned house on a makeshift basis, and you should treat haunted experiences with the same common-sense skepticism.

Once there, it's incredibly important to read the waiver. Usually, haunted houses are described as either "touch" or "no touch," relating to whether the performers have permission to make personal contact with the guest. No matter the nature of the experience, however, Halloween companies still have the same legal duty to create a safe environment as any business does. When they fail to do so, they can be sued under premises liability law.

If you leave a haunted experience with real injuries, call Finney Injury Law 314-293-4222 to find out how we can help.



LEFTOVER CANDY SNACK MIX

Inspired by Food & Wine Magazine

INGREDIENTS

- 2 cups mini pretzels, coarsely broken
- 1/4 cup light brown sugar
- 2 tbsp granulated sugar
- 1/3 cup dry milk powder
- 6 tbsp unsalted butter, melted
- 12 oz mini candy bars, such as Snickers, chopped into 1/2-inch pieces

DIRECTIONS

1. Heat oven to 275 F.
2. In a large mixing bowl, fold together pretzels, sugars, milk powder, and butter.
3. Spread mixture on a baking sheet lined with parchment paper and bake for 20 minutes.
4. Let cool for at least 30 minutes and mix in candy bar pieces before serving.

YOUR REFERRALS MEAN THE WORLD TO US

There is no greater compliment we can receive than a client telling a friend or loved one about us. If you know somebody who has been injured and needs an attorney who will fight on their behalf and give their case the attention it deserves, please pass along this newsletter and have them give us a call at 314-293-4222. Thank you for spreading the word about Finney Injury Law.