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- TRIAL LAWYERS -

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The Battle for Budweiser A CENTURY-LONG DISPUTE OVER BEER



Some trademark battles take years or even decades, and Budweiser was in a trademark dispute for nearly a century! Anheuser-Busch, the largest and oldest brewery site in St. Louis, began in 1852. It wasn't until after the 1870s that Adolphus Busch and his friend, Carl Conrad — a liquor importer — toured Europe to explore different European brewing methods.

Typically, brewers in European countries name a beer after their town with the suffix “-er.” Busch and Conrad visited a city called Budweis in the Czech Republic, hence the name “Budweiser,” meaning “of Budweis.” In 1876, Busch introduced Budweiser to the U.S. and became a national beer brand due to the company’s early ability to refrigerate and transport bottled beer.

Budweiser was trademarked with the U.S. Patent Office in 1878, and in 1895, Budweiser Budvar Brewery was founded by the citizens of the Czech Republic. Thus, began the trademark dispute!

When Budweiser Budvar heard that a company in the U.S. had successfully registered Budweiser as a trademark, they argued that it should not have been allowed since they had been brewing beer for over 500 years. King Otakar of Bohemia granted independent brewers in Budweis the right to produce beer as early as 1265. Therefore, it had a claim to the Budweiser name.

When Budvar took Anheuser-Busch (AB InBev) to court in 1896, Busch’s words were used against him: “The Budweiser beer is brewed according to

the Budweiser Bohemian process,” Busch said in court. “The idea was simply to brew a beer similar in quality, color, flavor, and taste to the beer then made at Budweis or Bohemia.” This strengthened Budvar’s claims and was brought up in many subsequent battles.

Budvar has the right to the name Budweiser in most of Europe, while AB InBev has this right in North America. AB InBev uses the name *Bud* in most of Europe, and Budvar sells its beer in North America under *Czechvar*.

Between 2010-2011, Budvar won exclusive rights in 68 European countries, which prevented AB InBev from selling the Budweiser brand in key markets. The two companies discussed a trademark agreement, but Budvar rejected the offer for a global settlement.

While Budweiser is sold in many European countries, it may be a while before it can position itself as the best beer in Europe. Until then, you won’t hear the last of the battle of Budweiser!

FINNEY TRIALS & THEIR TALES

- NEWSLETTER -

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TRANSCENDING TIME AND CIRCUMSTANCE *Genuine Human Connection*



“Hey, I know you.”

I said that to the attendant as I left my cousin’s football game with two of my sons. The gregarious man saying good night to everyone as the spectators left the field stuck out to me. He was near the exit talking with a few off-duty officers who were assigned to the game. He was directing people and wishing well to all of them.

You see, I knew this guy, and I will never forget him. He was the foreperson on a verdict we obtained in Jefferson County, MO, that was 17 times the last offer and 100 times the recommended amount by the defense lawyer. It was a \$2,500,000 verdict.

He is a security officer at the local high school in that county. I remember talking with him during jury selection. His wife is a speech pathologist like mine. He is smart, likable, and comfortable in his own skin. This verdict was several years ago, but I remembered him. I liked him.

When I said I know you, he took my handshake in his bear paw and smiled. I quickly said, “You were my foreperson for my trial for Gary.” He immediately smiled, and his eyes gleamed. He said, “Oh man, that’s right.” We shared that experience that had bound us forever. It was like recognizing a long-lost friend after years.

I told him I could never forget him and that he had changed my client’s life. He said it was nothing. I said, “No, you literally changed his life, and we will never forget you. Thank you.” He told me it was the right thing to do. That man deserved to be helped. Then, I introduced him to my boys. He said hello to them, and the conversation ended shortly after that. As I left, I said great to see you and thank you again. He said goodbye and told me that Craig and I had done a hell of a job. I said thank you.

I texted Craig as I left. Honestly, for an experience like this, only a co-counsel would understand the power and pureness of it. I wanted to call my client but knew he would be sleeping. As I drove home from that game, all I could think about was how much I loved my job. How invigorating an interaction like that is. And how I could not get that anywhere else. I swelled with happiness as the boys fell asleep on the drive home.

The longest conversation I ever had with that man was at the football game. I only got to speak with him for a few minutes during jury selection. I’ve probably spent a total of eight minutes talking to him in my life, yet he feels like an old friend whom I grew up with. I wanted to know how his wife was doing and how the school was going. I wanted to stay and talk with him, get a beer with him and laugh.

The power of a genuine connection is unmistakable. No matter how brief, a true human connection transcends time and circumstance. It is recognizable anywhere, under any condition. Its authenticity and power are one of the greatest experiences in life. It is one we should all strive to find more frequently.

I am grateful for the experience. I hope to see my new friend again someday. And when I do, we will share the same strong, warm handshake that old friends enjoy.

Chris



4 TIPS FOR RAISING HAPPY CHILDREN

As a parent, there is no better feeling than knowing your child is happy. And while there is a wealth of information and parenting advice available about how to raise successful and smart children, what about how to raise happy children? After all, happy kids are more likely to grow to be successful adults!

Here are some tips for raising happy children.

Don't focus too much on making your child happy all the time.

Obsessing about your child's happiness in the short term may lead to overcoddling, spoiling, and relying on materialistic items at the moment to appease your child. Instead, focus on creating meaningful experiences and bonding moments. You cannot force your children to feel any one type of emotion, but you can do your best to ensure they have the right coping skills to bounce back from life's setbacks.

Focus on your own happiness.

Researchers have found a link between depressed mothers and adverse outcomes for the child and a strong connection between happy parents raising happy children. Even though we cannot control our children's emotions, we can model positive emotional management by staying optimistic in tough situations and keeping control of our emotions during challenging times.

Provide praise regularly.

Self-esteem is strongly linked to our own happiness, and the same is true for your children, so it's crucial to offer praise when praise is due while redirecting negative behavior. You are your child's support system as they grow older and develop emotionally, and you're also their motivator.



While each child is different, one thing remains the same: Their happiness and well-being are paramount! Most importantly, don't forget that love can translate to happiness — our love and encouragement can give them the best chance to be successful, happy adults.

Unconditional love and support go a long way in building high self-esteem and confidence!

Teach them to build relationships.

Children flourish and grow through relationships with their friends, teachers, and parents. Learning how to create, build, and maintain positive relationships with family, friends, coworkers, and more as they navigate life is an important skill to model and teach your children.

Don't Let Winter Slip You Up! How to Prevent Slip-and-Fall Accidents

Most have heard of a slip-and-fall accident, and many have even experienced it firsthand. But with the weather getting cold and icy, there is an increased risk of slips and falls. These dangerous conditions increase the likelihood of an injury, but with these tips, you can reduce your chances of an accident and enjoy the winter season!

Slip-and-Fall Accident Risks

In the winter, certain conditions can quickly become problematic and more likely to contribute to slip-and-fall accidents. Sidewalks can be slick and dangerous if not properly cleared and salted, and the buildups of snow can hide cracks and uneven pavement.

These types of accidents can account for various injuries and can also range in severity. Depending on the fall, these can include the following:

- Scrapes and bruises
- Head injuries
- Traumatic brain injuries
- Spinal cord injuries
- Broken bones
- Lacerations
- Death

How to Prevent Slips and Falls

Even though these types of accidents are prevalent, they should not be taken lightly. A simple slip and fall may cause a few scrapes and bruises, but it can lead to severe injuries for others. Unfortunately, these accidents can happen anywhere, but you can take a few precautions to prevent potential danger.

Wear proper attire — Be sure to have appropriate footwear for outdoor weather conditions. Choose shoes or boots with extra traction for better balance on the ice!

Walk carefully — Keep a steady pace while walking near or on ice and snow. Take smaller steps and avoid running, brisk walking, or sudden directional changes.

Clear out the driveway — Grab your shovel and remove all the extra snow and ice! It's essential to keep your pathways clear regularly so you can see where you're walking.

Keep your hands out of your pockets — Since slips and falls are common, it's a good idea to keep your hands out in case you have to catch yourself from falling. Wear gloves or mittens to keep your hands warm instead!

Winter slip-and-fall accidents can cause devastating injuries, leading to months of pain and suffering. If you have been injured in a slip-and-fall accident, call us today at 314-293-4222 to learn more about your options!

LONGEST-RUNNING CIVIL LAWSUIT IN AMERICA

Myra Clark Gaines — Socialite and Pioneer

It has all the makings of a new podcast series: a multimillion-dollar estate, hidden paternity, and a mysterious will.

In 1806, socialite Myra Clark Gaines was born to Daniel Clark and Culime Carrière but raised by family friends. Although Clark financially supported Myra, he never publicly acknowledged her as his own. In fact, it wasn't until several years after Clark's death in 1813 that Gaines discovered her true father's identity.

Before Clark's death, he spoke of having two wills. The first dated 1811, leaving his estate to his mother and named his two business partners as executors. And a second handwritten will, dated 1813, said to acknowledge the New Orleans socialite as his heir and leaving his entire fortune to Gaines, an estimated \$35 million. A tremendous amount for its time.

Clark's business partners were very powerful and influential in New Orleans businesses and courts. The 1811 will would only strengthen that influence. It's believed the two conspired together and allegedly destroyed the 1813 will, paving the way for the 1811 will to go to probate.

At the time, women had no legal rights. Myra's husband, a New York attorney, helped her file suit in Louisiana state and federal courts, arguing she was the legitimate heir to Clark's wealth.

Gaines' case would ultimately travel through all levels of the legal system, involving many different courts and defendants, including the City of New Orleans. It would also become the longest, continuously litigated legal case in U.S. history.

Myra Clark Gaines's case certainly made history. Not only for taking an impressive 57 years to litigate but for what it did for the women's rights movement as well. Gaines's case happened when it was unthinkable for a woman to assert her legal rights to this degree. She would often argue her case in public court, a shocking act for its time. She also used her social status to advocate for women's suffrage and joined the National Women's Labor League.

Sadly, Myra Clark Gaines wouldn't live to see the outcome of her case. She died in 1885, five years before the U.S. Supreme Court's final ruling. The ruling, you may wonder — she won! But it was a humble victory. Gaines was awarded roughly \$1 million, yet the cost of litigating such a case for that many years took the majority of that sum, leaving roughly \$60,000 for her heirs.



INGREDIENTS

- 1 tbsp unsalted butter
- 2 1/2 lbs Brussels sprouts, trimmed and halved
- 4 cloves garlic, thinly sliced
- 4 oz cream cheese, cubed
- 1/2 tsp kosher salt
- 1/4 tsp freshly ground black pepper
- 3/4 cup grated Parmesan cheese
- 2 tbsp heavy cream
- 1/8 tsp freshly grated nutmeg

DIRECTIONS

1. Coat the inside of a 3-5-quart slow cooker with butter. Add Brussels sprouts, garlic, cream cheese, salt, and pepper. Toss to combine.
2. Cover and cook on LOW until the Brussels sprouts are tender, 2-3 hours.
3. Turn the slow cooker off or to the "warm" setting. Stir in the Parmesan cheese, cream, and nutmeg until the cheeses melt and the Brussels sprouts are coated in a creamy sauce. Season with more pepper to taste.

Inspired by TheKitchn.com

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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.