

**SPRING  
2008**

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# **S** SAILE & SAILE **LLP** ATTORNEYS AT LAW

## **Saile & Saile LLP News!**

In June 2008, Michael L. Saile, Jr. will be getting married in Florence, Italy. Michael Jr. will be marrying his law school sweetheart, Caterina Gatto, Esq. Caterina is currently an Assistant Attorney General for the State of Delaware. She currently prosecutes drug cases and assists on murder cases in New Castle County, Delaware. Caterina is licensed to practice law in the Commonwealth of Pennsylvania and the States of New Jersey and Delaware.

Both Michael Sr. and Michael Jr. will be out of the law office for the first three weeks of June. The office will be open with an assistant to answer your telephone calls and relay emergencies to us via email.

### **Attention PA Drivers: Operation Yellow Jacket!**

Operation Yellow Jacket is a joint effort between the Pennsylvania Department of Transportation (PennDot) and the Pennsylvania State Troopers to stop speeding vehicles on Pennsylvania's roads and highways. You may be surprised to learn that PA State Troopers are permitted to hide in PennDot construction vehicles (usually a yellow truck of some sort), with their radar guns pointed at you.



A PA State Trooper in the construction vehicle will then radio to a Trooper in a marked Pennsylvania State Police vehicle and the marked Pennsylvania State Police vehicle will initiate a motor vehicle stop for speeding.

Now that you are armed with this information, be careful in Pennsylvania. The speed limit on I-95 in Pennsylvania including, Bucks, Philadelphia, and Delaware counties is 55 m.p.h.

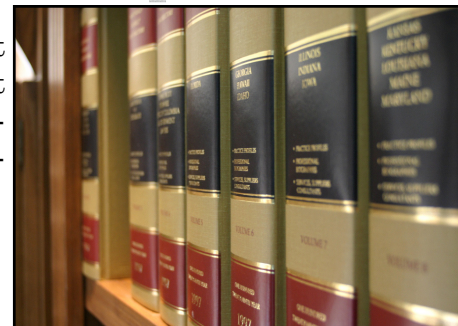
If you do receive a PA or NJ speeding ticket and/or any other traffic violations, our firm may be able to help you reduce driving points, fines and other penalties that come with traffic violations.

*To enable us to communicate more easily with you, please send your email address to us at [mlsjresq@saillelaw.com](mailto:mlsjresq@saillelaw.com)*

# LEGAL NEWS

## Do liability release forms hold up in PA?

A Liability Release Form is a short document (usually one page) that states that you will not sue or make a claim for injuries or death against another individual or company. You may see this type of form at roller-skating rinks, ski resorts, water parks, and other places that offer moving activities.



In Pennsylvania, this type of Liability Release Form may be valid if:

- It does not contravene any policy of the law;
- The contract is between persons relating entirely to their own private affairs; and
- Each party is a free bargaining agent and the clause is not in effect a mere contract of adhesion whereby one party simply adheres to a document which he is powerless to alter, having no alternative other than to reject the transaction entirely.

Pennsylvania has upheld Liability Release Forms when the document is very specific in naming the types of activities that may cause one injury or death.

## Injuries can be sustained at slow speeds

**Neck and Back Injuries are possible, Even If Only Slight Damage To The Bumper...**

Car bumpers usually sustain crash impacts causing deformity with the impacting car traveling as slow as 8-12 mph. If, in a rear end collision, there is no gross deformity of the bumper, there is usually at least paint chipping or a small dent.

Biomechanical Engineers have concluded that in rear end collisions, pent up energy in the car's bumpers and seat back springs, which is released simultaneously as the driver in the front car reapplies the brakes, is the cause for the occupant of the front car to be exposed to more destructive force than the car itself. This type of movement of one's body is the cause for whiplash in these "slight" damage crashes at low speeds.

**You Can Sustain Neck Or Spine Injuries In A 5 mph Car Crash!**

Automobile manufactures claim that because cars are designed to crush at 5 mph, the car's occupants cannot be injured in a low speed car accident. Science and testing has proven this theory wrong.

The Spine Research Institute of San Diego, who crashed dozens of cars in an independent study, found that the automobile manufactures' safety claims are false. Many cars were crashed at speeds above 5 mph without obtaining "crush damage".

Our experience with car accidents at Saile & Saile LLP, is that it doesn't matter if the car has incurred "crush damage". If a car does not incur "crush damage", the full force of the impact is transferred throughout the car without absorption of the force of the impact in the crush zone. This type of thrust is then transferred to the occupants of the vehicle violently forcing their bodies forward then backward causing sometimes severe injuries to their neck and spine.

# YOU CAN USE!

## Don't be caught short of tort!

We recently litigated a personal injury case involving a client struck by another driver in an auto accident. This was a trial only for out-of-pocket costs such as rental car fees, doctor's visits, and prescription medication costs. Unfortunately for our client, she was not in a position to also recover for her pain and suffering because she chose the limited tort option on her Pennsylvania auto insurance policy.



The reality is that she, like so many others, did not know that she picked limited tort, nor did she know what limited tort meant years ago when she signed up for her auto insurance. In the simplest terms, full tort gives you full right to sue, while limited tort gives you limited right to sue.

This was a head-on crash where the other driver admitted that he fell asleep at the wheel. Our client was forced to go to the hospital twice due to her severe pain. An MRI and an EMG revealed disc bulging in her neck and nerve damage in her neck and arms. She saw several specialists including an orthopedist, a neurologist, and a pain management doctor. She was also referred to a neurosurgeon but, sadly, her health insurance expired in the middle of her treatment and she was unable to obtain new insurance and, thus, receive proper medical attention. As a result, she suffers daily pain and takes several different medications.



If our client in this case had chosen the full tort option, she would have recovered funds so that she could see the recommended doctors. She would also have recovered tens of thousands of dollars for her pain and suffering that would help support her family and possibly be able to obtain health insurance.

Let this be a reminder to review your auto insurance whether you live in Pennsylvania or New Jersey. We highly advise you to choose the full tort option on your auto insurance. This choice will not only affect you, but also affect any person living in your home such as your spouse and children.

## Full tort PA drivers at the mercy of NJ limited tort law

Believe it or not, a Pennsylvania driver who pays for the full tort option on his/her auto insurance is deemed limited tort in a New Jersey accident.

The "Deemer Statute" states that whether the Pennsylvania driver chose limited tort or paid higher premiums for full tort on their PA auto insurance policy, the PA driver is subject to New Jersey's limited tort law if the PA driver's auto insurance company also is permitted to issue insurance in NJ.

The New Jersey Supreme Court and Federal Courts have upheld this statute.



*The information included in this newsletter is not intended as a substitute for consultation with an attorney. Specific conditions always require consultation with appropriate legal professionals.*

## What is required after a PA car accident?

- Report the accident by quickest means of communication to the nearest police station (call 911);
- Give your name, address, and registration number of the vehicle you are driving to the other driver(s) involved in the accident;
- Give same information as above to the police officer investigating the accident;
- You must render "reasonable assistance" to any injured person, including seeking medical attention for the injured person.

