



## RUSSELL & LAZARUS APC

PERSONAL INJURY TRIAL ATTORNEYS

Exclusively handling serious and catastrophic personal injury claims as well as wrongful death claims due to the negligence of individuals or business entities.



### The Right Help When You Need It Most!

July 2019

- AUTO COLLISIONS
- MOTORCYCLE COLLISIONS
- BICYCLE ACCIDENTS
- TRIP/SLIP AND FALL ACCIDENTS
- CONSTRUCTION SITE ACCIDENTS
- ELDER ABUSE CLAIMS
- BRAIN TRAUMA CLAIMS
- WRONGFUL DEATH CLAIMS



"In the Summertime" is a song by Mungo Jerry that came out in 1970, and I always think of it around this time of year (check out his original performance of the song on YouTube.com). Growing up, summer was my favorite time of the year, and it still is. I had way more freedom than during the school year, and I could enjoy time with my friends on the baseball field, at the beach, at the river, or even working out and practicing for the upcoming football season. Going to a major league baseball game was also a big part of summer, and I still think that summer truly does not start until you go to your first baseball game of the season, whether it's the Angels or the Dodgers (The Dodgers are my first love, and the Angels are an acquired taste from my move out to the O.C.).

As a kid, I also firmly believed that summer wasn't in full bloom until my sunburned nose peeled at least three times. Sunscreen, shmunscreens! Bring on the baby oil and no-SPF Bain de Soleil! My peeled, red nose certified that I was a beach bum who maybe hopped off and on a surfboard a few times and really was "too cool for school." It also contrasted nicely with the white Angels Flight slacks — we really had no jeans back then other than 501s — that were a necessary part of the high school dating ritual in the '70s.

## IN THE SUMMERTIME

### When the Weather Is Hot ...

So, things have changed a bit, but what I find most amazing is how things have changed regarding what my generation did over the summer compared to what kids do in the summer now.

Going into my senior year of high school, I bought a Chevy LUV pickup truck with the \$1.55 an hour I was making at Jack in the Box (along with a timely loan from Granddad). Small pickups were the rage back then. The only time I had to worry about responsibilities over the summer was at Jack in the Box, where I worked about 30 hours a week. I fibbed when I applied because I was 15, and you needed to be 16, but it kind of set me up for managing people at an early age, as I became a "shift leader" pretty quickly. I got bumped up to \$1.65 per hour, and I got the privilege of making the 2 a.m. money drop at the bank (I never said I was bright). I started hiring all my friends, so they could come work with me. As I said, it gave me my first taste of managing people, which has led to leading and managing our current 25 dedicated and amazing team members here at R&L.

But I digress, as I was talking about summer.

Throwing several of my friends in the back of my truck and heading off to the beach at 65 mph was, as the Beach Boys say, "fun, fun, fun!" Of course, I look back on that now as a father, grandfather, and personal injury attorney, and I cringe. Thankfully, riding in the back of a truck was outlawed in the '80s.

Now that I have four grown and beautiful daughters of my own and our first grandchild, a girl, of course, I see summer from a different angle. First off, I would never let any of them jump into the back of a pickup and speed down to the beach. Absolutely not, even if it was still legal! But that's not all that has changed. Kids these days (speaking of, watch a funny song from "Bye Bye Birdie" lamenting kids these days on YouTube.com) have their summer days jammed with sports, are in summer school to get that needed notch on the college application, or are in one camp or another supporting whatever skill they need to push to the next level. There does not seem to be a lot of down time, and when there is down time, it involves an iPhone, Facebook, Twitter, Instagram, etc. It seems like an intense way to grow up compared to having the freedom to go where I wanted, when I wanted, with who I wanted, be it the beach, the river, the park, a surfing safari road trip, or a baseball game. And none of that was ever tethered to a "smart" phone!

The bottom line is that I am glad I grew up in the '70s and had the opportunity to come of age at a time when a kid really had the freedom to be a kid. I just hope our granddaughter, Maddie, can have that same opportunity to be a kid and have that same kind of fun when she grows up.

— Chris Russell



# SUMMER SWIMMING SAFETY

## 3 Tips for Swimming in Open Water



*Chris Russell helped save a drowning neighbor from a rip current recently at the beach, so the following information is very relevant and much needed:*

There's nothing like taking a dip in a nearby pond, lake, or even the ocean. For many, it's a summertime tradition. However, swimming in open bodies of water brings certain safety risks, as these environments are not nearly as controlled as public, club, or backyard pools. Everyone should follow these tips to have a fun and safe time cooling off under the summer sun.

**NEVER SWIM ALONE** (Chris' neighbor was doing just that!) When you swim in virtually any body of water, having someone there to keep an eye on you can be a lifesaver: the more people, the better. Stick to bodies of

water with a professional lifeguard on duty when possible, though that's not always an option. When swimming in open bodies of water, have a "designated spotter" to keep an eye on the swimmers. This way, you're prepared if anything bad happens. It's also a great idea to keep flotation devices nearby, such as life jackets, life rings, foam boards, etc.

### KNOW WHAT YOU'RE GETTING INTO.

Sometimes, it's next to impossible to see what's under the surface of the water. If you are unfamiliar with a body of water, don't jump or dive in without knowing how deep it is. If you cannot confirm what is under the surface (and the spot is not a known diving location), don't risk it. It may be okay to swim or wade, but jumping is out of the question. Along these same lines, be VERY

careful around bodies of slow-moving or standing water. These can house dangerous microbes and other contaminants that can make you ill and potentially be deadly.

**WATCH FOR RIP CURRENTS.** These can occur at any beach without warning. They pull swimmers away from shore and are strong enough that even excellent swimmers struggle to get through them. In fact, rip currents are behind nearly 80% of beach rescues. Keep an eye on the foam at the surface of the water. If it seems to suddenly pull away from the beach, there's a good chance a rip current is lurking beneath. If you find yourself in a rip current, it's crucial to remain calm and avoid expending energy swimming directly back to shore. Instead, try swimming parallel to the shore until you're out of the current.

## TEAM MEMBER FEATURE

### Alex Krywenko

#### Longtime Friend and Face of Russell & Lazarus

For our summer edition, Russell & Lazarus is proud to introduce Alex Krywenko, who is not only a longtime friend of Chris Russell but also a part of our amazing team here. Alex first met Chris when they were both 13 years old, and they have been close ever since, even attending college together and being roommates for several years. In 2012, Chris reached out to Alex and asked if he wanted to work as an investigator for the firm. Alex joined our team shortly after.

Being our official investigator isn't Alex's only title. "I'm a real estate broker by trade," he says. "I help people invest in their homes, and because my schedule is so flexible, being an investigator for Chris is a really good fit for both of us." Alex's

primary job is to meet with our new clients and sit down with them for an intake. "I introduce new clients to the services the firm provides, what they can expect while following their claim, and the steps that they'll need to take moving forward."

Ensuring we are a good fit for our client's needs and our client is a good fit for us is an absolute must. We're here to help you in any way we can, and Alex determines precisely what we can do for you. "The best part of being an investigator is meeting our new clients for the first time and listening to what their needs are. I enjoy figuring out how we can best take care of them. It's really important that they feel we're hearing them and meeting those needs, and that's what I do with every meeting I have."

When he's not helping both his and our clients, Alex enjoys spending time with his family, coaching high school football, and indulging in his hobbies, scuba diving and golf. "I'm married, and I've got two grown boys, Caleb and Corey, who are out pursuing their own careers. We don't get

together a lot, but I've been enjoying my time with my wonderful wife, Ruth, who I'll be celebrating 32 years of marriage with later this year."





# CASE STUDY

## How Do You Use the Bathroom With Two Broken Arms?

A construction site can be a dangerous place, especially when people aren't properly trained. Our client, who we will call Bill, was injured as the result of poorly trained fellow subcontractors.

At the time the injury occurred, Bill was a plumbing contractor working on the construction of a new Home Depot store. The project had many other subcontractors on-site, and one group was performing tile work. During their work, the crew laid out an almost invisible guide wire 6 inches above the floor, which violated OSHA regulations due to the way it was set up and its lack of warning. The inevitable, of course, occurred, and Bill tripped and fell over the wire. Bill is a big man at 6 foot, 3 inches and 280

pounds, and, as the adage goes, the bigger they are, the harder they fall. He landed on his wrists, severely fracturing them both. Bill was rushed into surgery, and, afterward, he was unable to do anything for himself. Aside from needing help to eat, he couldn't go to the bathroom by himself, drive a car, dress himself, or work; he was literally helpless with two full arm casts.

Fortunately, Bill's wife, Emily, stepped in to help him with all of his personal needs. Being a caregiver can be one of the most stressful roles to play, and the relationship was strained during his recovery. In fact, it was one of the few noncatastrophic cases where we sought compensation not only for our injured client but also for his wife's "loss of consortium" (a fancy legal term for her own damages).

The at-fault subcontractor and their insurance company offered us nothing for Bill or Emily. They argued they hadn't been negligent at all and that Bill was at fault for not watching where he was walking, a typical and often successful argument on trip and fall cases. They also argued their workers had been thoroughly trained to ensure the area was safe.

We had no choice but to file a lawsuit, and off to court we went. During many depositions, we discovered that the subcontractor workers were actually poorly trained in preventing accidents. All spoke minimal English and had a limited understanding of the language. All of the safety training videos they were required to watch were entirely in English! That was the turning point in the claim.

Soon thereafter, the claim was settled on the "courthouse steps," as they say, and not a moment too soon for the clients, as the trial date was only 30 days away and the clients had blown through their savings. (Workers comp insurance only pays 65% at most.) Our trial team demanded the insurance company give Bill and Emily the compensation they deserved, which ended up being \$800,000, with another \$150,000 for Emily for everything she had to do for Bill while he was recovering and the impact it had on their relationship. None of that would have been possible without the hard and smart work of the trial team, consisting of Marc Lazarus and Teri Penniston, and their tenacious approach to proving our clients' claims.



## HAPPY BIRTHDAY!

**Congratulations to Maddie and Nikolai, who celebrated their first birthdays this June!**

Top: Nikolai Gutierrez, son of Manny Gutierrez, case manager, celebrating his first birthday

Bottom: Maddie Hinkle with Papa Chris Russell and his daughter Christina, celebrating Maddie's first birthday

## ROXY MEDINA'S FAVORITE RECIPES

From Roxy Medina, Pre-Litigation Clerk

With raw zucchini, toasted hazelnuts, and a robust Parmigiano-Reggiano, this early summer salad is a delight of different textures and flavors that will make a great side at your next cookout.

### INGREDIENTS

- 3 small zucchini (3/4 lb.)
- 1/2 tsp lemon zest, grated
- 3 tbsp fresh lemon juice
- 3 tbsp extra-virgin olive oil
- Salt and pepper, to taste

### DIRECTIONS

1. Using a mandolin or very sharp knife, slice zucchini lengthwise into extremely thin, wide ribbons.
2. Arrange zucchini ribbons on a plate, sprinkle with lemon zest, and drizzle with juice.
3. Drizzle oil over zucchini, season with salt and pepper, and toss.
4. Scatter hazelnuts over the top, garnish with mint and cheese, and serve.

### ZUCCHINI SALAD WITH TOASTED HAZELNUTS



- 1/4 cup toasted hazelnuts, coarsely chopped
- Mint leaves, for garnish
- Parmesan cheese, preferably Parmigiano-Reggiano, for garnish

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Exploring the River of No Return



**Super Lawyers**

## JOURNEY DOWN A RIVER OF NO RETURN

### The Unspoiled Beauty of Central Idaho

There's more to Idaho than potatoes. Sitting square in the center of the Gem State is one of the largest contiguous areas of protected wilderness in the U.S. While the Frank Church-River of No Return Wilderness Area may not roll off the tongue as easy as Yellowstone or Yosemite, this 2 million-acre swath of mountains, gorges, and alpine lakes offers something for outdoor enthusiasts of all stripes.

#### RIVER OF NO WHAT, NOW?

The name of the wilderness may sound a little ominous at first — who wants to travel down a river of no return? — but in truth, it's a title from times gone by when canoes and small watercraft could travel down the Middle Fork of the Salmon River swiftly but couldn't fight the current going back up. Today, those same rapids make the Middle Fork a wildly popular whitewater rafting destination, with plenty of local and out-of-state enthusiasts making a return journey every summer.

#### RAFTING ISN'T FOR ME. WHAT ELSE YOU GOT?

If crashing down 300 Class III rapids isn't your speed, the Frank Church Wilderness has plenty of other ways to enjoy the wild mountain country. There are several lodges that were grandfathered in to the wilderness area, most of which are only accessible by jet boat, light aircraft, or good old-fashioned hiking. Some, like the Middle Fork Lodge, offer five-star accommodations, located conveniently close to one of the area's many natural hot springs. Those with the right permits will find the rivers and lakes full of fishing opportunities, and the surrounding pine forests are teeming with game.



#### LODGES? I JUST WANT TO GET AWAY FROM IT ALL.

For those looking for a truly unplugged experience, backpacking to the many campsites scattered throughout the region can be an incredible journey. If you spend a night beside the crystal-clear waters of Langer Lake, hundreds of miles away from any light pollution, you'll find peace, quiet, and a sky bursting with stars. If you've ever wanted to experience a truly untamed part of the United States, Idaho is the hidden gem you've been looking for.