

# Confidential Settlement for a Client who Suffered a Traumatic Head Injury at an Airport

BBGA shareholders Drew Hill, Jim Matthews, and Lee Atkinson recently settled a case against a county airport, an aircraft owner, and the company providing the owner a flight crew, for a confidential amount.

The case was for a client who was seriously injured when an aircraft jet engine blast knocked her down, causing a severe traumatic brain injury.

## Plane Engine Blast Causes Serious Head Injury

Our client traveled a lot for work. She typically flew in a small jet operated by her company's flight crew.

On the date of her injury, a much larger jet landed to drop off a passenger before proceeding on another trip.

The larger jet was parked by

airport employees about 140 feet in front of our client's work plane.

Upon being parked, the pilot of the large jet had shut off its left engine and had deplaned its passenger with its right engine still running.

After some time, airport employees authorized our client and six of her coworkers to proceed out onto the airport ramp to board their plane.

As the group passed the rear of the larger plane, the captain of that plane restarted its left jet engine and allegedly used excessive power to taxi the aircraft out of its ramp parking spot heading out onto the runway.

The excessive jet blast knocked our client and one of her coworkers up into the air and onto the concrete ramp.

Our client landed on her head and sustained a traumatic brain injury,

as well as other injuries.

## The Injuries

Our client suffered a fractured skull which caused an epidural hematoma and a subdural hematoma, which are essentially areas where blood has pooled on the brain. She also suffered a fractured left collar bone, multiple abrasions, and a sinus fracture.

The blunt force impact of the incident caused our client to suffer facial nerve paresis, tinnitus, unsteadiness, headaches, dizziness, vertigo, difficulty sleeping, and head and facial hyperactive nerve pain.

She also struggles with the in-



Drew Hill



Jim Matthews



Lee Atkinson

**Airport Continued on Page 3**



The community voted and Blasingame, Burch, Garrard & Ashley, P.C. (BBGA) won first place as "Best Law Firm" in the 2022 'Best of the Best' contest by the Athens Banner-Herald (ABH). BBGA Shareholder and Real Estate Attorney Chip Brown also won "Best Attorney - Family Law." The annual contest celebrates and recognizes "the best our community has to offer," the ABH website reads. Nominations and votes are cast by ABH readers and people and businesses in the Athens community.



Chip Brown

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## PRACTICE AREAS

- DEFECTIVE PRODUCTS
- DANGEROUS DRUGS
- PERSONAL INJURY
- MEDICAL MALPRACTICE
- NURSING HOME ABUSE
- BUSINESS LAW
- TAX & ESTATE
- REAL ESTATE

## MASS TORT/DANGEROUS MEDICAL DEVICES

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- 3M COMBAT EARPLUGS
- NEC (INFANT FORMULA)
- PARAQUAT
- EXACTECH
- OPIOIDS
- ZANTAC

## WEBSITES

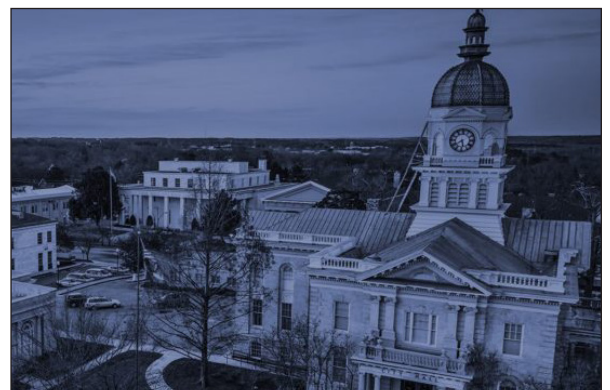
**bbga.com**  
**surgicalmeshhelp.com**

## SOCIAL MEDIA

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SETTLEMENTS IN THE LAST 8 YEARS**

# \$500,000 Settlement for Facial Injury that Left a Permanent Scar

Our client, Ms. A suffered an incident at a friend's house that left her with a significant facial laceration and permanent scar.

BBGA Attorney Michael Ruppertsburg investigated the incident and filed a lawsuit against the responsible parties.

He secured a \$500,000 settlement before the case went to trial.

## The Injuries

Ms. A immediately went to the hospital after her injury. Doctors in the emergency room noted a large facial laceration with shards of glass in the wound. The doctors cleaned the wound, removed the glass, and gave her stitches.

She was also prescribed antibiotics, nerve pain medication, and top-

ical ointments commonly used to treat scars and skin conditions. Ms. A attended follow-up visits with a doctor to ensure the wound was healing properly.

Later, Ms. A saw a plastic surgeon to discuss treatment options to reduce the appearance of her scar. The surgeon told her that the scar was

**Scar Continued on Page 4**

## Airport Continued

ability to focus, attention deficits, mental fatigue, short-term memory problems, increased anxiety, and problem-solving difficulties.

### Details of the Case

In the case, we alleged the airport had a legal duty to keep our client and other visitors safe on their premises. Personnel at the airport unlocked the door leading out to the ramp and then authorized our client and her coworkers to walk out onto the ramp.

The Federal Aviation Administration and the airport have various safety rules and regulations in place to help prevent incidents like this.

One such rule states that "no person may operate an aircraft in a careless or reckless manner so as to endanger the life or property of another."

Another rule states that there should be "reasonable protection of persons and

property from aircraft blast."

While airport personnel did marshal the large plane into a parking place, after the large jet dropped off its passenger, no one marshaled it out of the ramp area.

The pilot of the large plane said he applied normal breakaway power to move the plane out of its parking place, but multiple witnesses testified the pilot used "excessive force," which in their opinion caused an excessive blast.

### The Settlement

To secure a fair settlement, we focused on the extent of our client's injuries and that they were a direct result of the negligent actions of airport employees and the pilot of the larger plane.

We argued that our client was entitled to recover for personal injuries and future mental and physical pain and suffering.



Tyler Mathis

Congratulations to BBGA attorney Tyler Mathis who was selected to participate in the 2022-2023 Leadership Education & Advanced Direction (LEAD) Program.



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BBGA website

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## \$350,000 Settlement for Neck & Back Injuries from Rear-End Crash with Work Van

Mr. R was driving on Georgia Highway 10 when a work van rear-ended him.

The accident hurt his neck and back, which unfortunately resulted in ongoing lower back pain.

BBGA Attorney Michael Ruppersburg investigated the crash and filed a lawsuit against the at-fault company.

He secured a \$350,000 settlement before the case went to trial, which is more than seven times our client's medical bills.

### Work Van was Following too Closely

Mr. R was traveling east on Georgia 10 near its intersection with Old

Loganville Road when a work van rear-ended him.

The driver of the van was cited by police for following too closely. The impact with the client's car was so severe that it totaled his car and injured his neck and back.

### The Injuries

When the work van struck the client's car, he hit his head on the headrest with such force that he suffered injuries to his neck, back, and spine.

He had an MRI of his lower back that showed that one of the discs had a mild herniation.

Following the wreck, he saw

**Crash Continued on Page 5**

### Scar Continued

Unfortunately permanent and could be reduced, but never eliminated. He administered an injection of Kenalog, used to treat skin conditions. He also recommended future treatment with a resurfacing laser to help smooth the scar down.

### Effects of the Injuries

While the scar is still visible, the mental and emotional injuries our client suffered are not.

Her scar is visible – even when she uses make-up and concealer to try and cover it. Because her scar is prominently on her forehead, it's the first thing she notices when she sees herself in a mirror or a photo.

She wonders what she would look like without it.

Ms. A is self-conscious about the scar and worries about what others will think when they see it.

People often look at her scar or ask her what happened, which makes her self-conscious and embarrassed.

Every time she meets a new person, she wonders whether they are looking at her scar and whether they will ask what happened.

Ms. A recently started her freshman year of college, which of course involves meeting many new people. Instead of enjoying her freshman year of college, it has been a pressure cooker of anxiety and self-consciousness as she worries about meeting new people and going into new social situations.

### The Settlement

To secure a fair settlement, we focused on the effects of the scar. We argued that the scar was permanent and could never be removed, even with the best medical treatment. Ultimately, we secured a settlement of \$500,000.

## BBGA Attorney Selected to AAJ Leadership Academy

BBGA Shareholder Sara Schramm was recently selected as a member of the American Association for Justice's (AAJ)

Leadership Academy for 2023.

AAJ is one of the nation's leading nonprofit advocacy and lobbying organizations for U.S. lawyers.



Sara Schramm

The organization's mission is to defend the protection of clients' rights, including Americans' right to a trial by jury, and to uphold the integrity of the civil justice system.

Sara is one of 15 attorneys nationwide chosen to participate in this prestigious program.

Sara is also one of this year's recipients of the AAJ Certificate of Recognition.

The AAJ Certificate of Recognition recognizes AAJ members who have made contributions through membership, education, or fundraising to sustain and strengthen the organization.

The Leadership Academy provides training to highly qualified lawyers to help make them more effective leaders in the legal field and within their communities.

"I am humbled and honored to be selected for AAJ's 2023 Leadership Academy class and to receive this special recognition," Sara said. "Several of my AAJ mentors have

**AAJ Continued on Page 5**



## Crash Continued

multiple doctors and specialists for chronic headaches, cervical tension, and low back pain. Treatment included physical therapy and various medical procedures.

With time and significant treatment, Mr. R's back pain improved.



He can now manage it with stretching, exercise, and over-the-counter medication.

While his doctor testified that he would not need surgery, he did testify Mr. R would likely continue to need epidurals to manage his ongoing back pain.

### Effects of the Injuries

The most significant part of Mr. R's injuries was the effect they had on him, his family, and his quality of life.

Activities such as playing basketball or soccer with his children caused his back pain to become worse. Helping with household chores like yard work, cooking, cleaning, and laundry also caused him to hurt.

Mr. R's job requires him to spend

a significant amount of time driving. Sitting in the car would also aggravate his back pain.

He had to learn to manage his pain by using a lumbar support pillow and implementing frequent stops during his trips to stretch and rest his back.

Mr. R was also active before his injury and enjoyed activities like golf, running, skiing, and going to the gym.

### The Settlement

BBGA attorney Michael Ruppersburg was able to resolve the case for \$350,000, which was more than seven times the amount of Mr. R's medical bills.

We are pleased to have helped Mr. R with his case and we wish him the best in his continued recovery.

## AAJ Continued

been part of this excellent program and I'm looking forward to the opportunity to learn with my colleagues."

Sara is a skilled personal injury attorney at Blasingame, Burch, Garrard & Ashley, P.C. Her legal practice focuses mainly on product liability. Sara spends much of her time working directly with clients in a one-on-one setting. She uses her time with clients to gain a better understanding of their unique circumstances.

With more than two decades of legal experience, including time spent on both the defense and plaintiff's side of personal injury cases, Sara is committed to working towards maximum recovery on behalf of each of her clients.

Sara is currently appointed in the Northern District of Florida to plaintiff leadership on the 3M Combat Arms Earplug Litigation in federal multi-district litigation and she serves on the Early Vetting Subcommittee on behalf of her clients and all clients nationwide.

In the local community, Sara serves as a Court Appointed Special Advocate for children in the foster care system and Vice-Chair of the Athens Area Community Foundation.

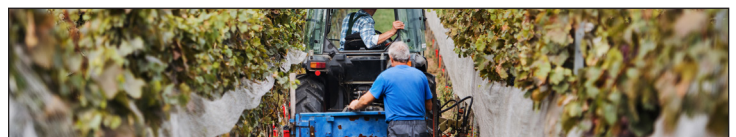
## BBGA Paraquat Case Selected for Case-Specific Workup in MDL

The first case in the Southern District of Illinois Multi-District Litigation (SDIL-MDL) against Chevron and Syngenta by individuals who sprayed the herbicide Paraquat and subsequently developed Parkinson's disease will now be tried on July 24, 2023.

An additional 16 cases have been ordered for case-specific workup, including a case filed by BBGA and the Walkup, Melodia, Kelly & Schoenberger firm on behalf of James "Waylan" Hitchcock, Sr. of Tennille, GA.

Plaintiffs have filed approximately 2,000 cases in the SDIL-MDL. The product used from 1961 to the present by farmers was often labeled as Gramoxone, and defendants are alleged to have sold Paraquat for years with full knowledge of the disease link.

Initially, Judge Nancy J. Rosenstengel, in charge of the SDIL-MDL, ordered six cases to be worked up as bellwether cases for trials to start as early as November 2022, but a new scheduling order was entered on August 17, 2022.



# IN THE COMMUNITY:

## BBGA Attorney Takes Part in Project to Assist Older Adults



BBGA Shareholder Leanna Pittard took part in a service project with the American Association for Justice and Trial Lawyers Care. The group teamed up with Elder Love USA, a nonprofit that assists older adults who need help with day-to-day activities.

BBGA supports multiple charitable organizations, events, and corporations in the Athens Community each year. Some of the organizations we've partnered with over the last few months include:

- Boys & Girls Club of Athens
- Athens Area Homeless Shelter
- Go Beyond teen program
- Athens Academy
- UGA Ice Dogs/Athens on Ice
- NE Georgia Food Bank
- Georgia MOAA Conference
- City&County Attorneys Meeting
- SANE, Inc.
- Clarke County Sheriff's Office
- Loran Smith Center for Cancer Support
- GTLA: Elder Abuse Litigation Seminar/UGA Tailgate

EXPERT SPEAKERS

RELEVANT TOPICS

NETWORKING OPPORTUNITIES

## 3RD ANNUAL ELDER ABUSE LITIGATION SEMINAR

### REGISTRATION IS OPEN!

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*Attendees will earn CLE Credit of 6.5 hours, including 2.5 trial and 1.0 ethics.*

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### BBGA Elder Abuse Team



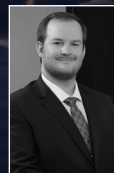
Lee Atkinson



Alex Hughes



Evan Jones



Tyler Mathis



Leanna Pittard



Chase Ruffin



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# Mass Tort/Defective Product Case Types

## SURGICAL MESH

- Bard Composix EX
- Bard Perfix Plug
- Bard 3D Max
- Bard Sepramesh IP (implanted after 1/1/2008)
- Bard Ventralex ST (we are not taking Ventrio or Ventralight)
- Bard Composix Kugel
- Covidien Parietex (except ventral patch, PCO4VP, PCO6VP, PCO8VP)
- Covidien Surgipro

### CRITERIA:

At least one mesh-related surgery or medically documented need for future mesh-related surgery.

## TALCUM POWDER



### CRITERIA:

- Daily genital talc use for at least 7 years
- Diagnosis of Epithelial Ovarian Cancer (OVCA)
- Diagnosis of Serous Invasive Fallopian Tube Cancer
- Age at diagnosis between 30-years-old and 65-years-old
- No more than 5 years since diagnosis
- No immediate family history of Breast Cancer (not a factor if BRCA negative)
- No immediate family history of Ovarian Cancer

## IVC FILTERS

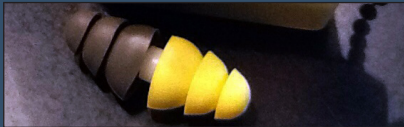
### MANUFACTURERS AND MODELS:

- Cook Medical - Celect and Gunther Tulip
- Cordis - OptEase and TrapEase

### CRITERIA:

- Pulmonary Embolism diagnosis after the implant
- Has a documented problem with the filter such as a fracture, migration, perforation, clogged filter, it's embedded, etc.
- Removal or attempted removal of device due to an injury such as a fracture, migration, perforation, it's embedded and unable to be retrieved, etc.

## 3M COMBAT EARPLUGS



If you were in the U.S. Military anytime between 2003 and 2015 and have suffered permanent hearing loss, impairment, or tinnitus, you may be eligible for significant compensation due to faulty earplugs.

### CRITERIA:

- Served in the U.S. Military anytime between 2003 and 2015
- Suffered permanent hearing loss or tinnitus
- Used dual-ended earplugs as primary source of hearing protection

## ZANTAC

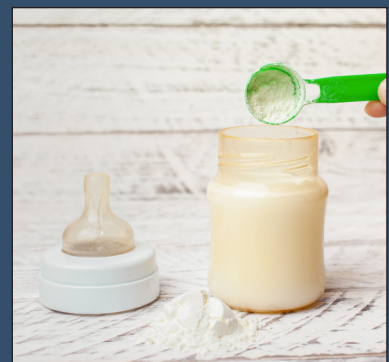
### Threshold Exposure:

- At least 1 year of Zantac exposure prior to bladder cancer diagnosis.
- Brand name Zantac is best, but mixed use with generic Ranitidine okay.
- Minimum of 300 mg / week during 1 year period of exposure.
- No more than 5 years since last Zantac (Ranitidine) exposure prior to bladder cancer diagnosis

### CRITERIA:

1. No cases of any type from Michigan or Texas.
2. Must have a cancer diagnosis.
3. Statute of Limitations (SOL) must be intact to accept a case.
4. No death cases longer than ten years ago.

## NECROTIZING ENTEROCOLITIS (NEC) INFANT FORMULA



### CRITERIA:

- Infant was premature.
- Infant was diagnosed with NEC.
- Infant was given formula or fortifier (except Prolacta) before being diagnosed with NEC.
- **Infant suffered specific injuries, which may include:**

The child died from complications related to NEC, had one or more gastrointestinal or other type of surgery related to an NEC diagnosis, has ongoing gastrointestinal or other bowel conditions such as damage to the intestinal tract, mucosal injury, bowel wall destruction, full-thickness necrosis, or perforation caused by NEC; has cerebral palsy or other ongoing neurological conditions related to an NEC diagnosis; or suffered other serious/lasting injuries from an NEC infection. Birth date is within the last 30 years.

## PARAQUAT

### DID YOU KNOW:

The active ingredient in Paraquat causes Parkinson's Disease.

Paraquat is dangerous to human health and unfit to be marketed and sold without proper warnings and directions as to the dangers associated with its use. The companies that produce, advertise, market, sell, and distribute Paraquat include:

- Syngenta Crop Protection, LLC;
- Syngenta AG; and
- Chevron U.S.A., Inc.

## EXACTECH

### DID YOU KNOW:

- Exactech, Inc. is a global medical device company that makes and sells orthopedic implants.
- Exactech has recalled thousands of knee, hip, and ankle implants due to their defective design.
- The polyethylene liners in the implants pose a risk of edge-loading and premature prosthesis wear, which can cause injury and require revision surgery.
- Claims by Exactech that its liners would result in less wear were false and misleading.



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Lee Atkinson



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Chase Ruffin



Michael Ruppensburg



Mary Russell



Sara Schramm



Josh Wages

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and the U.S.



PERSONAL INJURY AREAS OF PRACTICE  
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BIRTH INJURIES  
CAR ACCIDENTS  
TRUCK ACCIDENTS  
PEDESTRIAN ACCIDENTS  
DOG BITES  
WRONGFUL DEATH  
UNSAFE ROADS  
SLIP & FALL  
DROWNING/POOL ACCIDENTS  
DAYCARE ABUSE  
SEXUAL ASSAULT/PREMISES LIABILITY  
NURSING HOME ABUSE & NEGLECT

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