

Confidential Settlement for Children Injured by Contaminated Water at a Pediatric Dental Clinic

BBGA attorneys Drew Hill, Jim Matthews, Lee Atkinson, and Alex Hughes recently negotiated and secured a confidential settlement for children who were injured by contaminated water at a Georgia pediatric dental clinic that was part of a national chain.

Contaminated Water Leads to Severe Injuries

BBGA represented six families who brought their children to the same pediatric dental clinic over a two-year period.

All six children developed infections in their jaw bones, lymph nodes, and sinuses from a bacteria called *Mycobacterium abscessus* after having a dental procedure

known as a pulpotomy.

As a result of their infections, the children needed additional medical treatment that included the removal of portions of their jaw bones and lymph nodes, and prolonged use of strong I.V. antibiotics that have the potential to cause permanent kidney injury and hearing loss.

What is a Pulpotomy?

A pulpotomy is an invasive procedure involving the partial removal of decayed pulp within the crown of a baby tooth. Dentists use water to remove blood and debris from the tooth chamber during the procedure. A pulpotomy is often called a baby root canal.

If a permanent tooth is close to

coming in, or the pulp decay is so extensive that the baby tooth cannot be salvaged, extracting the tooth is the best and least expensive option. An X-ray can determine whether a child needs a pulpotomy.

When a dentist performs an unnecessary pulpotomy the procedure is likely to fail, and the tooth is extracted anyway. This is what happened to the six children we represented.

What is *Mycobacterium Abscessus*?

Mycobacterium abscessus is a type of bacteria that typically grows in water and soil. It can also grow in water lines. *Mycobac-*

Pediatric Clinic Continued on Page 5

YEAR IN REVIEW ...

As 2022 comes to an end, Blasingame, Burch, Garrard & Ashley, P.C. is looking back at some of the highlights from this past year -- including some of our top stories, new attorneys, promotions, and case results.

- **BBGA attorneys Michael Ruppensburg and Tyler Mathis secured a \$1,400,000 settlement with the GDOT** and the at-fault driver in a road defect case. The settlement included \$1,300,000 from GDOT and the at-fault driver's \$100,000 insurance policy limits.
- **BBGA shareholders Drew Hill, Jim Matthews, and Lee Atkinson** 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

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**\$1,100,000,000 IN VERDICTS AND
SETTLEMENTS IN THE LAST 9 YEARS**

2022 Continued

an aircraft jet engine blast knocked her down, causing a severe traumatic brain injury.

- **BBGA Attorneys Michael Ruppensburg and Tyler Mathis** secured a confidential settlement for a client who suffered severe burn injuries caused by an improperly filled propane tank. (Read about it on Pg.6)
- **A BBGA client and his family gained national attention** for their tradition of painting Bulldog-related messages on their barn on Highway 15 near Sandersville, Ga.
- **A \$400,000 settlement** for a client who broke their leg in a car crash.
- **Six BBGA attorneys** were selected to the 2022 Georgia Super Lawyers List.
- **BBGA Attorney Leanna Pittard** was promoted to shareholder.
- **BBGA Shareholder Evan Jones** was selected to the 2022 list of the Nation's Top One Percent by the National Association of Distinguished Counsel (NADC).
- **A \$500,000 settlement** for a client whose face was injured in a car crash and it left a permanent scar.
- **BBGA Shareholder Sara Schramm** was selected as a member of the American Association for Justice's (AAJ) Leadership Academy for 2023.
- **BBGA Attorney Jim Matthews** was selected as one of America's Top 100 Personal Injury Attorneys®, and as one of America's Top 100 High Stakes Litigators®, for 2022.
- **Six BBGA Attorneys** were recognized in the 2023 Edition of The Best Lawyers® in America.
- **BBGA Attorney Greg O'Connell** was sworn in as an attorney.



The barn was repainted on January 12, 2022, as a tribute to the Georgia Bulldog's win against Alabama. Photo courtesy of The Barn Hunter

Greg O'Connell Sworn in as Attorney

Join us in congratulating Greg O'Connell on passing the Georgia State Bar Examination and being admitted to practice law in the State and Superior Courts of Georgia.

Western Judicial Circuit Superior Court Judge Lawton Stephens administered the Attorney Oath to Greg on November 9, 2022.

Greg was surrounded by fellow BBGA attorneys and his wife during the ceremony.

Greg is a commercial real estate attorney at Blasingame, Burch, Garrard & Ashley, P.C. A native of Pekin, Indiana, Greg earned his J.D., cum laude, from the University of Georgia School of Law in 2022.

"We are thrilled to have Greg O'Connell join our firm," said BBGA Shareholder and Real Estate Attorney Tripp Bridges. "He has a bright future at our firm, and we couldn't be more excited to have him on board."



BBGA Shareholder Finalist for 2023 ATHENA International Award

Sara Schramm, a shareholder at Blasingame, Burch, Garrard & Ashley, P.C., was honored on Dec. 8 alongside seven of her peers as a 2023 ATHENA International Award Nominee.

All the nominees were recognized at a luncheon held at the Athens Country Club.

The ATHENA Award is presented to a person who has attained and embodies the highest level of professional excellence in her business or profession; who has devoted time and energy to improve the quality of life in the community; and who actively assists women in realizing their leadership potential.

Sara is a nationally recognized product liability attorney representing veterans with hearing damage in the largest Multi-District Litigation in the

nation, the 3M Combat Earplug Litigation consolidated in the Northern District of Florida Federal Court. She is a court-appointed member of the plaintiff leadership team for 3M Combat Earplugs since 2019.

Sara also represents individuals who have been injured by hernia mesh, Paraquat, and NEC, as well as single event catastrophic personal injury cases such as medical malpractice, and auto & truck accident cases.

As a leader within the Women's Caucus of the American Association for Justice (AAJ), an organization that protects the rights to a jury trial, Sara was selected for AAJ's Leadership Academy for 2022. Sara currently serves as Chair of the Athens Area Community Foundation Board, is a member of the Athens Tech

Paralegal Advisory Board, and is on the Law Library Board

of Trustees. She is past President of the Western Circuit Bar Association.

Sara volunteers her service to children in foster care as a Court Appointed Special Advocate in the Piedmont Circuit where she was awarded the "Deep End Award" for her advocacy.

Several BBGA attorneys and staff attended the luncheon in support of their friend and colleague, Sara.

The recipient of the ATHENA Award will be announced at the Athens Area Chamber of Commerce Annual Meeting on Feb. 23.



Sara Schramm

BBGA Ranks Tier 1 for 4 Categories in 2023 'Best Law Firms' List

Blasingame, Burch, Garrard & Ashley, P.C. has once again ranked Tier 1 in the Greater Atlanta region in the U.S. News & World Report and Best Lawyers® "Best Law Firms" list.

The "Best Law Firm" title is reserved for law firms in the U.S. that possess professional excellence with consistently impressive ratings from clients and peers.

BBGA ranked Tier 1 in four plaintiffs' categories for the 2023 edition: Mass Tort Litigation/Class Actions, Medical Malpractice, Personal Injury Litigation, and Product Liability Litigation.

Firms that receive a Tier designation reflect the highest level of respect a firm can earn among other leading lawyers and clients from the same communities and practice areas.

Best Law Firm Continued on Page 10

This is BBGA's second year ranking as Best Law Firm in the U.S. News & World Report and Best Lawyers® "Best Law Firms" list.



From Left are BBGA attorneys Mary Matthews Russell, Amy BeMent, Sara Schramm, and Kirsten Pickering.

Pediatric Clinic Continued

terium abscessus rarely causes infections in humans because it must be introduced into the bloodstream by cuts or incisions like those made during dental procedures like pulpotomies.

Mycobacterium abscessus is related to the types of bacteria that cause tuberculosis and leprosy. While human infections are rare, they can be life-threatening when they occur.

Mycobacterium abscessus infections can be easily avoided by routinely monitoring bacteria levels and cleaning water lines.

The CDC and American Dental Association recommend that dental clinics regularly perform such preventative measures.

CDC Investigation Shows Contaminated Water Lines

The CDC investigated the outbreak of infections at the pediatric dental clinic where our six clients were treated. Testing showed that water in the lines used to perform the pulpotomies had bacteria levels 182 times the recommended safe level.

The CDC also found that the clinic's owners did not routinely test the water before the outbreak occurred.

BBGA Argues That a Culture of Profits Over Patient Safety Led to the Children's Infections

We investigated the dental clinic's ownership structure and determined that various private



Drew Hill



Jim Matthews



Lee Atkinson



Alex Hughes

equity firms funded it during and after the outbreak of infections.

We also hired a pediatric dentist to review the children's dental records and X-rays to determine if the pulpotomies were necessary.

Our dental expert concluded that the pulpotomies were unnecessary for all six children and that their teeth should have been extracted instead.

After we filed the lawsuit, we obtained documents showing that the dentists who performed the pulpotomies were primarily paid based on the number of procedures they performed.

The dentists who performed the pulpotomies on the six children billed the parents for the pulpotomies and then again for the subsequent teeth extractions.

We also obtained documents showing that executives of private equity firms were members of the board that controlled operations at the pediatric dental clinic.

These executives monitored the clinic's profits, the number of procedures performed at the clinic, and compared its profitability and

procedure volume to other clinics that were part of the national chain.

Obtaining the internal documents that showed the extent of private equity control over the operations at the clinic took time, hard work, and patience.

We persisted and gathered evidence showing that the clinic's owners and operators prioritized profits over patient safety.

The Settlement & Changes in Dental Practices

Our hard work and persistence allowed us to secure fair settlements for all six clients.

While no amount of money could compensate the children and their parents for everything they went through, the money we obtained for them will change their lives for the better.

The outbreak of infections at the clinic has been a topic of discussion at dental seminars and written about in dental journals.

The case has helped emphasize the importance of water line monitoring and cleaning at dental clinics across the U.S.

Lindsay A. Farlines, Esq. LL.M., J.D.

4th ANNUAL ELDER ABUSE SEMINAR

2023
KEEP AN EYE OUT FOR
UPCOMING DETAILS.

Confidential Settlement for a Client who Suffered Severe Burns from a Propane Tank Explosion

BBGA Attorneys Michael Ruppersburg and Tyler Mathis secured a confidential settlement for a client who suffered severe burn injuries caused by an improperly filled propane tank.

Family Cook-Out Ends in Tragedy

Our client was planning a Fourth of July cookout with his family, so his father went to a store to have propane tanks filled. The father dropped off a propane tank at our client's house for the cookout.

The next day our client hooked up the propane tank to his grill. The grill went out because the regulator on the propane tank was frozen. The regulator helps control the flow of gas vapor from the container to the burner tip.

A regulator often provides over-pressure protection with a pressure relief device. Our client reached to turn off the control valve when the fire went out, but as he

did, the tank's pressure relief valve opened and began releasing propane into the air.

Flames from another grill ignited the propane in the air causing an explosion and engulfing our client in flames.

The Injuries

Our client's mother heard the explosion and a blood-curdling scream. She rushed to the shed where she found our client emerging from the flames. His mother rushed him to the nearest emergency room.

Our client suffered flash burns and partial thickness burn injuries to approximately 40% of his body including his head, neck, chest, abdomen, arms, and legs.

He suffered second-degree burns with painful fluid-filled blisters on 22% of his body.

Our client required surgery for the placement of 28 skin or tissue grafts. He was at a burn center in

full body bandages for two weeks. During the two weeks, he could not perform any activities of daily living himself. In addition to the immense pain from the burns, the staples and bandages prevented our client from getting comfortable or obtaining meaningful rest.

Rules and Regulations for Propane Tanks

Georgia has rules and regulations for dispensing and refilling propane tanks that are set by the National Fire Protection Agency (NFPA), the Department of Transportation (DOT), and the Occupational Safety and Health Administration (OSHA).

Some of the State and Federal Rules for Filling or Refilling a Propane Tank

Perform a visual inspection of each cylinder to verify it is fit for continued use.

Fill each cylinder according to weight on a scale.

Propane Tank Continued on Page 7



BBGA Sponsors GAMOAA 63rd Annual State Conference

Blasingame, Burch, Garrard & Ashley, P.C. (BBGA) was a sponsor of this year's Athens-Area Chapter of the Military Officers Association of America (AAMOOA), and the Georgia Military Veterans Hall of Fame's (GM-VHOF) 63rd Annual State Conference. The AAMOOA hosted this year's statewide event.

The organizing committee started planning for the conference in February of 2020, the year COVID-19 impacted everyone. Because of COVID, the conference was postponed for two years.

The conference was held on Nov. 17-20 and brought members of the MOAA and GMVHOF from across Georgia to the City of Athens. The group had the opportunity to attend a President's Reception and various

tours, including a Back to School Tour of the University of Georgia's North Campus, the Botanical Gardens, a City of Athens Bus Ride, a tour of the Butts Mehre Sports Complex, and a tour of the Medical College. Other events included a UGA Men's Basketball game at Stegeman Coliseum, a silent auction, a social hour and banquet, and a memorial service.

The MOAA is the nation's largest association of military officers. It is a nonprofit organization that advocates for veterans, service members, and their families. BBGA is proud that several firm members are Veterans and was honored to partner with AAMOOA to support this year's annual conference and recognize those who have served.



Propane Tank Continued

Check the weight of each cylinder after they are filled using the scale.

Do not rely on the cylinder's overfilling prevention device as a primary means to determine when a cylinder is overfilled.

Surveillance video from the retail store shows that the employee failed to follow any of the above required regulations, including weighing the propane tanks

during or after filling them to ensure they were not overfilled.

The Settlement

We were able to secure a settlement for our client that fairly compensated him for his injuries.

We are pleased to have helped this client and we wish him best in his continued recovery.

3rd Annual Elder Abuse Litigation Seminar

Dozens of attorneys attended the 3rd Annual Elder Abuse Litigation Seminar on Oct. 20 at The Hotel Avalon in Alpharetta.

The seminar is sponsored by nursing home abuse attorneys with Blasingame, Burch, Garrard & Ashley, P.C.; Prieto, Marigliano, Holbert, & Prieto, LLC.; Watkins, Lourie, Roll & Chance, P.C.; and the Georgia Trial Lawyers Association.

The Annual Elder Abuse Litigation Seminar aims to bring to light the various problems within nursing homes and other long-term care facilities through education on current issues, statistics, trends, legal tactics,

and networking.

This year's seminar covered topics such as:

- Recovery of Attorneys' Fees and Expenses
- Key Depositions in Nursing Home Cases
- Pursuing Claims for Resident-on-Resident Assault
- Updates on Ethics and Professionalism
- Hospice as a Defendant? Absolutely

Attendees also had the opportunity to network with the top nursing home litigation attorneys in Georgia. Following the seminar there was a cocktail hour held at South City Kitchen. [View More Photos on Page 10](#)



BBGA Elder Abuse Team



Lee Atkinson



Alex Hughes



Evan Jones



Tyler Mathis



Leanna Pittard



Chase Ruffin



Mary M. Russell



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MARCH 16TH

AKADEMIA BREWING CO

Doors open at 6 p.m.

Event starts at 7 p.m.

All proceeds benefit SANE, Inc.

FASHION WHAT THEY WERE WEARING SHOW

BBGA Shareholder Evan Jones and BBGA Marketing Coordinator Allie Jackson both sit on the Board of Directors for SANE, Inc.

SANE is holding a fashion show fundraiser that will highlight the latest spring fashions from local retailers, while simultaneously raising funds to benefit sexual assault survivors and SANE, Inc.

The evening includes a runway show showcasing the latest spring fashions. Additionally there will be an exciting silent auction full of luxurious items from local businesses.

THE BEST PART?!? -- All of this fun benefits SANE, Inc.!

The purpose of the Sexual Assault Nurse Examiners Program (SANE) is to provide victim forensic examinations and evidence collection, court testimony, and community prevention education related to rape, sexual and physical assault. SANE, Inc. functions as a non-profit 501 (c) 3 agency and is currently governed by a board of directors.

IN THE COMMUNITY:

BBGA supports a number of charitable organizations, including but not limited to:

- Boys & Girls Club of Athens
- Food Bank of Northeast GA
- Jr League of Athens
- Chess & Community
- SANE, Inc.
- United Way of NE Athens
- Habitat for Humanity
- Loran Smith Center for Cancer Support
- Samaritan Counseling Center
- Muscular Dystrophy Association
- Athens Area Child Abuse Prevention
- Go Beyond Teen Program
- Athens-Area Military Association
- Peace Place
- Clarke County Sheriff's Office
- Athens-Clarke County Police Department
- Athens-Clarke County Fire Department

Elder Abuse Litigation Photos Continued



Best Law Firm Continued

To be eligible for a ranking, a firm must first have a lawyer recognized in The Best Lawyers in America® list. Six attorneys at BBGA are included in the 2023 edition of The Best Lawyers in America®. The attorneys recognized include Henry Garrard, Drew Hill, Jim Matthews, and Michael Ruppensburg. Attorneys Alex Hughes and Charles Ruffin are recognized on The Best Lawyers in America: Ones to Watch® list for 2023.

“We have an excellent team of skilled attorneys who help clients across the U.S. with various types of complex litigation,” Senior Firm Shareholder Henry Gar-

rard said. “Our attorneys are dedicated to helping each client pursue the best possible outcome in their legal matter.

That dedication is reflected in the over \$800 million we’ve recovered for deserving clients over the last eight years. “However, it is always an honor to be recognized for your hard work, especially on a national level,” Garrard said.

BBGA has been assisting clients with a wide range of complex legal matters in Georgia and across the U.S. for nearly 40 years. Since the firm’s founding in 1984, BBGA has remained one of the largest law firms in the Athens region.

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

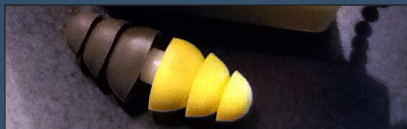
MANUFACTURERS AND MODELS:

- 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

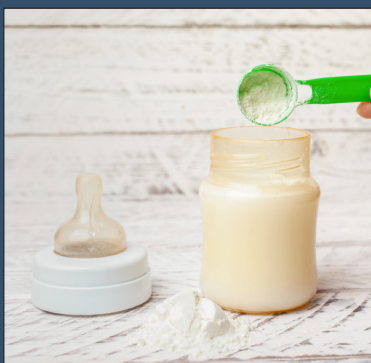


If you were in the U.S. Military anytime between 2003 and 2015 and have suffered permanent hearing loss, impairment, or tinnitus, you may be eligible for significant compensation due to faulty earplugs.

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

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.

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.

We welcome the opportunity to work on a case with you.

Scan the QR code below to access our referring attorneys page to learn more about intake criteria for various case types, review and download sample documents, review and download our Personal Injury Results Book, and more.

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SCAN ME

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.



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Chase Ruffin



Michael Ruppensburg



Mary M. Russell



Sara Schramm



Josh Wages

We take cases
across Georgia
and the U.S.



PERSONAL INJURY AREAS OF PRACTICE INCLUDE, BUT AREN'T LIMITED TO:

DEFECTIVE PRODUCTS
DANGEROUS DRUGS
MEDICAL MALPRACTICE
DENTAL MALPRACTICE
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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