

Confidential Settlement for Degloving Injury Caused by Defectively Designed Machine

Mr. B worked at a plant that makes paper bags for grocery and department stores. His job was to operate one of the machines that made the paper bags.

One day while working on the machine, it suddenly pulled his hand into the rollers, causing him to suffer a degloving injury to three fingers. BBGA attorneys Michael

Ruppensburg and Alex Hughes investigated the incident, determined that the manufacturer did not design the machine properly, filed a lawsuit against the manufacturer, and secured a confidential settlement before the case went to trial.

The Incident

Mr. B was operating the machine when the reel of paper feeding into

the machine broke. He stopped the machine, raised the plexiglass protective hood that covered the rollers, threaded the paper back into the rollers, and then lowered the protective hood.

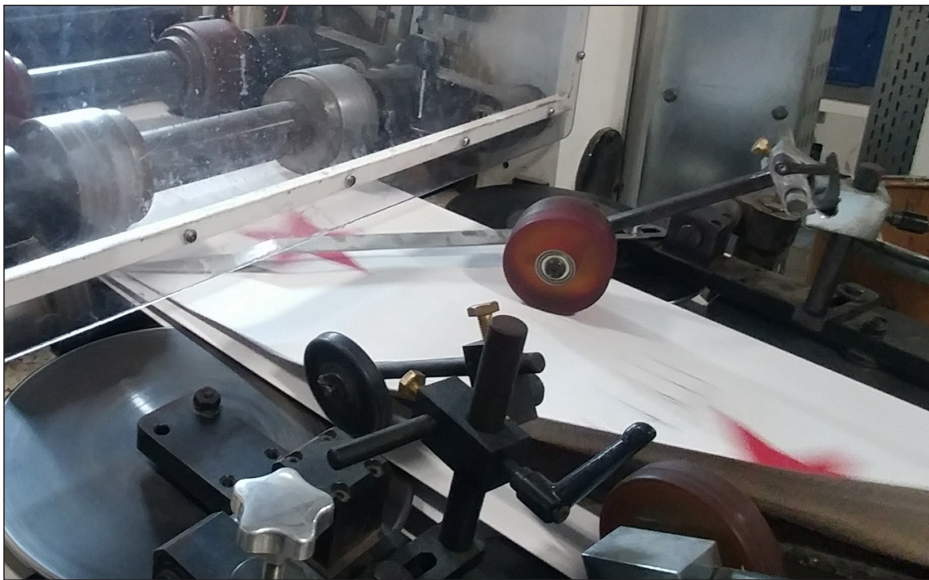
When lowered, the protective hood has a gap underneath it that allows the paper to flow into the rollers.

Mr. B restarted the machine and was aligning the paper when the paper caught his hand and pulled it through the gap, under the protective hood, and into the rollers.

The Injury

Mr. B suffered a degloving injury to three fingers on his left hand. A degloving injury is a traumatic wound where the top layers of skin and tissue are torn away from the underlying muscle, connective tissue, or bone. An air ambulance transported him to the hospital. He has had three surgeries to save his hand and

Defective Machine Continued on Page 5



BBGA Attorney Participates in Athens Academy Alumni Career Panel

BBGA Attorney Mary Matthews Russell recently participated in an Alumni Career Panel for juniors and seniors at Athens Academy.

Mary was one of four panelists who discussed their memories and experiences at Athens Academy and how the school prepared them

for college and their careers. Head Football Coach Josh Alexander moderated the panel and asked each

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2100 Southbridge Parkway
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David Dismuke
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Drew Hill
Thomas Hollingsworth
Rob Huestis
Alex Hughes
Tommy Jeffords
Evan Jones
Austin Joseph
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Tyler Mathis
Greg O'Connell
Leanna Pittard
Chase Ruffin
Michael Ruppensburg
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Panel Continued

panelist various questions.

One of the questions Alexander asked Mary during the event is how what she did in college affected her career trajectory.

“I was a journalism major,” Mary said. “Even though I did not end up going into journalism as my profession, the skills I developed at Grady College of Journalism have correlated really well with the skills required to be a good lawyer – such as investigating facts, interviewing people, and presenting a story to an audience.”

At Athens Academy, Mary was on the judiciary board all four years of high school. The board is a group of students who are selected by the school to enforce the honor code and hold proceedings to assist in dealing with anyone who is accused of vio-

lating it.

“That was my first experience with any kind of judicial system,” Mary said. “And because of that experience, I went on to serve on the Honor Court at UGA Law and ultimately became the Chief Investigator my third year of law school.”

During her visit to Athens Academy, Mary visited with several of her former teachers and mentors.

“I attended Athens Academy from K-4 to 12th grade,” she said. “Looking back on my time there, it was a wonderful experience. I plan to be more involved in the alumni association now that I’m back in Athens.”

At Blasingame, Burch, Garrard & Ashley, P.C., Mary’s practice focuses on medical malpractice, automobile accidents, nursing home abuse, and other personal injury cases.

Mary was born and raised in Athens

and attended the University of Georgia. She earned a Bachelor of Arts in Journalism and a Bachelor of Arts in Spanish.

Mary attended law school at UGA, obtaining her Juris Doctorate in 2019. During law school, Mary served as the Chief Investigator of the UGA Law Honor Court and an Articles Editor for the Georgia Law Review.

Following law school, Mary worked for a large firm where she represented defendants in a wide variety of legal matters, including personal injury and premises liability cases.

She defended hospitals, nursing homes, and other healthcare providers against alleged professional negligence.

Mary returned to Athens to join Blasingame, Burch, Garrard & Ashley in June 2022.



Photo Courtesy of Kelley Cuneo, Athens Academy Director of Communications: From left; Athens Academy Head Football Coach Josh Alexander, Mary Matthews Russell, Laura Allen, Ed Ferguson, Sunil Alexander, M.D.

Multiple BBGA Attorneys Selected to 2023 Georgia Super Lawyers List

Multiple attorneys at Blasingame, Burch, Garrard & Ashley, P.C. have been selected to the 2023 Georgia Super Lawyers list. Super Lawyers is a nationally recognized independent rating service that selects the top attorneys in every state each year.

The Super Lawyers list recognizes no more than 5 percent of attorneys in each state and is published nationwide in Super Lawyers Magazine and in leading city and regional publications across the country.

BBGA Attorneys Selected to the 2023 list Include:

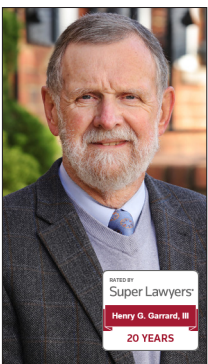
- Henry Garrard
- Drew Hill
- Rob Huestis
- Evan Jones
- Jim Matthews
- Michael Ruppensburg

An additional achievement, attorneys Henry Garrard,

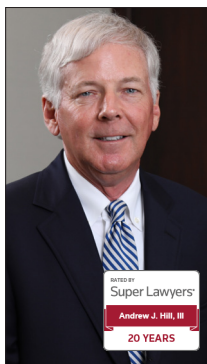
Drew Hill, and Jim Matthews have been selected to the Super Lawyers list for 20 years. Evan Jones has been selected for 19 years.

Super Lawyers, part of Thomson Reuters, rates outstanding lawyers from more than 70 practice areas who have attained a high degree of peer recognition and professional achievement.

The annual selections are made using a multiphase process that includes a state-wide survey of lawyers, peer recognition, professional achievement, and an independent research evaluation of candidates. For more information about Super Lawyers, visit [SuperLawyers.com](https://www.superlawyers.com).



Henry Garrard



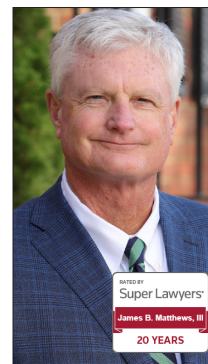
Drew Hill



Rob Huestis



Evan Jones



Jim Matthews



Michael Ruppensburg

BBGA Attorneys Attend Annual Awards and Dinner Meeting

Several attorneys at Blasingame, Burch, Garrard & Ashley attended the Feb. 23 Athens Area Chamber of Commerce (AACC) 119th Annual Awards and Dinner Meeting.

BBGA Attorneys Tripp Bridges, Sara Schramm, David Dismuke, Chip Brown, Amy BeMent, Pam Dillard, and Austin Joseph attended the event.

Awards announced at the meeting included the Educator of Excellence, ATHENA Honoree, Spirit of Athens, Upshaw Bentley Citizen of the Year, Small Business of the Year, and Nonprofit of the Year.

Sara Schramm is the current Board Chair for the Athens Area Community Foundation, which selects and presents the Nonprofit of the Year Honoree. Amy BeMent is also on the Athens Area Community Foundation Board of Directors.

Prior to the Awards dinner, on Jan. 23, Sara had the opportunity to address thirty-one non-profit organizations at a Nonprofit of the Year Nominee Reception hosted by the Athens Area Community Foundation. She spoke to the non-profit organizations about the importance of collaborative

Awards Continued on Page 6

Defective Machine Continued

help him regain its use. Despite the doctors' best efforts, Mr. B will, unfortunately, have life-long complications from his injury. Simple activities such as buttoning a shirt, zipping his pants, tying his shoes, eating food, doing yard work, or playing with his children are difficult or impossible. His fingers are overly sensitive to the touch and are often painful, especially when the weather is cold.

International Standards for Machine Guarding

To prove that the machine is dangerous and defectively designed, Michael and Alex researched how manufacturers should design machines like the one that injured Mr. B. In doing so, they learned that the manufacturer certified the machine complied with ISO 13857, which is an international machine guarding standard implemented to prevent injuries like this one.

The International Organization for Standardization (ISO) sets standards for different industries. ISO standards are essentially "best practices." To quote ISO, standards are "a formula that describes the best way of doing something."

ISO Standard 13857 is a machine-guarding standard. It sets specific safety distances between the worker's hands, arms, and body, and the machine's moving / hazardous parts. When a machine

like this one has rollers protected by a hood, ISO standards require that the worker be a specific distance from the rollers based on how large the gap is under the protective hood.

ISO standards require that the larger the gap under the hood, the greater the distance the worker should be from the rollers.

This helps prevent the workers' hands and arms from accidentally going under the hood and into the rollers.

Investigation Proves the Machine Did Not Comply with Machine-Guarding Standards

Mr. B retained BBGA shortly after the degloving incident. Attorneys Michael and Alex hired a mechanical engineer with expertise in machine guarding to inspect the machine.

The expert's measurements showed that the gap under the protective hood was too large, given how close it was to the rollers. To comply with the machine-guarding standards, all the manufacturer needed to do was extend the protective hood a few more inches, which would have likely prevented Mr. B's hand from going under it and into the rollers.

BBGA's investigation also revealed that following the incident, the plant modified the machine that injured Mr. B – along with



Michael Ruppensburg



Alex Hughes

other similar machines at the facility – by lengthening the protective hoods, which reduced the gaps under them. A photo of the machine running with the protective hood lowered before it was modified.

Litigation & Settlement

Because the manufacturer is from another country, BBGA attorneys Michael and Alex filed a lawsuit in federal court.

They took the depositions of multiple employees involved in the design and installation of the machine and the depositions of Mr. B's supervisors and co-workers at the plant. Michael and Alex defeated multiple motions by the defense seeking to have the case dismissed.

They then mediated the case and secured a confidential settlement that fairly compensates Mr. B for his injuries. We are pleased to have helped Mr. B with his case and we wish him continued success in his ongoing recovery.

4th ANNUAL ELDER ABUSE SEMINAR

October 20, 2023

EPICUREAN, ATLANTA

More On Page 8

\$200,000 Settlement for Pedestrian Injured when Hit by Van in Crosswalk

Ms. A was crossing the street in a crosswalk when a van driver hit her. The wreck broke her left shoulder and ankle. She eventually underwent surgery to repair her shoulder. BBGA attorney Michael Ruppensburg investigated the incident and secured a \$200,000 settlement before the case went to trial.

Van Turns Left into Crosswalk, Hits Pedestrian

Ms. A lives in Greensboro, Georgia. On the day of the incident, she was crossing the street on her way to lunch at the intersection of S. East Street and Georgia Hwy 12. She was waiting for the light to change so she could cross the street. When the light changed, she began walking in the crosswalk. When she

did, a van turned left onto Georgia Hwy 12, and the front of the van struck her.

The Injuries

When EMS arrived, they found Ms. A lying on her back on the ground in front of the van. They checked her vital signs, placed a C-collar on her neck, and transported her by ambulance to a nearby hospital.

At the hospital, doctors noted multiple abrasions on her shoulder, arms, and legs. A CT scan revealed she had a broken shoulder and a broken ankle.

She underwent non-operative treatment for a couple of weeks with a sling to stabilize her shoulder and a boot for her ankle. She eventually underwent surgery to repair her bro-

ken shoulder.

Following her surgery, Ms. A had months of physical therapy to help her regain full range of motion of her shoulder. While Ms. A has made a good recovery, she still experiences left shoulder pain.

BBGA Attorney Negotiates Fair Settlement Before Going to Trial

BBGA attorney Michael Ruppensburg secured a \$200,000 settlement before the case went to trial.

The result is notable because the case was in a conservative, rural county.

We are pleased to have helped Ms. A with her case and we wish her continued success in her ongoing recovery.

Awards Continued

non-profit relationships, which was a key element in selecting this year's honoree. Sara is also a 2023 ATHE-NA International Award Nominee.

The AACC Nonprofit of the Year Award recognizes and rewards organizations with exemplary practices in leadership, management, innovation, collaboration, and impact.

BBGA would like to extend a special congratulations to the Food Bank of Northeast Georgia on being selected as Nonprofit of the Year for 2022.

The Food Bank of Northeast Georgia (FBNEGA) works to address hunger and end food insecurity by serving communities across the Northeast Georgia region, providing consistent access to nourishing food and relevant education.

BBGA proudly supports the food bank's mission and congratulates all the 2022 Chamber of Commerce honorees.



Photos Courtesy of Athens Area Community Foundation: From Left, BBGA Attorney and Board Chair Sara Schramm addresses 31 non-profit organizations at the Nonprofit of the Year Nominee Reception at Akademie Brewing Company; BBGA attorney and Board Member Amy BeMent socializes at the Akademie event.

BBGA Attorney Volunteers as Judge at National Trial Competition, Provides Guidance at Legal Pop-Up Clinic

BBGA personal injury attorney Chase Ruffin served in February as a volunteer judge and juror in the National Mock Trial Competition at the Bibb County Courthouse in Macon.

The National Trial Competition is a nationwide mock trial competition where law students from across the country compete against each other by trying a case in front of a judge and jury based on a fictitious fact pattern. Professional attorneys and judges serve as presiding judges and jurors/evaluators in competition rounds. Teams are evaluated on

their ability to make a logical, cohesive, and persuasive presentation.

As a judge and juror, Chase observed the student advocates trying the case, scored their performance on opening statements, direct and cross-examinations, closing arguments, and provided feedback on ways the students could improve their presentations in future rounds.

Chase said he was very impressed by all the student advocates.

“I also really enjoyed seeing what it is like to be a juror hearing about a case for the first time,” he said.

In March, Chase also volunteered

at the Athens Access to Justice (“AATJ”) Legal Pop-Up Clinic at the Athens-Clarke County Library. AATJ provides legal services to people who are attempting to manage civil legal actions without the assistance of an attorney.

At the clinic, Chase was able to answer questions and provide guidance to numerous Athens residents who are dealing with a variety of legal issues, including real estate, business, and personal injury matters.

“I enjoyed being able to help these individuals navigate the complexities of the legal system,” said Chase.

Founded nearly 40 years ago, Blasingame, Burch, Garrard & Ashley, P.C. has deep roots in the local community. We strive to honor this connection and give back to the individuals, families, and businesses we serve by taking part in various community events and supporting various charitable organizations and corporations.



Chase Ruffin



Photo Courtesy of Chase Ruffin: Bibb County Courthouse

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SAVE THE DATE

This year's Annual Elder Abuse Litigation Seminar will be held on Friday, October 20, at Epicurean Hotel in Atlanta.

Elder Abuse attorneys with Blasingame, Burch, Garrard & Ashley, P.C.; Prieto, Marigliano, Holbert & Prieto, LLC; and Watkins, Lourie, Roll & Chance, P.C. will once again bring you a line-up of expert speakers.

The 4th Annual Elder Abuse Litigation Seminar is part of the Georgia Trial Lawyers Association's Continued Learning Program and will offer attendees CLE credit hours.

Membership to GTLA is required to register for the event and receive CLE credit.

We are currently planning the seminar. More information will be released as we get closer to the day of the event.



BBGA Elder Abuse Team



Lee Atkinson



Alex Hughes



Evan Jones



Tyler Mathis



Leanna Pittard



Chase Ruffin



Mary M. Russell



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In our Lake Oconee office, we have been helping homeowners, borrowers, business owners, developers, mortgage lenders, purchasers, and real estate agents successfully complete real estate and business transactions for over 40 years. In our Athens location, we do all the same in addition to a national litigation practice.

IN THE COMMUNITY:

BBGA a Silver Medal Sponsor for Pound the Pavement for Peter

Blasingame, Burch, Garrard & Ashley, P.C. (BBGA) recently was a sponsor of Pound the Pavement for Peter, a family 5K fun run for children with disabilities and rare medical conditions. This was the firm's second year as a sponsor of the event.

BBGA Shareholder Rob Huestis also ran in the 5K race.

Pound the Pavement for Peter was started in honor of Peter Hopkins. Peter lost his four-year battle with a peroxisomal disorder in 2010. Peroxisomal functions play a vital role in metabolism, oxygen detoxification, and signaling.

This year's Pound the Pavement for Peter, held March 25 at Capital City Club in Brookhaven, was a tremendous success, according to the organization. The event raised over \$225,000, which directly benefits children with rare diseases, disabilities, and complex medical conditions, and their families.

Proceeds from this year's race will benefit Children's Healthcare of Atlanta's Medically Complex Care Program, The Adaptive Learning Center, The Kyle Pease Foundation, and research for Peter's disease in partnership with The Global Foundation for Peroxisomal Disorders.

"Together, we are providing hope and enhancing the quality of life for these children and their families," Pound the Pavement for Peter said in an email to sponsors.

BBGA is honored to support such a wonderful organization.



Photo Courtesy of Rob Huestis

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
- Pound the Pavement for Peter 5k Run

IN THE COMMUNITY: Continued ...

BBGA Participating in Legal Food Frenzy

BBGA is once again participating in the Georgia Legal Food Frenzy and will raise funds to benefit the Northeast Georgia Food Bank. The Georgia Legal Food Frenzy is an annual two-week fundraising competition created in partnership with the Georgia Attorney General, the State Bar and YLD, and the Georgia Food Bank Association.

This year's competition will take place from April 17 through April 28.

Last year, BBGA raised \$4,381.95 (the equivalent of over 17,500 meals) for the Food Bank of Northeast



Georgia! Furthermore, BBGA ranked 14th statewide in the medium firm category for total points earned, and 27th for points per capita. Regionally, BBGA ranked first for points earned and second for points earned per capita.

This is the 12th year the competition has been held. Last year, 189 law firms and legal organizations across Georgia raised \$880,248.08 during the event. This is equivalent of over 3.5 million meals for kids, seniors, and families in Georgia.

FASHION WHAT THEY WERE WEARING SHOW

BBGA was a proud Gold Sponsor of the inaugural What They Were Wearing Fashion Show and Silent Auction to benefit sexual assault survivors across Northeast Georgia and SANE, Inc. The event was held on March 16 at Akademia Brewing Company. Attorney Evan Jones is on the Board of Directors for SANE, Inc. and BBGA marketing coordinator Allie Jackson serves on the Board as their marketing chair. The event featured about a dozen models who showcased several looks from local retailers. As of late March, the event had garnered over \$90,000 for SANE, Inc. SANE provides victim forensic examinations and evidence collection, court testimony, and community prevention education related to rape, sexual and physical assault. SANE functions as a non-profit 501 (c) 3 agency and is currently governed by a board of directors.



Mass Tort/Defective Product Case Types

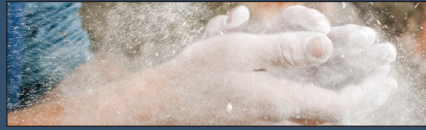
SURGICAL MESH

- 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

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)

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 from 2012 or later.

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BBGA PERSONAL INJURY TEAM



Lee Atkinson



Henry Garrard



Drew Hill



Thomas Hollingsworth



Alex Hughes



Evan Jones



Jim Matthews



Tyler Mathis



Leanna Pittard



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:

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DANGEROUS DRUGS
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TRUCK ACCIDENTS
PEDESTRIAN ACCIDENTS
DOG BITES
WRONGFUL DEATH
UNSAFE ROADS
SLIP & FALL
DROWNING/POOL ACCIDENTS
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