

LEGAL BRIEFS

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FIGHTING FOR THE RIGHTS OF THE INJURED FOR 32 YEARS

Seatback failure caused by rear-end collisions can cause serious injury to rear-seat passengers

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Rear-end crashes are the most common type of motor vehicle collisions in the United States, and seatback failures are getting greater attention for the serious injuries they can cause in these types of accidents.

In rear-end collisions, the force pushing forward against the weight of a person in a front seat can cause that seat to collapse backward into anyone sitting in the rear seats.

A 2016 study by Friedman Research Corp. found that a total of 898 children ages 0-12, or about 50 per year, died in rear-impact collisions during the period of 1990-2014. All of the children were seated in a rear seat behind a front-seat occupant or in a center rear seat. The study excluded crashes involving a rollover or ejection.

In 2018, a Dallas County jury awarded a family \$242 million, including \$143.6 million in punitive damages, for skull fractures and traumatic brain injuries suffered by their two children in a rear-end collision on a freeway.

The family's Lexus ES300 was stopped in freeway traffic when it was hit from behind by a Honda Pilot. The 3-year-old son and 5-year-old daughter sat in child safety seats in the rear. On impact, the front seats, where the husband and wife were sitting, collapsed backward onto their children, causing the horrendous injuries.

This problem is an issue of seat strength.

In 1967, the National Highway Safety Bureau, the predecessor to the National Highway Traffic Safety Administration (NHTSA), issued Federal Motor Vehicle Safety Standard No. 207 (FMVSS 207), titled "Anchorage of Seats-Passenger Cars." It has not updated it since.

FMVSS 207 established the federal standard for seat strength, and car manufacturers claim their seats meet or exceed the standard, but experts claim it does not account for real-world conditions and impact forces.

In July, 2019, NHTSA released a study suggesting the standard for seat strength should be made tougher.

Meanwhile, Texas has six of the fastest-growing cities in the nation, meaning their will be more car crashes, and more chances for injuries from seatback failure.

Ruling by California judge raises Uber to "common carrier" standard for safety

A recent ruling by a California state-court judge in a lawsuit against Uber could have far-ranging effects against the ride-sharing company.

In the case, in which a passenger was killed after being ordered out of the Uber vehicle, the judge ruled that Uber is a "common carrier."

Under Texas law, a common carrier is held to a higher standard of care for the safety of its passengers.

The Texas Supreme Court has ruled the term "common carrier" to include taxis, railroads, buses, airplanes, and other vehicles that transport passengers for a fee.

No Texas court has yet ruled whether Uber is a common carrier in this state, but the California ruling gives other states a basis for doing so.

In the California case, the parents of a University of San Diego student filed suit after their daughter, 19-year-old Stella Yeh, was killed after an Uber driver ordered her

out his vehicle near a freeway.

Yeh had been drinking with friends one night in May, 2018, when one of them hired Uber to drive Yeh to her dorm.

On the drive there, Yeh vomited on the dashboard. The driver exited the freeway and ordered her out of the vehicle.

Yeh called for a second Uber ride and was stumbling along the freeway ramp when it arrived. The second Uber driver refused to give her a ride and "abandoned her," the lawsuit states.

A short while later, Yeh wandered onto the freeway, where she was struck by two cars and killed.

Uber argued that it wasn't liable for the actions of the drivers because they are independent contractors. The judge did not address the drivers' status, but found Uber to be a "common carrier."

Under Texas law, a common carrier may eject a passenger, but it has a duty to leave the passenger in a safe place.

Slip and falls are a leading cause of injury in U.S.

Slip and fall accidents can happen anywhere there is a slippery surface or one with cracked or loose materials.

While a slip-and-fall accident may seem embarrassing to some, these accidents are a leading cause of injury for all age groups in the U.S.

In fact, slip and falls are the most common cause of nonfatal injuries in every age group except people aged 10-24, and slip and falls are the second most common cause of nonfatal injuries for people in this age range.

Each year in the U.S., more than one

million people seek emergency medical care after a slip and fall accident. That is an average of 2,000 people per day visiting a hospital specifically as a result of a slip and fall.

There is a 5 percent chance a person will fracture a bone when they fall, and slip and falls are responsible for 95 percent of all hip fractures.

The chance of fall increase with age.

If you have been injured in a slip-and-fall accident, DeSimone Law Office has successfully handled these type of cases for more than 32 years.

If DeSimone Law Office has successfully represented you on your injury case, please go to "Google Maps," type in our firm's name and write a review!

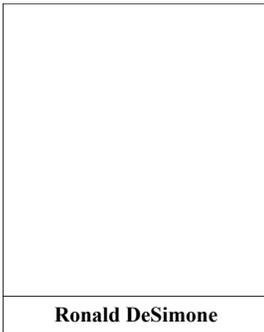
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DeSimone Law Office handles a variety of injury cases

DeSimone Law Office has been serving Houston and the greater Gulf Coast area for 30 years. From the start, the firm has focused on representing persons injured because of the negligence of someone else - whether it is a person, a business, or a unit of state or local government.



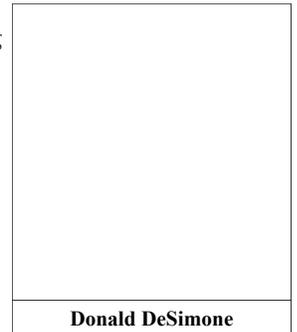
Ronald DeSimone

DeSimone handle the following types of personal injury cases:

- **AUTOMOBILE AND TRUCKING ACCIDENT**
- **SHOOTINGS AND ASSAULTS AT APARTMENTS/BUSINESSES**
- **RAILROAD WORKER INJURIES**
- **BOAT ACCIDENTS/ DROWNINGS**
- **OFFSHORE ACCIDENTS**

Ronald DeSimone graduated from the University of Florida with a chemistry degree in 1984. He entered the University of Houston Law Center the following fall and received his license to practice law in 1987.

Donald DeSimone graduated from the University of Florida with a business degree in 1986, and, after graduating from the University of Houston Law Center, he was licensed to practice law in 1989.



Donald DeSimone

DeSimone Law Office has won in courts throughout Texas, at Texas courts of appeals and the Texas Supreme Court.

Attorneys Ronald DeSimone and Donald



Houston Auto Accident Attorneys, Personal Injury & Car Accident Lawyers

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