

APLA Exchange

Trailbike accident

We act for a young person injured in a trailbike incident. At the time the trailbike riders were using land owned by the local authority. The local authority appears to have neither encouraged nor discouraged young persons from using the land for this purpose. Does any member have experience in prosecuting similar claims? It appears that since the incident the local authority discourages the use of trailbikes on this land.

Please contact **Darryl Cox**, Masinello & Associates, PO Box 263 Hamilton QLD 4007
phone (07) 3268 7266, **fax** (07) 3268 7810

University courses for plaintiff lawyers

Are members aware of any post-graduate or undergraduate courses that would assist plaintiffs lawyers in their knowledge of medical conditions and injuries in general? University courses held either within Australia or overseas are of interest so please advise if you are aware of such programs.

Contact **Tim White**, **phone** (08) 8212 1077, **fax** (08) 8231 0542

Air-bag suspension

I represent the driver of a Prime Mover who was involved in a single vehicle accident in 1992. As a result my client sustained serious head injuries.

It appears that the trailer was fitted with BPW air bag suspension, which was one of a number of options for the particular trailer. It appears that one of the possible causes of the accident could have been a defect in the air-bag suspension, causing the Z-beam to fracture, and forcing the truck out of control.

I am interested in hearing from anybody who has been involved in a similar claim.

Please contact **Brady Cockburn** of Bennett & Philp Solicitors, GPO Box 463 Brisbane, Qld. **phone** (07) 3229 0494. **Fax** (07) 3229 1521

Figl skis with non-release bindings

I represent a plaintiff in respect of a knee injury sustained whilst skiing on Figl skis (shortened skis) with non-release bindings. The Defendant argues that these non-release bindings are suitable and indeed safe when used with this type of ski, and further allege that they are unaware of any injuries caused whilst using this type of ski and binding. Has anyone encountered clients with injuries as a result of using shortened skis and/or non-release bindings? The trial is listed for 2nd August.

Please contact **Harry Gill** at Testart Robinson, **phone** (03) 9898 4266, **fax** (03) 9898 4266

Cola consumption

We would like to hear from any member who has successfully conducted litigation about the effects of cola consumption on consumers' teeth, in particular, or health in general.

Please contact **Mark Ryan**, Mitchell McKenzie & Co, **phone** (03) 5482 2555, **fax** (03) 5482 5739

Diathermy machines and burns

I am seeking assistance as to the incidence of burns being suffered by patients undergoing surgery utilising diathermy machines. I have 2 claims involving patients (who were receiving different forms of surgical treatment) suffering burns to surrounding skin as a consequence of such equipment's use.

Please contact **Julian Johnson** at Ilbery Barblett, **phone** 08 9481 3388, **fax** 08 9481 3467

Failure to warn - TB drugs and pregnancy

I am researching a possible torts claim for "failure to warn" against a hospital and some doctors.

My client is a mother who was prescribed TB drugs (Pyrazinamide, Ethambutol, Isoniazid and Rifampicin) but who was not given any warning not to get pregnant whilst undertaking that treatment. She did get pregnant during the treatment. Her child was born with abnormalities. He had severe hypotonia and unusual facial features. He also was found to have nerve hypoplasia and the absence of the septum pellucidum. He also has pigmentary retinopathy and significant plagiocephaly. Our legal hurdle is proving (1) that there was a known risk as at 1992 that use of these TB drugs during pregnancy could cause damage to the foetus; and (2) that on a balance of probabilities the TB drugs were responsible for the child's abnormalities discovered following its birth.

If any member has information which may assist in the claim, please contact **Chris Whitelaw**, **phone** (02) 9223 1728, **fax** (02) 9231 0035

Herbal tablets - non disclosure of caffeine

We represent a client who in 1998 bought a packet of herbal tablets manufactured by a pharmaceutical company. The packet did not disclose the tablets contained caffeine.

Our client trains horses. Sometime after purchasing the tablets our client discovered she was out of the vitamin tablets she usually gave her trotters. Accordingly she gave some of the herbal tablets to her horses. A swab was taken of that horse, which was tested and found to contain caffeine, a prohibited substance.

We are investigating a probable claim for damages against the manufacturer.

Are any members aware of similar claims?

Please contact **Murdochs Solicitors**, **phone** (07) 4638 1222, **fax** (07) 4632 6600.

Parachute jump injury

We represent a man who was injured in a parachute jump at Nowra, New South Wales. Information regarding this type of accident and/or appropriate experts to contact would be appreciated.

Please contact **Michael Twemlow**, M F Twemlow & Co, **phone** (02) 9369 2092, **fax** (02) 9387 6710

APLA Exchange gives APLA members a chance to share information on special issues or products relevant to their litigation.

If you would like to submit a request to **APLA Exchange**, contact **Jane Staley** at APLA on **phone** 02 9261 5277