

# Preemption and consumer safety

Claiming that American juries hearing product-liability lawsuits are granting excessive awards to plaintiffs, the Bush Administration is attempting in its last few months in office to grant negligent corporations a “get-out-of-jail” pass when their products harm users.

Called preemption, the Administration’s legal strategy is to create federal regulations covering more than 50 products, from pain medications to motorcycle brakes, that will preclude states and consumers from filing product-safety lawsuits.

The Supreme Court will rule on the legitimacy of this preemptive regulatory thrust when it hears *Wyeth v. Levine* in late 2008. Musician Diana Levine, who suffered an unnecessary arm amputation, sued Wyeth Pharmaceuticals, alleging that it failed to warn that a drug physicians gave her could cause gangrene when administered improperly.

Wyeth’s defense is that it should be shielded from liability since the Food and Drug Administration approved the drug’s labeling.

Trial attorneys have noted that seven federal agencies have included revised legal language in regulations which will permit corporations they oversee to escape responsibility for injury they cause.



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*Gary E. Rosenberg*

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Please avoid the distraction of using high-tech devices while driving. Text-messaging, sending e-mails, checking global positioning, tuning satellite radios, scrolling MP3 players, and taking camera-phone pictures may all contribute to reduced attention to road conditions and lead to accidents.

## **Gary says:**

*A text-messaging driver looks away from the road up to 14 times every 30 seconds.*

### **Instead, follow these safety suggestions:**

- Concentrate on driving.
- If you must talk and drive, use hands-free devices.
- Pull to the roadside when using complicated electronic devices.
- Take calls on voice mail.
- Avoid emotional or stressful phone conversations while driving.

If you are in an accident and suspect the other driver was distracted, obtain legal help. An accident-specialist attorney can investigate other drivers' vehicles for evidence of electronic-device use, phone and e-mail records, and other sources to show a driver lost focus while driving.



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