



**AITKEN • AITKEN • COHN**  
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## Aitken ♦ Aitken ♦ Cohn given prestigious Tier 1 ranking

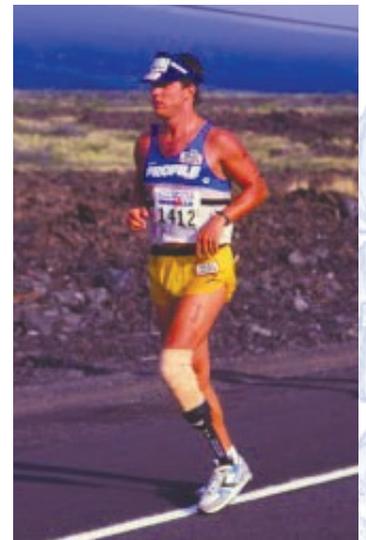
U.S. News & World Report has bestowed a Tier 1 (highest possible) ranking on **Aitken ♦ Aitken ♦ Cohn** in the area of personal injury litigation. U.S. News & World Report, well known for its annual ranking of American universities and graduate schools, published its first-ever ranking of law firms this year after conducting six surveys sent to over 50,000 law firm clients and over 43,000 lawyers. After the responses were gathered, law firms were ranked into five "tiers," with 1 being the highest, and organized by geographical location and practice area. The firm is proud to announce that Aitken ♦ Aitken ♦ Cohn earned a Tier 1 ranking for personal injury litigation. See the results at [www.usnews.com/bestlawfirms](http://www.usnews.com/bestlawfirms).



Also, **Darren Aitken** was recently named one of the "Top 5 Personal Injury Lawyers" by *OC Metro* magazine in their August 2010 issue. This list was compiled by the online lawyer ranking system **AVVO.com**. **Wylie Aitken** again made the exclusive "Best Lawyers in America" list and the "Irish Legal 100" in America. Congratulations, team!

## Athlete and inspiration Jim MacLaren passes

It is with great sadness that we report the passing of **Jim MacLaren** at the age of 47 due to complications of bladder infections. Jim, a friend and former client of the firm, was a great inspiration to the sporting community as he rebuilt his life after being rendered a partial quadriplegic after sustaining an injury in the Orange County Triathlon in 1993. At the time of his 1993 injury, Jim was a prominent member of the triathlon community as the foremost amputee participant, holding several records for the best times in national triathlons and marathon races. Jim lost his leg in a motorcycle accident shortly after graduating college and rebuilt himself physically after that injury, becoming a role model to disabled athletes everywhere. Jim refused to quit, even after suffering his second, more catastrophic, injury in 1993, and was a highly sought lecturer by those who were drawn to his message of addressing life's adversities through hard work, determination, and a positive mental attitude. Jim was a guest on such national programs as "Oprah," profiled in national magazines such as *GQ* and *Competitor*, and was honored by ESPN with an "ESPY" award for his work on behalf of disabled individuals. In 2005, Jim launched the "Choose Living Foundation" to help spread his core message that "It's a journey. Rather than overcoming adversity, it's a journey about living with adversity." While gone from this earth, Jim will never be forgotten. Adios, amigo. Memorial contributions on Jim's behalf may be made to the Challenged Athletes Foundation at <http://sdct10.kintera.org/jimmaclarenmemorial>.



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# What's NEW...

**Tritia Manianglung** joined the firm as executive personal assistant to Wylie. She graduated from CSUF with 2 BA's. Her experience includes being a production manager and assisting CEOs.

**Victoria Simon** is Chris's new legal assistant. She attended UC Riverside and brings with her extensive experience in the field of personal injury.

**Congratulations, Darren!** On December 15, 2010, the American Jewish Committee will be honoring Darren at the *Judge Learned Hand Awards Luncheon* and presenting him with the *Community Service Award*. This award is presented to an outstanding leader of the legal profession for the high principles for which Judge Learned Hand was renowned.

## RECENT AND UPCOMING SEMINARS

### September 15, 2010

ABOTA

Washington State Supreme Court,  
Olympia

First Annual James Otis Lecture

Topic: **"ABOTA's Role in the Celebration of Constitution Day"**

Wylie Aitken

### October 15, 2010

ABOTA

Seattle Chapter's Annual Meeting  
"ABOTA Foundation"

Wylie Aitken, Keynote Speaker

### October 30, 2010

Community Courts Foundation  
"Autumn in Venice" Gala

Presentation of Achievement Awards to  
OC Women Lawyers Association

Wylie Aitken

### November 19, 2010

Consumer Attorneys of California  
49th Annual Convention

Topic: **"Finest Attorneys in U.S.—How They Got There, The Mistakes They Made, and How They Want to be Even Better"**

Wylie Aitken



## Teen driving safety a major concern

The Summer 2010 issue of *The Safety Report* magazine listed the following worrisome facts about teen driving:

- In 2006, drivers between the ages of 15 and 17 were involved in nearly one million accidents that led to over 400,000 injuries and over 2,000 deaths.
- Auto accidents are the leading cause of death of teenagers, accounting for 36 percent of deaths in that age group.
- Drivers between ages 16 and 19 have a greater risk of being involved in an automobile accident than any other age group.
- The probability for a teen suffering an injury in an automobile crash increases with each additional passenger in the car.
- One-third of all teen drivers are involved in an automobile accident in their first year of driving.

Driving is a great privilege and can be a real convenience to parents tired of having to be at several places at once due to their kids' hectic schedules. Driving a vehicle is a dangerous activity, however, especially for the novice driver. Recent laws that restrict the ability of teens to drive with other teens make great sense in light of the accident statistics, and should be enforced by parents as well as the police.



# VERDICTS, SETTLEMENTS, AND GOOD RESULTS...

We at **Aitken ♦ Aitken ♦ Cohn** are proud to be known as aggressive litigators for our clients. We feel privileged to represent the injured who face huge medical bills following life-changing incidents. Here are just a couple of recent significant cases we brought to successful conclusions:

↳ **Auto vs. Auto**—Wrongful death of a 23-year-old man and talented musician—a member of the “Suburban Legends,” an OC Pop/Rock/Ska musical group that performed on the Tomorrowland Stage at Disneyland, toured nationally, and has produced numerous CDs and videos. The defendant driver, an executive with Hyundai, fled the scene and fled the country, pled guilty, and is currently serving a nine-year sentence in Jamestown, California.

**CONFIDENTIAL SETTLEMENT**

↳ **Premises**—The plaintiff, a 7-year-old student, was directed by the school to go through a gate and while holding the gate for her fellow students, the gate was pushed open, causing several of her fingers to be partially amputated and/or severely injured. As a result of the defendant's improper design, she had four fingers on the right hand amputated, and one finger was a replantation.

**SETTLEMENT: \$950,000**

↳ **Diving Accident**—The plaintiff, a 48-year-old man, was rendered an incomplete quadriplegic when he dove into a hotel swimming pool. The pool was purposely built to appear deeper than it actually was. Due to the defective design and maintenance of the pool, no warnings were provided to the plaintiff not to dive into the shallow pool.

**SETTLEMENT: \$4,500,000**

## Pharmacy errors

Pharmacies make more errors than most people think. About 1.5 million patients each year suffer from medication-dispensing mistakes due to human error and poor manufacturer labeling.

Four common errors include pharmacists filling prescriptions with the wrong medications, supplying incorrect dosages, applying incorrect medication-taking instructions, or failing to take into account drug interactions.

**Aitken • Aitken • Cohn** have represented several clients over the years who have been injured by taking the wrong medication, or the right medication at the wrong dose. Serious injuries, including disabling ones, have been the result. We recommend always carefully checking the prescription received with the one your physician wrote, both in regard to the medication and the proper dosage. Also, do not hesitate to contact your physician if an unexpected side effect occurs.



## Facebook® and risky disclosures

People love Facebook®, Twitter®, and other social-networking Web sites to share information about their lives with “friends.” Twitter will help members “share and discover what’s happening right now, anywhere in the world.”

However, many have learned to be careful with what they share online. Lawyers for disputants in divorce cases, for instance, are searching “social landscape” Web sites for evidence.

### What kinds?

- Diamond jewelry for a girlfriend of a separated husband who claims he has limited marital assets.
- Résumés and job applications from a divorcing wife who requested substantial alimony because she was unemployable.
- Photos of a mother in a child-custody case who swore she stopped consuming alcohol, holding a beer at a family get-together.

Others watch social-networking sites, too. For instance, law enforcement officers scan them to capture wrongdoers who brag about crimes they have committed. Employers scan job applicants’ pages for embarrassing or even incriminating information and photographs. Therefore, always be mindful of what you post on Facebook, especially if involved in litigation.

Also, on Facebook, check out the **Aitken • Aitken • Cohn** page for recent news and notes. We will try not to publish anything that will embarrass us later.





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## Referrals

*Thanks to all of you who have recommended our firm to your relatives, friends, and neighbors. We appreciate your vote of confidence and pledge to care for these "VIPs" as well as we care for you.*

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The information included in this newsletter is not intended as a substitute for professional legal advice. For your specific situation, please consult the appropriate legal professional.

## The Chatsworth Metrolink disaster and the danger of arbitrary federal limitations on damages

The September 12, 2008, collision between Metrolink passenger train 111 and a Union Pacific freight train on a bend in Chatsworth marked the worst train collision in California history. Investigation revealed that the engineer of the Metrolink train ran a red signal while using his cellular phone to send text messages 22 seconds before the crash occurred. The collision claimed over 150 innocent victims. Twenty-four Metrolink passengers were killed in the collision, and over 130 were injured, many catastrophically.

**Aitken • Aitken • Cohn** attorneys are members of the Plaintiffs' Steering Committee, appointed by the Los Angeles Superior Court to litigate the liability aspects of the cases.

There are four defendants in the Metrolink passenger cases. They are Metrolink, Los Angeles Metropolitan Transportation Authority, Veolia Transportation, Inc. (Veolia), and its subsidiary, Connex Railroad LLC (Connex). Connex supplied Metrolink with train crews, locomotive engineers, and conductors to operate its trains and assumed the role of management of the commuter railroad. Aggressive investigation of the causes of the Chatsworth crash proved that this calamity was the product of management's culture of ignoring risk and accepting noncompliance from the train's engineer, who was known to repeatedly jeopardize the lives of his railroad passengers.

On August 25, 2010, defendants in the Metrolink case filed a federal interpleader action in Los Angeles Federal Court. Through this filing, the Metrolink defendants seek to be discharged from liability following their deposit of \$200 million in accordance with the Amtrak Reform and Accountability Act of 1997. This 1997 federal law arbitrarily limits total damages allowed against all defendants in railroad accidents to \$200 million. Provisions of the 1997 Act indicate that the law was intended to protect Amtrak's

financial viability by limiting their exposure for passenger accidents. However, the language contained in the law that ultimately passed was so broad that all of the defendants in the Chatsworth Metrolink cases, including wealthy private foreign corporations, are able to hide behind the law's broad protections.

Defendants Connex and Veolia are wholly owned companies of French conglomerate Veolia Environnement. Veolia Environnement's transportation division purports to be the largest private transportation company in the world. The company operates commuter railroads and bus and other transportation services across the United States and in 68 countries around the world. In 2009, the company boasted revenue of over \$49 billion.

Independent judicial analysis of the damages suffered by each of the Metrolink crash victims indicates their total damage claims amount to two or three times what the federal 1997 law allows. It is a tragedy that members of our community are denied full justice when injured or killed due to the preventable carelessness of railroad operators. The tragedy of this Metrolink accident is further magnified when a large private French company seeks the protection offered by an arbitrary federal limitation on damages. If no action is taken, U.S. taxpayers may end up footing the bill for which a multibillion-dollar corporation bears responsibility.

Victims of the Chatsworth disaster continue to seek justice and encourage all members of our community to support their efforts for congressional action to amend the damage limitations imposed by the 1997 law. We encourage you to support Chatsworth victims in their fight for justice. Please contact your elected federal officials to lend your support for amending the law and visit the Chatsworth Metrolink victims' Web site: [www.justiceandrailroadsafety.org](http://www.justiceandrailroadsafety.org).

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