September 2011

WINSTON, CLARK & WIGAND, P.A.

Perfecting the Art of Protecting Your Rights

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Beyond the lovely palm trees and lure of the ocean, South Florida residents face dangerous road conditions as they drive, bicycle, or walk to work or daily errands.

A CNBC survey recently documented the danger faced by Broward-area drivers when it named Fort Lauderdale as the #1 city in the nation for fatalities based on vehicular deaths per 100,000 population.

Florida also has the top four most dangerous metro areas in the country for pedestrians, according to a report from Transportation for America. South Florida ranked #4 in this national survey of pedestrian safety, slightly behind top ranked Orlando.

Here are some simple yet effective ways you can protect your family while on the road.

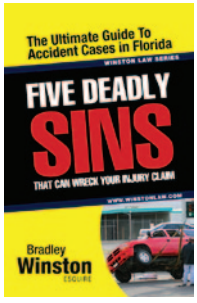
Motor Vehicle Safety Tips

- Buckle up!
- Keep children in safety seats
- Maintain a safe distance from other cars
- Use turn signals and check mirrors when changing lanes
- Don't get distracted by cell phones

What to Do if You Are in a Car Accident

- File a report with the police
- Identify eye witnesses
- See your doctor
- Record details of the accident
- Speak with a board certified attorney

Order Our Free Book about Auto Accidents



If you or someone you know has been in a car accident, read our book "Five Deadly Sins that Can Wreck your Injury Claim" to learn:

- What to say if the insurance company pressures you to settle too fast
- Why your Facebook profile can cause trouble in court
- How to find the best attorney for your case

To order your free copy, call 1-800-256-1821 and dial extension #3111 at any time. Leave your name and mailing address on the recording, and we will mail a free copy of the book to you. ■

THE FLORIDA BAR BOARD CERTIFIED CIVIL TRIAL

Mr. Winston is Board Certified in Civil Trial by The Florida Bar

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MIZUNO BASEBALL AND SOFTBALL GLOVES recalled due to mold

The Consumer Product Safety Commission (CPSC) recently announced that Mizuno USA, Inc. was voluntarily recalling about 131,000 baseball and softball gloves due to the presence of mold. The glove models affected by the recall include the Mizuno Supreme Series and Ballpark Pro baseball and softball gloves, which were sold at Walmart and Target stores nationwide, from April 2010 to May 2011, for around $24 to $60.

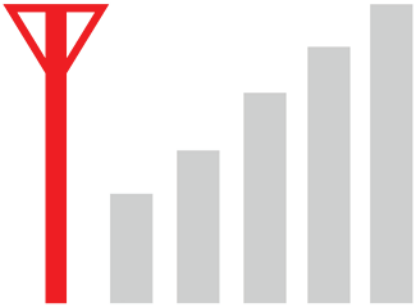
According to the CPSC, some gloves were found to contain a variety of molds that could cause respiratory or other infections in individuals with chronic health problems or with impaired immune systems. There have not been any injuries or incidents reported thus far.

The gloves included in the recall have a sewn-in white label on the heel of the glove with the words, "Made in Vietnam" and the model number. Model numbers include: GSP1251TG, GSP1300T, GSP1401TG, MMX122P, MMX115PWM, and MMX130. Additional details about the affected gloves, including descriptions, pictures, and also date codes for the different models can be found at www.cpsc.gov.

Consumers should immediately stop using the gloves and contact Mizuno USA for a full refund by calling 800-451-7913. ■

out of service:

TESTING YOUR NEW CELL PHONE'S COVERAGE WITH A TRIAL PERIOD



With so many features available on cell phones these days, buying a new one can be tricky.

We want our cell phones to be ergonomic, have huge screens, be equipped with all sorts of entertaining applications and boast a keyboard with a convenient QWERTY layout.

For such an important purchase, however, many people fail to check for what is perhaps the most crucial feature of all – service coverage. Why spend hundreds of dollars on a new device if you can't make calls from your own home or send text messages due to poor coverage?

Before purchasing a new cell phone, you should always compare the coverage maps for your area that are provided by the various carriers on their web sites, including AT&T, T-Mobile, Sprint, and Verizon. You may be able to see if certain carriers are unable to provide adequate coverage in your area.

Even if you find a carrier that shows service coverage where you live, you aren't finished researching yet. Cell phone carriers will never guarantee coverage, even if their maps show coverage over your area. Because of this little loophole, you could purchase a cell phone with the understanding that coverage is strong in your area, only to find that you receive poor service or none whatsoever.

Because of this, you should always utilize a trial period when purchasing a new phone. This way, you can thoroughly test the service in your home, at work, or around town to see if the coverage fits your needs. Most cell phone providers offer a trial period of at least 14 days.

If you plan on purchasing a phone from a provider that doesn't offer a trial period, you are taking a big risk. ■

Winston, Clark & Wigand

FILES SUIT AGAINST MIAMI DADE COUNTY FOR VIOLATION OF SERVICEMEMBERS CIVIL RELIEF ACT

Bradley Winston, Esq.

County Demolished Miami Home of a U.S. Army Staff Sergeant on Active Duty

Attorney Bradley Winston filed suit on August 30, 2011 against Miami-Dade County and the director and another official of the Miami-Dade County Building and Neighborhood Compliance Department for demolishing the home of U.S. Army member Jesus Jimenez while he was on active duty.

The move violates the Servicemembers Civil Relief Act, according to the lawsuit, as well as the Fourth, Fifth and Fourteenth Amendments to the United States Constitution.

"Plaintiff Jesus Jimenez was on active duty, and his pregnant wife, her mother, his daughter and his disabled brother were residing at the property at the time it was demolished," said attorney Bradley Winston. "The County and the Building Department were notified of Mr. Jimenez's active duty status on multiple occasions. Requests for extensions of time, including one forwarded by former Governor Charlie Crist, were ignored."

The lawsuit seeks injunctive relief, compensatory and punitive damages arising from Defendants' institution and a stay of the condemnation proceedings against three parcels of real property and the demolition of one of them, all in violation of the Fourth, Fifth and Fourteenth Amendments to the United States Constitution and of the Servicemembers Civil Relief Act.

The City's action began in June, 2007 with condemnation proceedings against three Miami-Dade County properties owned by the Sergeant. His military duty requirements materially affected his ability to appear, and military leave was not authorized.

The actions of the Miami-Dade County Building and Neighborhood Compliance Department constitute selective and excessive enforcement of the county building code, according to the lawsuit. The properties are surrounded by structures of substantially identical construction and vintage, which have not been subject to any enforcement action by Defendants, and therefore Plaintiffs have further been deprived of their right to equal protection of the laws under the 14th Amendment to the United States Constitution.

We support our military! Contact us at 954-475-9666 if you have a case. ■

Important Dates – September 2011

Sept. 5 – Labor Day
Sept. 11 – Grandparents' Day and Patriot Day; 10th Anniversary of the 9/11 Attacks.
Sept. 23 – First Day of Autumn
Sept. 29 – Rosh Hashanah (starts on the evening before)

Order Your Free Book…

Making the Right Choice: A Practical Guide to Choosing an Attorney

By Bradley Winston, Esq.

This book debunks the commonly held belief that anyone with a law degree can handle any legal problem. Learn how to:

- Find the right legal specialist
- Take charge of protecting your legal rights
- Save money by avoiding legal problems

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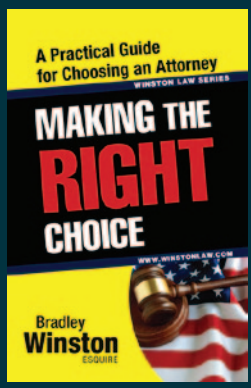

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Danger Lurks on Fort Lauderdale Roads

SEE PAGE ONE

This publication is intended to educate the general public about personal injury, medical malpractice, and other issues. It is for information purposes only and is not intended to be legal advice. Prior to acting on any information contained here, you should seek and retain competent counsel. The information in this newsletter may be freely copied and distributed as long as the newsletter is copied in its entirety.

home security tips

According to recent statistics, well over a quarter of all burglaries occur without the need of any force – meaning, an open window or unlocked door was used to gain access to the home.

So, what are some basic security steps you can follow to protect your home?

- Lock all doors, windows, garages. Doors should be equipped with deadbolt locks, and sliding glass doors should be reinforced by placing a steel rod in the tracks to prevent them from being forced open.

- Make it look like you're home. Whatever timers you regularly use – radios, lights, sprinklers – keep them on! It might just be enough to dissuade a potential criminal.

- Lights and yard maintenance. Install low-voltage outdoor lighting around the perimeter of your home. Also be sure to regularly trim any bushes close to your house, so there's less foliage cover for a potential intruder.

- Don't leave clues that you aren't around. Have neighbors get your mail and newspapers. Keep a few blinds and drapes open so things look normal. Also, don't post on Facebook that you are on vacation or leave that message on your answering machine.

- Be proactive. Join a neighborhood watch program, and above all else, have a security system installed in your home.

Many insurance companies actually offer a variety of discounts for taking steps to keep your home safe, such as installing deadbolt locks and security systems.

By utilizing these simple tips, you and your loved ones can travel with the confidence that your home will be safe and secure while you're gone. ■