

# Petition

Via Fax

From the Florida offices of **Leesfield Leighton Rubio Mahfood** Trial Lawyers

**Miami:** 2350 South Dixie Highway, Miami, Florida 33133, Telephone: **(305) 854-4900 / (800) 836-6400**

**Key West:** 615½ Whitehead Street, Key West, Florida 33040, Telephone: (800) 836-6400

email: Leesfield@aol.com Internet: www.LLRM.com

## Playing It Safe For Kids



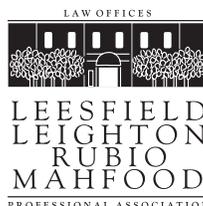
Children are society's most vulnerable citizens. They depend on the good judgment of adults to protect them from hazards at home, at school, and elsewhere. Their safety is routinely threatened by the careless, negligent and dangerous acts of product manufacturers, premises owners, pedophiles and others who would do or allow them harm.

This is the height of the holiday season where focus turns to the purchase of all those new toys. And

with those toys come thousands of injuries and even some deaths associated with the use of toys. In 1998, there were 14 toy-related deaths and more than 120,000 children were treated in hospital emergency rooms for injuries caused by toys. Most of these involved choking and strangulation.

## Deadly High Chair Litigation

High chairs create a false sense of security for parents and caregivers who assume that a child restrained by a high chair tray may be left alone. LLRM Partners **Ira Leesfield** and **John Leighton** represented the parents of a toddler who was strangled when he "submerged" under the tray of his high chair and died. In *Tomlin v. Cosco (Dade County Circuit Court)*, it was discovered that the manufacturer had evidence that over a dozen children had been strangled by high chairs. Manufacturers fail to warn parents that the feeding tray may not be used to restrain a baby. If a child is left momentarily unattended, he can slide against the tray and choke. This is a well known hazard to the juvenile furniture manufacturing industry. This case was settled during trial for a confidential amount.



## TOY SAFETY ALERT:

### Are Teletubbies Deadly?

Numerous environmental and consumer groups have warned that several toys—including the popular Teletubby squeeze toy and Barbie Dolls—pose hazards to children.

Many of these toys contain high levels of DINP (disannul phthalate), an additive used to make PVC plastic soft and pliable. Toys with the highest concentrations of phthalates as a percentage of total weight, were

Playskool's Barney's Twinken squeeze toy, 57%; Mattel's Pooh Bathtub Pal, 47%; and Mega Blok's Teletubby squeeze toy, 54% by weight. Most toy manufacturers have already removed the chemical from teething rings and rattles, but babies and toddlers are known to suck and chew on soft toys as well. Consumer groups claim the DINP can leach out of these products. DINP has been associated with kidney and liver damage in mice. The CPSC has not banned this product, however, this month the European Commission placed an emergency ban on the sale of rattles, teething rings and other "mouthing" toys made of PVC. One consumer advocate points out that the United States should follow Europe: *"We think the standard should be that toys should be proven safe not that they should be proven unsafe before removal from the market."*



Ira H. Leesfield • John Elliott Leighton • Maria L. Rubio • George G. Mahfood • Robert B. Boyers  
Patricia M. Kennedy • Mark A. Sylvester • Thomas Scolaro

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## Children at Home: Proving Hidden Dangers

At this year's ATLA Convention, Partner **Maria Rubio** made a presentation regarding the many hazards facing children today as it relates to juvenile furniture such as cribs, high chairs and baby walkers. For further information, research and web sites, e-mail us at **Leesfield@aol.com**.

## Dangers in the Home—Stoves

Stoves which do not have anti-tipping devices pose a great danger to children. Recently, LLRM Partner **Ira Leesfield** and Senior Litigator **Robert Boyers** represented an 11 year-old boy who sustained second degree burns on his legs when a range that was improperly installed in his neighbor's apartment, where he was a guest, tipped forward and scalding hot stew cooking on the stove top fell on him. The range tipped forward when what should have been an insignificant amount of weight was applied to the open oven door. The apartment landlord's failure to provide anti-tip brackets led to the child's injuries. *Pierre, a minor v. Lakes Edge, L.P., Limited (Dade County Circuit Court)* was settled against the residential landlord for **\$300,000.00**. Parents should determine whether their ranges are properly installed and are securely affixed to the floor and/or walls of their homes. If not, they should contact the manufacturer of their ranges to order anti-tip brackets and have a qualified mechanic repair them.

## Car Seat/Air Bag Safety



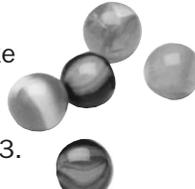
As auto manufacturers continue to improve the design and manufacture of automobiles, there are still dangerous risks to be considered by parents deciding where children should ride in a car. It has already been proven that air bags present a hazard to children, and recently there are serious concerns about having

children ride next to a side air bag. For information and questions related to air bag safety, contact the Consumer Product Safety Commission and the National Highway Traffic Safety Administration.

LLRM Partner **John Leighton** represented the parents of a baby killed by the deployment of an air bag. Leighton demonstrated that the seat came in a carton promoting front seat use. The baby's mother placed the child in the front seat in a rear facing position. The car was equipped with air bags, which deployed on a minor impact, killing the baby. The case was settled prior to trial for a confidential amount from the manufacturer.

For details, including factual and technical research and investigation on child seat/air bag cases, please contact us at **Leesfield@aol.com**

## Holiday Toy Safety Tips

- Follow age labeling. Labels are required on all toys marketed for children from 3 to 6 years old that pose a choking hazard. 
- Select toys to suit the child's age. Be a label reader. Look for age recommendations. 
- Check the choke tube. No choke testing tubes are available to test small parts—place small parts inside for children under 3. To obtain a testing tube, call Discovery Toys at 800/426-4777 or contact Leesfield, Leighton, Rubio & Mahfood. Avoid toys with small parts that could pose a fatal choking hazard. Balloons and marbles are among the most dangerous for children under 3.
- Check for recalls [www.safetyalert.com](http://www.safetyalert.com)([www.cpsc.com](http://www.cpsc.com)) Hotline 1-800-638-2772. In 1999, The U.S. Consumer Product Safety Commission issued 95 toy and children's product recalls. 
- Look for sturdy construction.
- For all children under age 8, avoid toys with sharp edges and points.
- Immediately discard plastic and cellophane wrappings on toys. They can cause suffocation.
- Examine toys periodically, being particularly watchful for sharp edges and points. Broken toys should be repaired or discarded.
- Explain to the child how to use toys properly.

## Helpful Web Sites

**U.S. Consumer Product Safety Commission:**  
<http://www.cpsc.gov/cpsc/pub/prerel/prhtml100/0021.html>

**Safety Alerts:** [www.safetyalerts.com](http://www.safetyalerts.com)

**Home and Family Safety:** <http://www.vh.org/Patients/IHB/Peds/Safety/PedsSafety.html>

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