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Wrongful Deaths at the Clarksburg VA Hospital, Who Can Be Held Responsible?

What are the families to do after their loved one has been **murdered** at the VA hospital by some, as of yet, unknown worker? Why has the VA not released that information to date? What other patients could have had their lives cut short by this same person?

There are so many questions surrounding the news coming from the investigators at the VA, and all the information released has only led to more questions. What is most important is that the facts come out and we find out all of the details, every single horrible detail.

We send our loved ones to any medical facility to be taken care of and treated for the illnesses or injuries that they may have, not to be compromised or harmed. If your loved one is harmed in any way, who can be held responsible. The person that committed these specific heinous acts will be held criminally accountable, but how much responsibility does the hospital hold? What about the VA and the rest of the federal government?

As with any case, suing the government, let alone the federal government, can be complicated. There are hoops to jump through to make sure those that are liable be held responsible. In every single wrongful death case, the pain and suffering continue for a long time, and the only reprieve in some cases is to make sure that those that allowed these horrible actions to take place, and continue, are held accountable.

The federal government has some level of sovereign immunity. That affords them the right not



to be sued under many circumstances. However, the Federal Tort Claims Act does provide some reasons that the government can be sued, and they are as follows:

1. The negligence must have occurred at the hands of a federal employee and NOT an independent contractor.
2. The wrongful doing must have been within the scope of the person's employment, like a caretaker at the VA.
3. The claim must be of negligence and not intentional conduct. (This will be a hurdle for the families suing the VA, but did the hospital know about the actions or should they have known and taken action?)
4. The claim must be permitted by the state. This is not an issue for West Virginia.

As the next few weeks move forward, we expect to hear more tragic news from the investigators.

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The Miley Legal Group would like to thank everyone that provided referrals to our office this past month:

Skye F.
Amanda U.
Susan P.
John C.
Gary J.
John D.

WATCH OUT! School Traffic is Back!

Driving down Johnson Ave. in Bridgeport, on my way to work this morning, I could immediately tell that school was back in session. The line of traffic heading towards the school was a stark contrast to what anyone would have seen the morning before.

Parents and children, along with school teachers and staff are making their way towards school, creating unavoidable long lines and traffic congestion. This then creates a safety hazard for all involved, including, innocent bystanders on their way to work each morning.



The easiest way to avoid accidents and most of the school zone congestion is to allow plenty of time in your morning routine to get to your destination. You might even determine an alternate route to avoid certain streets, although this is not always possible.

School traffic isn't going anywhere, literally and figuratively. It will be a consistent thorn in many drivers' sides, well after their children have grown. Just being aware of the situation and remaining calm will assist you and the other drivers tremendously. Everyone has the same goal, to get themselves and their children to the final destination as safely as possible.

With two offices to serve you:

229 W. Main Street, Suite 400, Clarksburg, WV 26301

250 Scott Avenue, Suite 100, Morgantown, WV 26508



MLG and WBOY Celebrating Volunteers

Mimi & Dave Riffle of the Buckhannon Upshur 4H Archery



As any parent can tell you, the hours you put in for your kids to participate in school activities borders in the hundreds. With driving them around to practices, games, rehearsals and meetings; helping with concessions, arranging travel events, and sitting through hours of games, a lot of time is involved. Generally, that ends when kids move on and graduate, but not for everyone. There are a few members of the community that continue to volunteer, continue to participate, and continue to influence and help our kids grow and thrive.

Mimi and Dave Riffle are those people. They volunteer their time to the Upshur County High School Band, 4-H and Buckhannon Upshur Archery. Their work has improved, and will continue to improve, the lives of hundreds of students each year. Whether it be coaching an archery team or making sure a 4-H project is ready for presentation, Mimi and Dave show support for the kids and help them grow. That is why Mimi and Dave were selected as this month's Celebrating Volunteers award winners.

"We work for the kids, they become family to us," states Mimi. "Dave and I are a big part of the daily lives of many of these kids and we love to see them grow and learn in archery, band or whatever they do."

"The impact Mimi and Dave have on the kids in the Buckhannon Upshur area with the work they do will have a lasting impact on those kids for years to come," stated Tim Miley of The Miley Legal Group. "I love honoring those volunteers in our community that have a direct impact on our kids. Mimi and Dave are wonderful and I appreciate the work that they put in to support each of these activities."

To learn more about Mimi and Dave Riffle, visit WBOY.com and click on the volunteer program under the Community tab. To learn more about our Celebrating Volunteer Program, visit our website, www.MileyLegal.com and click on the logo.



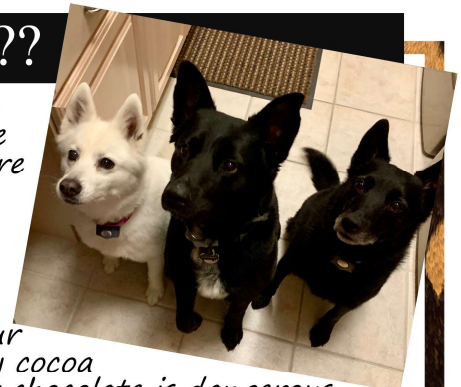
★★★★★ "I was very pleased with how everything concerning my case was handled, they keep in contact with you and keep you updated and more than anything they're so polite. I would definitely recommend them to anyone who would need legal help. Thank you for everything that y'all have done. Y'all truly care and have the utmost respect for your clients. I will never forget what y'all have done for me not just legally, but also personally." -Amanda P. (Weston)

★★★★★ "Doug and Haley are absolutely wonderful. They were so helpful and took care of everything..." -Jennifer B. (Barrackville)

Pet Peeves: Pumpkin Spice Dangerous??

Hey folks, Mia, Dexter and Clarabelle here to chat with you and your furry friends about the upcoming fall season. We love fall, just like most of you, but we wanted to make sure you were aware that your most favorite fall flavor could harm us.

That powdery substance you call pumpkin spice can be dangerous for your furry friends. You may not be aware but pumpkin spice includes nutmeg, which has been found to cause over excitement in us dogs and agitate our nervous system. We also need to stay away cocoa powder. We are sure most of you know that chocolate is dangerous for your four legged friends, but so is cocoa powder! Help us protect our tummies, by keeping a look out for these and other dangers to your pets!



Love Mia, Dexter & Clarabelle



Recipe of the Month: Pumpkin Pie Spice

Fall is upon us...and so is pumpkin spice season. Whether you love it or hate it, pumpkin spice is everywhere. Pumpkin spice cereal, pumpkin spice lattes, pumpkin spice donuts, pumpkin spice beer, the list goes on and on. So we thought, why not share a recipe so our readers can make it themselves and maybe even create something new with an added touch of fall.

Ingredients:

1 tsp ground cinnamon
1/4 tsp ground nutmeg
1/4 tsp ground ginger
1/8 tsp ground cloves

Directions:

1. In a small bowl, mix together cinnamon, nutmeg, ginger and cloves. Store in an airtight container.
2. Make your favorite recipe and "kick it up a notch" with some yummy pumpkin spice!

Recipe & Picture Courtesy of Allrecipes.com. Submit recipes to mlg@mileylegal.com



Words of Encouragement

"He is like a tree planted by streams of water that yields its fruit in its season, and its leaf does not wither. In all that he does, he prospers."

- Psalm 1:3

"And let us not grow weary of doing good, for in due season we will reap, if we do not give up."

- Galatians 6:9

"Life starts all over again when it gets crisp in the fall."

- F. Scott Fitzgerald

"Autumn shows us how beautiful it is to let things go."

- Unknown

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Who knows how many this will impact? But what we do know, is that those responsible, including any federal agency, should be held accountable for not only the families, but for those that died at the hands of a murderer at the VA.

September's Cases of Interest

Passenger Seriously Injured in Roll Over Accident.

Trusting the driver of the vehicle you are in is rather important when it comes to ensuring your safety. Do you consider if you trust the driver before getting in the car? Have you ridden with the driver before? One



of the most dangerous places to be in a vehicle, is in the passenger seat and our client learned that the hard way.

As a passenger you have no influence over how the driver controls the vehicle.

Our client was with a driver that was not only speeding, but did not have the car fully under her control. What started as a drive to shopping ended with our client in a

car that tumbled over and embankment resulting in a long stay at a local hospital and weeks of painful recovery.

A Warehouse Stop Ends in Disaster for Our Client

After purchasing a number of items from a local dealer, our client was instructed to visit a warehouse facility to pick up her items. Upon arriving at the warehouse, she was sent inside by herself to search for her purchases among a large rack of items.

While searching for her items, a large and heavy box fell off a pallet above her and slammed down on her head. The damage was significant, as a blow to the head can result in traumatic brain injury and internal bleeding. As we continue to investigate the incident we will identify who was responsible and how something like this could have occurred. We will work to get our client what she deserves and hopefully, prevent this from happening again.

"The greatest compliment we can receive is the referral of your family and friends."

Once Again, We Are Hired by a Postal Worker Attacked by a Dog

Dogs biting mail carriers has been an age old adage that is reflected in old cartoons and even as the brunt of a lot of jokes and memes. But after being hired by a number of our local carriers, it appears that dogs biting mail carriers should be treated as a more serious matter.

Once again, we have been hired by a mail carrier that was moving along their route when they met an unfriendly dog. Unfortunately, for the postal worker, the dog attacked and ripped into his leg. As always, the results of the bite led to stitches, shots and even the loss of the dog's life.

What should you do if you own a dog? Well, the first thing to do is to make sure the dog is restrained, especially when the mail man will be stopping by. Secondly, it is important to train your dog to ensure that they behave and keep their instincts in check.



Check out our blog at
MileyLegalBlog.com



**Wrongful Deaths at
Clarksburg VA Page 1**

Give this newsletter to a friend. They will thank you for it and so will I.

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.

Miley Family Fun

Judi Giffen Alonso's 60th
surprise birthday party
with daughter, Lauren



Karen, Susan's sister, stopped by the office to
present "Overcoming Blind Spots for 20/20 Vision "



Tim and Elizabeth (Tim's niece) at the
Italian Heritage Festival Parade