



Miley Legal News

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Inside this issue...

Karrah Fragale &
Kelli Willis
Celebrating Volunteers
Page 2

October's
Cases of Interest
Page 3

Spicy Butternut
Squash Muffin Recipe
Page 3



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

**Donnie K.
Patrick J.
Robert E.
Gloria W.
Enliven Chiro.**

Why Do I Have to Pay My Doctors at the End of My Case?

When we begin to wrap up injury cases and settle with the insurance company or even win at trial, there is still quite a bit of case work to do. One of those tasks is to make sure that all the medical providers that have treated our client during their recovery, are paid what they are owed. As this can be a significant part of the claims process, it is important that an injured person with a claim understands why a medical provider may get a portion of their settlement.



After a vehicle accident, there are usually a few different ways that your medical bills can get paid. The first method would be through any Medical Payments Coverage that the injured party may have as part of their auto insurance policy. This along with the health insurance coverage of the victim will take a primary role in ensuring that medical providers are paid in a timely fashion. Depending on the auto and health insurance policy, what the companies pay out for medical bills may have to be reimbursed through the settlement of the accident claim. If a client does not have insurance coverage to help pay for their medical bills, the medical provider will then hold the client personally responsible for those bills until they are paid.

Our clients frequently assume that the other insurance company will pay any medical bills resulting from the accident. That is not always the case. Under most settlements, the amount paid by the insurance company of the at-fault individual is an amount that is to cover all of the medical bills and any pain and suffering or lost wages. As an example, if an auto accident case settles for \$150,000, that amount includes payment for any medical bills that may have been incurred.

Once the case is settled, several entities may get paid out of the settlement before a check is cut to the injured party. As with the example mentioned, a portion of the \$150,000 will be used to pay any outstanding medical bills, any health insurance company lien, Medicare or Medicaid liens, third party liens and then also your attorney for their fees and expenses (as agreed upon in your contract). All of this should be well known and discussed with the client before any settlement amount is accepted.

Doctors and other medical providers are there to assist those injured and so they should be fairly compensated for their work. It is the responsibility of the injured party, with the assistance of their attorney, to make sure that medical providers receive their payments owed. This does not mean that a doctor or other provider should be able to profit off an accident victim, it just means that they should be paid at the contracted rate for any type of injury whether it involved a vehicle or not.

Earlier this summer, Johnson & Johnson was ordered to pay **\$4.7 billion** in a baby powder lawsuit. That large sum was ordered to compensate 22 women and their families who claimed that the talcum powder used in Johnson's Baby Powder included a substance, asbestos, that directly caused ovarian cancer in the women. \$550 million of that amount was for compensatory damages, all of the remaining amount, over \$4 billion, was awarded to directly punish the company for what they did and what they were aware of during the manufacturing of the talcum powder.

Millions of women across our country used and are still using talcum powder. Those that do and have been diagnosed with ovarian cancer or mesothelioma should get in contact with our office right away. This defective product could be the cause of their ailments and the manufacturer of the powder should be held

Medical Spotlight: Baby Powder & Cancer



responsible. The makers of talcum powder have knowingly sold this dangerous product for years.

Although it is unclear how the talcum powder causes cancer, it has been thought that the use of talcum powder in the genital area of women increases the risk of ovarian cancer by over 30%. This along with other evidence of cancer antibodies suppression from talc particles has allowed the court system to reach such a high verdict.

If you or a loved one has potentially been affected by the use of talcum powder in any form, including as Johnson's baby powder, reach out to our office and we will provide you with the tools you need to make the best decision for you and your family.



MLG and WBOY Celebrating Volunteers

Karrah Fragale and Kelli Willis of the Alzheimer's Association



Currently, over 107,000 family and friends are providing care for the more than 37,000 West Virginians recorded as living with a diagnosis of Alzheimer's. That number is only dwarfed by the 5 million Americans living with Alzheimer's every day. Raising awareness, educating the public and raising funds for services provided to the families and those affected by Alzheimer's are the priorities of the Alzheimer's Association, and this is done locally through the West Virginia Chapter, with a regional office in Morgantown. Their primary funding method for these projects comes through the hundreds of Walks to End Alzheimer's. The walk, held in Clarksburg on September 30th, adds much-needed funds that not only provide for research of the disease but also helps in funding education of families with a member who has Alzheimer's, hosting Alzheimer's support groups and assisting in the training of caregivers for patients that have been diagnosed.

As sisters, Karrah Fragale and Kelli Willis know first hand the devastation that Alzheimer's can leave in its wake. Their mother was diagnosed with

early onset Alzheimer's and their lives have not been the same since. The diagnosis of their mother began a long and challenging road that created a number of obstacles that had to be overcome. Dealing with the memory loss and the confusion that was created by the disease provided many challenges in the day to day life they both faced. This added to future unknowns only created an environment of frustration that Alzheimer's Association helps to work through.

"We want people in our communities to understand the impact that Alzheimer's has on some of our local families," stated Karrah. "As of right now there are no treatments that have truly impacted the progression of the disease, and we want to change that."



The diagnosis of their mother sparked the creation of strong advocates in Karrah and Kelli, who have helped hundreds of others within our community through their involvement. Through the Walk to End Alzheimer's, the sisters work to bring attention to this disease as well as raise money to provide comfort, education, and support to those in our community impacted by Alzheimer's. Their efforts brought them to the forefront of this battle and are why they were both selected by WBOY and The Miley Legal Group to be recognized as this month's Celebrating Volunteer award winner. Not only is it important to highlight the impact they have as volunteers, but to also highlight the upcoming walk and the statewide impact that Alzheimer's has on families across our state and the country.

The Walk to End Alzheimer's is one of the primary fundraising efforts of the Alzheimer's Association. Through individual contributions and corporate sponsors, the walk has raised over \$492 million since 1989. The local Walk to End Alzheimer's will be held on September 30th. Although there is no fee to walk, a donation of any amount is appreciated. Registration for teams and individuals is available up until the day of the walk.

Recent Victories

✓ We recently worked out an accident settlement claim where our client got 4 times what the insurance company originally offered.

✓ Although our client may be very unlucky, because she has been in 3 car accidents, we are happy that she keeps hiring our firm to help deal with her accident claims.

Facebook Review:

★★★★★ "I highly recommend anyone facing a similar situation for go the worry, stress and uncertainty and contact the team of legal professionals at The Miley Legal Group."

-Donnie K.

"Alzheimer's has a devastating impact on many in our community," Marisa Matyola of WBOY stated. "Karrah and Kelli are working with hundreds of other volunteers in communities just like ours to get a better handle on the disease and work towards treatment and an eventual cure."

"I have said this before, the devastation Alzheimer's has on families within our community can be felt far and wide," said Tim Miley, owner of The Miley Legal Group. "Volunteers such as Karrah and Kelli become the backbone of an organization that works to not only find a cure for this disease but to also brings support directly to the patients and their families as they move through the stages of Alzheimer's and the impact it has on their daily lives."

For more information on the Alzheimer's Association West Virginia Chapter or the Walk to End Alzheimer's, visit www.alz.org/wv. The Alzheimer's Association actively looks for volunteers and those that they can further assist in dealing with this terrible disease, throughout the year.

The Celebrating Volunteers awardees receive public recognition for not only themselves but their organization. They also receive a \$500 contribution to the organization they represent in their name.

Recipe of the Month: **Spicy Butternut Squash Muffins**

Ingredients:

1/2 lb peeled, seeded butternut squash, cubed
 1 1/2 cups all-purpose flour
 2 tsps baking powder
 1/2 cup white sugar
 1/2 tsp salt
 2 tsps pumpkin pie spice
 3/4 cup milk
 1 egg, beaten
 1 Tbsp butter melted

Directions:

1. Preheat oven to 400 degrees. Lightly grease a 12 cup muffin pan.
2. In a medium saucepan with enough water to cover, boil squash until tender. Remove from heat, dice and puree in a food processor.
3. In a large bowl, whisk together flour, baking powder, white sugar, salt and pumpkin pie spice.
4. In a medium bowl, mix together milk, egg and butter. Stir in squash. Fold the squash mixture into the flour mixture just until moistened.
5. Spoon the batter into the prepared muffin pan, filling cups about 1/2 full. Bake 20 mins. in the preheated oven, or until a toothpick inserted in the center of a muffin comes clean.



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

Words of Encouragement

"Cast your cares on the Lord and He will sustain you; He will never let the righteous be shaken."

– Psalm 55:22

"Behold, I have inscribed you on the palms of My hands."

– Isaiah 49:16

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

– F. Scott Fitzgerald
 "The Great Gatsby"

October Cases of Interest

A Ride in an Ambulance Leads to an Accident:

Our client was in the midst of dealing with a separate medical issue and needed transportation to a hospital via ambulance. Unfortunately, that trip led to even more problems when the



driver of the emergency vehicle apparently was overtired and fell asleep, wrecking the ambulance and injuring our client and her father. During the accident, they were bounced around the back of the ambulance. Both passengers and the driver received extensive injuries leading to the need for additional treatment.

Road Condition Leads to Motorcycle Accident:

Drivers everyday mumble about the horrible conditions of the roads all across our region, but the situation is even worse for those that are on motorcycles. A pothole or a large crack is a nuisance for a car or truck, but either are absolutely dangerous for a motorcycle rider and any passengers they may have.

Our client was a passenger on a motorcycle where the driver did not see a significant pothole and crack in the road. After driving into it, both the motorcycle and the riders were forced down and slid sideways down the road. Both the rider and the passenger received injuries, however, our client specifically received an extensive injuries to her knee that included a tear and torn ligaments around the joint. She is currently undergoing additional medical treatment and her doctors are reviewing her condition to make a determination on surgery. We wish her and the driver a speedy recovery.

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

Pet Peeves: What's This?

Hello Friends! Mia and Dexter are back and we have a ton of adventures to share!

One of our exciting adventures begins one late afternoon in the backyard waiting to bark at the next falling leaf, when we came across a yellow and green creature that liked to jump and hop around. After sniffing to investigate, we decided it would be great for Mia to pick it up and put it in her mouth....**BIG MISTAKE!** It was slimy, tasted bad and smelled even worse!



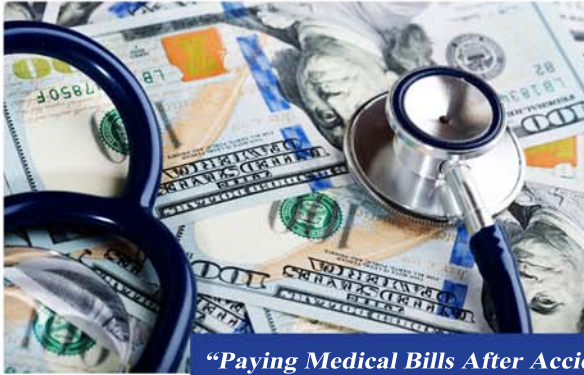
Mia spit it out and would not stop barking at it. I don't think it heard her because it didn't hop away and just sat there staring at us. We learned our lesson to not put green and yellow hoppy things in our mouth....well... maybe. Hope you enjoyed our story! See ya!

Love Mia & Dexter





*Check out our blog at
MileyLegalBlog.com*



"Paying Medical Bills After Accident"
Page 1

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

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