

Lawsuit Abuse Fortnightly



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Real examples of how predatory trial lawyers profit by depriving victims of justice and undermining the Rule of Law in the United States.

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Warning Signs

The top prize winner in the “Wacky Warning Label” contest sponsored by Citizens Against Lawsuit Abuse and the Parent Bloggers Network? The label on a chainsaw that warned: “Do not hold the wrong end of a chainsaw.”

One runner-up was the label on a rocking chair: “Do not eat The Rocker or anything included with The Rocker, including, but not limited to, nuts, bolts, tags, cardboard, packaging, plastic bags, plastic pieces, styrofoam, unpopped popcorn kernels, etc. Attempting to eat these things may result in injury, death, or at the very least, discomfort while passing these items through your digestive system from entry to exit.”

Source: http://www.sickoflawsuits.org/news/news/warning_labels.cfm, 2009

Vermin Shepherds

Maybe pets in the U.K. should come with warning labels. Residents of Britain can now be prosecuted for pet abuse, an offense punishable with a \$30,000 fine or 12 months in jail. This seems like a good law until a closer look reveals “pets” are defined to include ants, worms, cockroaches, slugs, and scorpions.

And then there’s the word “abuse”—which includes failure to groom long-haired dogs and cats once a day, feeding a dog with table food, and using hands or feet to play with a cat. This last transgression is included since it might encourage aggressive behavior—though it’s unclear whether that’s a reference to the owner’s behavior or the cat’s.

Source: James Delingpole, “Even a Cockroach Has Rights,” *Human Events*, January 14, 2009, via overlawyered.com

House Rules

A Canadian man who claims he won \$42.9 million on a slot machine is suing the casino for that sum, plus \$3 million in other damages.

The lights and the siren went off on the slot machine after the man’s two-cent wager at the Innisfil casino, but all the casino paid him was free dinner for four at the buffet. Casino officials said the maximum jackpot on the machine is \$9,025, so the \$42.9 million win was

a malfunction. The casino claims an error message was displayed on the screen.

Source: Don Peat, “Slot machine malfunction triggers lawsuit,” *Brockville (Ontario) Recorder and Times*, March 18, 2009

All Fall Down

A Chuck E. Cheese restaurant in Oak Lawn, Illinois is being sued for failure to supervise children in its playground area.

A five-year old girl suffered “severe injuries,” her mother alleges in the lawsuit, while she was on a school trip to the restaurant. The suit alleges the girl slid down an enclosed tunnel slide, followed by larger, older children who fell on her. The girl lost “the ability and capacity to attend to most social, school and personal activities,” the lawsuit alleges. The suit seeks \$50,000 in damages.

Source: Steve Schmadeke, “Chuck E. Cheese sued over child’s injuries,” *Chicago Breaking News Center* at <http://www.chicagobreakingnews.com/2009/02/chuck-e-cheese-stevens-evergreen-park.html>, February 26, 2009

Grand Theft Video

An Ohio honor student, now at Yale University, is suing U.S. Airways for allegedly stealing his Xbox 360 video game console from inside his checked luggage.

The student alleges he had customized the console with a special hard drive and other components. He claims the unit cost more than \$1,000, but he wants \$1 million in damages to compensate him for the device plus “noneconomic distress.”

Source: Kimball Perry, “Student sues over missing Xbox,” *Cincinnati Enquirer*, March 11, 2009, via iamlawsuitabuse.com, a project of the Institute for Legal Reform of the U.S. Chamber of Commerce

She Should Have Predicted It

A New Jersey man is suing a psychic claiming she defrauded him of almost \$250,000 to buy gold to make a statue to “ward off negativity” that she said surrounded him.

The man says he originally met the psychic through her on-line psychic Web site. They later met in person, and she told him “he has a spiritual problem and that she will need to perform spiritual ‘work’ for him,” according to the lawsuit. She later told him “his case is so big” she had to abandon her Web site “to concentrate on his case, but that it is OK because it is what she is called to, or supposed to do,” the suit claims.

Later, the psychic asked the man for \$15,850 for a trip to a “spiritually significant location” in Florida “to perform special work,” according to the suit. The location turned out to be Disney World.

Source: Matt Manochio, “Suit claims \$250K scam by psychic in Mendham,” Morristown Daily Record, March 10, 2009, via overlawyered.com

Pet Peeve

A New Jersey appeals court has stepped in to resolve an ex-couple’s dispute over custody of the dog “Dexter.”

The couple bought Dexter when they were engaged, but got into the custody battle after they broke up. The woman claimed the pair had an oral agreement entitling her to Dexter; she sued for specific performance of this agreement, a remedy available when the subject matter of an agreement is one-of-a-kind. The trial court found the oral agreement existed, but it allowed the man to keep the dog because he had possession of it. The court

awarded the woman the \$1,500 the couple paid for Dexter.

On appeal, the court set new precedent in New Jersey, finding the dog had “unique sentimental value” to the woman, so the remedy of specific performance was available. “Wait until you see the backlog in the courts when we start having custody hearings on pets,” predicted the man’s lawyer.

The court rejected the amicus brief argument by Lawyers in Defense of Animals claiming custody should be determined by a best-interest-of-the-pet standard.

Source: Mary Pat Gallagher, “New Business for Courts: Pet Custody, Judges may invoke specific performance remedy, N.J. appeals panel says,” New Jersey Law Journal, March 12, 2009, via overlawyered

Shopping Trip

An Illinois woman who tripped at the entrance to a shoe store claims it was the store’s fault she fell. She didn’t notice the threshold on the door was a little lower than the mall floor because she was distracted by their shoes and jewelry on display. She claims unspecified actual expenses plus \$50,000 to \$75,000 in damages.

Source: Kelly Holleran, “Woman distracted by shoes and jewelry sues store over injuries,” The Madison St. Clair Record, March 18, 2009

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