

**PROTECTING EMPLOYEE & CONSUMER RIGHTS**



**ATTY. CONRADO JOE SAYAS**

ACCIDENTS that result in serious injuries affect the injured person and his/her family in significant ways. Rights to medical treatments, including the responsibility to pay past and future medical expenses, and loss of earnings may become issues. There are also the more serious losses caused by physical pains as a result of the injuries. These physical pains are accompanied by emotional suffering as the person may feel helpless and iso-

# Dealing with serious personal injuries or wrongful death

lated for not being able to pursue and enjoy life's basic activities. An area of law is devoted to address these issues and allow the injured to seek redress for these damages. This is known as personal injury law. The term is most commonly used to refer to a type of lawsuit alleging that a person's injury was caused by the negligence of another. If this was indeed the case and the injury was indeed due to the fault of another, then the injured has the right to file a claim for damages to compensate him or her for these injuries. Accidents that result in death have different consequences than if the accident resulted in personal injuries. If the decedent's untimely death left behind family members who suffered the loss of moral and economic

support, then they have the right to sue for damages. A wrongful death lawsuit is still classified under the category of personal injury law. Such lawsuit alleges that the death is caused by the negligence of another. The surviving spouse, next of kin or personal representative can sue on behalf of the decedent to recover economic damages such as medical bills, funeral expenses, loss of future earnings, and loss of benefits. They can also sue to recover non-economic damages. Under California law these include the loss of love, companionship or consortium, comfort, care, assistance, protection, affection, society, moral support and the loss of training and guidance. In some cases where the death was a result of particularly egre-

gious conduct, punitive damages may be sought. Where there is a felony, like a drunk driving accident, attorney fees may additionally be recovered. However, just because someone died or was seriously injured in an accident does not necessarily mean that damages can automatically be recovered. Under California Law, the recovery of damages for injuries or death is possible only if the following elements are met: The other party was negligent and the party's negligence proximately caused the injuries or death of the person. Harsh though it may be, if the accident was due to the fault of the decedent or the injured person in the first place, then there is no recovery under the law. Pursuing a serious personal injury or wrongful death action can become complex and time-consuming. It would be very difficult to proceed without knowledgeable and experienced legal help. This is why one of the most important steps that an injured person or the heirs of a deceased

person can do is to find an experienced personal injury attorney as soon as possible. Apart from statute of limitations concerns, retaining a personal injury attorney as soon as possible will ensure that valuable evidence and witness information can be gathered and preserved. Evidence may disappear and witnesses may become unavailable. The sooner these things are done, the better the case that can be built for the injured. An attorney's litigation experience as well as his or her achievements should be major considerations in retaining the attorney. Serious injuries or wrongful death claims may require a certain level of expertise and resources which the attorney should be able to match. The attorney's ability to communicate well with the client and the client's family and an understanding of their culture and language are essential. The attorney who understands his or her clients are in a better position to articulate their damages to a court or jury. Whether the accident result-

ing in serious personal injuries or death was caused by vehicle collisions, dangerous premises, defective products, or harmful exposure to toxins - the effect to those directly involved and their families will be disruptive and confusing. The more one learns about the potential issues that may arise, the better one will be prepared to deal with them. \*\*\* C. Joe Sayas, Jr., Esq. is an experienced trial attorney who has successfully obtained significant results, including several million dollar recoveries for consumers against insurance companies and big business. He is a member of the Million Dollar-Advocates Forum—a prestigious group of trial lawyers whose membership is limited to those who have demonstrated exceptional skill, experience and excellence in advocacy. He has been featured in the cover of Los Angeles Daily Journal's Verdicts and Settlements for his professional accomplishments and recipient of numerous awards from community and media organizations. His litigation practice concentrates in the following areas: serious personal injuries, wrongful death, insurance claims, unfair business practices, wage and hour (overtime) litigation. You can visit his website at [www.joesayaslaw.com](http://www.joesayaslaw.com) or contact his office by telephone at (818) 291-0088. (Advertising Supplement)

**INSURANCE 101**



**MELODY AVECILLA**

AS parents, grandparents or caregivers, we always want to do the best thing for our child's health and safety. We make sure that they don't eat too much candy. We teach them to look both ways before crossing the street. But when our kids are riding in the car, are we making sure they are buckled up correctly? Even though experts for years have stressed the importance of child safety seats, the number one killer in the United States for children ages 2-14 is car crashes. Partners for Child Passenger Safety (PCPS) is a joint effort between State Farm Insurance and The Children's Hospital of Philadelphia. The partnership is dedicated to understanding how and why children are injured or killed in auto crashes. PCPS began in 1997 and continues to be the largest study of its kind, having recently been expanded to include crashes in Texas. One of the earliest findings of the study was that children ages 2 to 5 who use adult seat belts are 3.5 times more likely to suffer significant injury than those correctly restrained in a child safety seat or belt-positioning booster seat. In 2004, PCPS data showed more than 61 percent of children ages 4 to 8 were not optimally restrained and were

## Give your kid a 'boost' with child passenger safety

often using only a seat belt. Seat belts are designed to fit adults, not children. A belt-positioning booster seat, which is the next step after a child has completely outgrown a child safety seat, gives kids a lift so that a lap and shoulder belt fits them properly. Besides emphasizing the need for the intermediate step of the belt-positioning booster seat, findings from the PCPS study show that boosters reduce the risk of injury for 4 to 7 year-olds by 59 percent compared to those using only adult safety belts. Another recent discovery by PCPS researcher is children are 40 percent less likely to be injured in a crash if they are seated in the rear seat versus the front seat. This supports the recommendation of the American Academy of Pediatrics that all children under age 13 should ride in the back seat. Based on the National Highway Traffic Safety Administration's recommendations, the following tips are critical to help ensure the safety of children riding in vehicles. **If the Child is:** A newborn up to at least 1 year and at least 20 pounds - Use a rear-facing infant seat or rear-facing convertible seat. - Keep the child in the rear-facing seat until he or she has completely outgrown the seat. - Never place a rear-facing infant in the front seat with an airbag. - Follow the child safety seat

and vehicle manufacturers' instructions on correct restraint use and installation. Over at least 1 year and over at least 20 pounds, up to 40 pounds. - Use a forward-facing convertible seat or forward-facing combination seat with harness straps. - Keep the child in the forward-facing child safety seat until he or she has completely outgrown it. - Follow the child safety seat and vehicle manufacturers' instructions on correct restraint use and installation. Over 40 pounds and up to at least age 8, unless 4'9" tall - Use a belt-positioning booster seat with lap and shoulder seat belt. - Follow the child safety seat and vehicle manufacturers' instructions on correct restraint use and installation. Over age 8 or 4'9" tall - Use a lap and shoulder safety belt. - Follow vehicle manufacturers' instructions on correct restraint use. If you would like to learn more about the correct way children should be seated in a car or about the Partners for Child Passenger Safety study, visit [www.statefarm.com/learning/child\\_safety/kidsafety.asp](http://www.statefarm.com/learning/child_safety/kidsafety.asp) \*\*\* If you suspect a scam, call the NICB hotline at 1-800-TEL-NICB. For information about auto insurance and insurance fraud, contact your insurance agent. (Advertising Supplement)

**BRIDGING FINANCIAL GAPS**



**EVANGELINE A. GIRON**

MOST qualified retirement plans offer significant tax benefits for those willing to follow a few IRS specified rules. The government wants to make these plans - (401(k)s, Keoghs, SEPs and traditional IRAs) - available for specific needs, and has established tax law to help eliminate potential abuses of these tax advantaged investment alternatives. **Retirement plans are intended for retirement** For one thing, the government wants to make sure that such savings (and income tax benefits) actually go towards providing retirement income. Stiff penalties for early withdrawal help encourage investors to reserve their qualified plans for use during their retirement years. **Required withdrawals** On the other hand, the gov-

## All about Required Minimum Distributions (RMDs)

ernment also wants to ensure that they will one day be able to tax these accumulated funds. If you have a 401(k), a Keogh, a SEP or a traditional IRA, you must begin taking regular distributions from your plan by April 1st of the year following the year you turn 70½. Although the tax code allows you to wait until April 1 of the year following the year you turn 70½, it is generally a good idea to take your first mandatory withdrawal in the same year you turn 70½. If you wait, you will have to make two withdrawals in the first year, doubling the amount of taxable income you must declare and potentially increasing your marginal tax bracket. The amount you are actually required to withdraw each year, and which will be subject to taxation, is based on tables which estimate your remaining lifetime. **Calculating your required withdrawals** It is very important that you maintain a structured process of minimum withdrawals from your qualified plans—if you do

not meet the required minimum distribution withdrawals, the IRS will impose a penalty of 50% of the amount not withdrawn, plus the income taxes due. The good news is that the IRS has made calculating your required minimum distributions much easier beginning January 2001. Based on your age, you simply divide your qualified plan balance as of the last day of the previous year by the factor from the IRS Pub. 590. Once you have reached the age of mandatory distribution, you won't be able to make any more qualified contributions as doing so would subject you to 6% penalty. \*\*\* Evangeline can be reached at her marketing location at the Ground Floor of Eagle Rock Plaza (in front of Jollibee), 2700 Colorado Blvd., Los Angeles, CA 90041 or at her business address at 450 N. Brand Blvd., Ste. 600, Glendale, CA 91203, phone number (323) 356-3803 or (323) 254-6787. \*\*\* The purpose of this article is to provide information of general interest to our clients and prospective clients. The information provided is general in nature and should not be considered complete information on any product or concept described. (Advertising Supplement)

**FROM YOUR LIFE COACH, BING**



**CARLYNE ODICTA-KOHNER**

YEAR after year we celebrate Mother's Day! Each time we commemorate this celebration we think about the things that our mothers gave us. Their pure love, never ending patience, dedication, smiles, laugh, stories, reading to us before we sleep, cheering us on when we are down, their ability to listen to our redundant stories, their installation of family values, faith, work ethic, wisdom, all their sacrifices and others. And for those who didn't have such blessed mothers, we constantly wish for someone who offered such acts. Some people who have lacked such mothers have been lucky enough to find substitute mothers in their grandmothers, their friends' mothers, trusted teachers, community leaders or extended family members. Regardless, of which woman or women you have been mothered by these traits are those we honor on Mother's Day. As Filipino Christians, it's given that we honor our parents especially our mother. We do the "mano po" or kiss her cheek when we arrive home and when

## Celebrating mothers

we leave home. To us, we can say that as long as our mother is around everything will be all right no matter what! Now that I am a parent, I certainly miss my mother. Do you ask yourself, "What would Mama do in this situation?" Have you noticed how much you've become like your mother? Times have changed. Children have access to so many options and technologies. As a mother, I have found these overwhelming at times. Everyone knows my theme at home, "Do one thing at a time. If you are eating then eat. If you are playing, then play and if you are doing your homework, then work." I say this over and over to our almost 7 years old daughter. She answers me back, "I know, I know!" How do you think that children imagine their mothers? Here is a poem that I think illustrates some interesting perspectives. **The Images of Mother** 4 years of age: My Mommy can do anything! 8 years of age: My Mom knows a whole lot! 12 years of age: My mother doesn't really know quite everything. 14 years of age: Naturally, Mother doesn't know that, either. 16 years of age: Mother? She's hopelessly old fashioned. 18 years of age: That old woman? She's way out of date! 25 years of age: Mom might

know a little bit about it. 35 years of age: Before we decide, let's get Mom's opinion. 45 years of age: Wonder what Mom would have thought about it? 65 years of age: Wish I could talk it over with Mom. What is the impact of this poem on you? How is your relationship with your child/ren or mother? What one action can you take that will bring you closer to your child/ren or mother? My mother passed away in 1989 but to me she is still alive because all her teachings are in my heart! I know someone else celebrating Mother's Day by writing to her mother through her diary. To her, her spirit is still with her. On this special occasion, I am anticipating roses and presents from my husband and a handmade card from my daughter. I will light candles at church for my mother's soul, send flowers to my mother-in-law, and greet everyone on Facebook! However you celebrate it with your child/ren or mothers, savor the moment. Happy Mother's Day to us amazing mothers! Cheers! \*\*\* Bing (Carlyne Odicta-Kohner) was trained as a Life Coach here in the US from the Coaches Training Institute (CTI). She is a member of International Coaching Federation (ICF). She owns Limitbusters Coaching & Training, Inc. (LCT). Please visit her at [www.limitbusters.net](http://www.limitbusters.net) or email her at [bingkohner@limitbusters.net](mailto:bingkohner@limitbusters.net).

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LARRY YANG is a graduate of Georgetown University Law Center with a master's degree in Law and practices before California State Courts, United States District Courts, the California Appeals for the 9th Circuit and U.S. Bankruptcy Courts.

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## SB 1070...

PAGE C2 ◀ long time, the Senator's sponsoring the Bill feel that requiring a waiting period and evidence that the border is secure before authorizing legal status to previously undocumented foreign nationals will be necessary to secure enough votes for the measure to move through Congress. \*\*\* Daniel P. Hanlon is a California State Bar Certified Specialist in Immigration and Nationality Law and a principal of Hanlon Law Group, PC, located at 225 S. Lake Ave., 11th Floor in Pasadena, California; tel. No. (626) 585-8005. Hanlon Law Group, PC is a "full-service Immigration Law firm." E-mail: [visas@hanlonlawgroup.com](mailto:visas@hanlonlawgroup.com) and [www.hanlonlawgroup.com](http://www.hanlonlawgroup.com) (Advertising Supplement)

## Federal court expands...

PAGE C1 ◀ a visit online at [www.immigrationexperts.tv](http://www.immigrationexperts.tv). \*\*\* Atty. Reeves has represented clients in numerous landmark immigration cases that have set new policies regarding INS action and immigrants' rights. His offices are located in Pasadena, San Francisco, Las Vegas and Makati City. Telephone: (800) 795-8009 E-mail: [immigration@rreeves.com](mailto:immigration@rreeves.com) Website: [www.rreeves.com](http://www.rreeves.com). \*\*\* The analysis and suggestions offered in this column do not create a lawyer-client relationship and are not a substitute for the personalized representation that is essential to every case. (Advertising Supplement)