

## LAW OFFICES OF KIM MICHAEL CULLEN, P.A.

LIFE, LIBERTY,  
AND THE LAW**UM Insurance Help**

*Learn how Underinsured/  
Uninsured Motorist coverage  
may be the most important auto  
insurance you ever buy.*

**Page 2**

**More Paxil Problems**

*A huge drug manufacturer sets  
aside nearly \$2 billion dollars  
to settle claims related to Paxil  
and Avandia.*

**Page 2**

**Water Or Powerade?**

*Discover what a dietician says  
about water versus sports  
drinks, and which is best for  
exercisers.*

**Page 3**

**Nano: Is Basic Best?**

*Check out the new car from  
India, and decide whether you  
think the basic version will ever  
fly in the U.S.*

**Page 3**

**WHAT I LEARNED ON VACATION****Orca whales teach lessons about strong families, and healthy environment**

Those of you who tried to reach me in the office on the last week of July likely discovered that I was on vacation that week. After not taking a vacation over the last two years, I decided it was time to take a mental and physical break from the action around the office. Little did I know that I would also learn something along the way.

My wife and I took our four kids to the Pacific Northwest to see and experience Vancouver, Seattle, and the land in between. We hiked trails, climbed mountains, threw snow, rode chairlifts and gondolas, marveled at scenic vistas, sailed in boats and on ferries, rode tandem bicycles, stood in awe of three massive volcanic mountains (Mt. Ranier, Mt. Baker, and Mt. Adams), and even attended a Major League Baseball game. But the highlight of our trip was spending a quiet Friday morning off the coast of Birch Bay, Washington, on the waters of the Strait of Georgia with a pod of 19 Orca whales.

Each Orca pod is made up of one or more older females who are the glue that holds the group together. Once male Orcas reach adulthood they travel to other pods to mate, but they always return to their mother's pod where they live with her, and their brothers and sisters. Female Orcas spend their entire lives living together.

Our visit was with "J" pod, one of three pods of Orcas that are year-round residents of the waters of the Puget Sound and the Strait of Georgia. The pods move from area to area feasting on various species of salmon as the fish return each year to their ancestral birthplaces in local rivers.

It was amazing to see the way these giant animals gently interacted with one another. The young whales breached often and jumped completely out of the water several times. The older whales stayed very close nearby, seemingly watching over the young. When the younger whales would stray too far off course, one of the older whales would slap its tale on the surface. These behaviors certainly reminded me of what makes strong human families -- generations of involved parents, grandparents, aunts, and uncles -- all sharing in the raising of the children, and also watching out for each other. Some of us could learn a few things by spending more time with the Orcas.

We also learned that the future of these Orcas is uncertain. Water pollution and fish farming are harming the whales' nature habitat. When I heard the term "water pollution", I couldn't help but think back to Florida, and to the challenges currently faced by countless dolphins, manatees, and other marine wildlife in the Gulf of Mexico. Hopefully, we can all learn something from the Gulf oil spill and place a high value on the health and safety of the marine wildlife we have been blessed with.



# LIFE, LIBERTY, AND THE LAW

## Car Insurance Safety Net

Uninsured/Underinsured Motorist (UM) insurance coverage is an often poorly-understood automobile insurance coverage that can be a huge benefit to a family following a serious car accident. UM coverage is generally the only way that a person can fully protect himself and his family if an at-fault driver in an accident has no, or very little, bodily injury liability coverage to pay for personal injury damages. Essentially, UM coverage “stands in the shoes” of the negligent driver and pays the damages that the negligent driver would normally have to pay if he carried an adequate amount of liability insurance.

UM coverage is generally not aggressively sold by insurance agents because insurance companies often don't make much profit from UM coverage. In fact, some of the lesser automobile insurance companies don't even offer UM coverage for sale. Nevertheless, a responsible vehicle owner should insist upon carrying as much UM coverage as he or she can afford.

UM coverage works like this: An accident victim is rear-ended at high speed, and suffers a herniated disc in his neck that requires surgery. The at-fault, rear-ending driver only has bodily injury liability coverage in the amount of \$25,000.00, and no assets. Even if the

accident victim is eventually paid the at-fault driver's entire \$25,000.00 bodily injury liability policy limits, the accident victim still has unpaid medical bills, is missing time from work, and will never return to doing the things she enjoyed before her injuries.

If the accident victim does not have UM, the \$25,000.00 from the at-fault driver is all she is going to be able to recover. However, the accident victim in this example was wise enough to purchase \$100,000.00 in UM coverage.

Since the overall value of the accident victim's claim is worth more than the available bodily injury coverage of the at-fault driver, the at-fault driver is “uninsured/underinsured” under Florida law, so the accident victim's insurance company will have an additional \$100,000.00 in UM insurance available to pay the accident victim.

Statistically, we know that more and more people in Florida are driving without any insurance coverage – much less adequate coverage to fully compensate someone if they become significantly injured. As economic conditions continue to be difficult in Florida, it is a good bet that vehicle owners will continue to cut corners on their insurance coverage. UM coverage thus becomes more essential to the wise consumer.

If you need help wading through the complex and confusing world of car insurance, please do not hesitate to call us.

## Took Paxil While Pregnant?

Paxil, the widely prescribed anti-depressive drug, continues its run of recent bad publicity. Bloomberg Businessweek recently reported that drug manufacturer GlaxoSmithKline has set aside over \$1 billion dollars to settle approximately 800 lawsuits connecting Paxil to birth defects in children. GlaxoSmithKline has already paid out over \$1 billion dollars to settle cases involving suicides and attempted suicides that were purportedly connected with patients taking Paxil. Although these numbers seem gargantuan, it should be noted that Paxil has generated almost \$12 billion in revenue for GlaxoSmithKline in the U.S. alone.

Settlement of the Paxil birth defect claims come on the heels of the first jury verdict involving allegations of Paxil's connection to birth defects. In October 2009, a Philadelphia jury awarded a family \$2.5 million after it concluded that Paxil caused a heart defect in a baby while

in his mother's womb. Evidence introduced at trial included internal GlaxoSmithKline documents that showed the company executives and scientists were alarmed with the numbers of problems with newborns whose mothers had taken Paxil during pregnancy. Nevertheless, GlaxoSmithKline elected not to share this information with doctors prescribing the drug.

GlaxoSmithKline is also reportedly setting aside another \$1 billion to address claims that its diabetes drug, Avandia, leads to heart attacks and strokes in patients. GlaxoSmithKline has already paid approximately \$500 million to resolve many Avandia claims. Before Avandia was linked to these health problems, the drug generated approximated \$3 billion per year in revenue for GlaxoSmithKline.

If you have any concerns concerning Paxil (or Avandia), you should address those concerns with your physician and then contact us to discuss.

## LIFE, LIBERTY, AND THE LAW

### What's Really Keeping You Up At Night?

For generations, drinking a glass of warm milk has been a common suggestion to treat a sleepless night. According to scientists at the Center for Sleep and Respiratory Neurobiology at the University of Pennsylvania, it may be time to relegate this advice to "old wives' tale" status.



In a 15-year study designed to study the effects of diet upon sleep patterns, researchers have discovered that, while warm milk may help a person relax (through a natural chemical similar to that found in Valium), it does

not have enough of the chemical to truly effect sleep. This is also true of the chemical, tryptophan, commonly found in turkey, and also thought by many to induce sleep. Researchers admit that

despite years of research, they haven't found many chemicals found in foods that help to induce sleep.

Scientists have been much more successful in determining foods the people should *avoid* in order to achieve a lasting and restful sleep. According to new research, the most important food ingredient to avoid for high-quality sleep is dietary fat. The more fat that researchers fed their study subjects, the less the subjects slept. In a related study result, researchers also found that people who slept poorly seemed to put on more weight. Apparently, poor sleep impacts the body's hormonal system in such a way that the body does not accurately report to itself that it is full and does not need more food. It seems that people who sleep poorly (perhaps from eating too much dietary fat) also tend to gain weight faster. Obviously, this is a vicious (and healthy) cycle.

Some more obvious foods to avoid in order to achieve a high quality sleep are caffeinated foods, alcoholic beverages, and spicy foods.

Personally, over the last several years falling asleep at night has become a much greater challenge for me. I have found that strenuous exercise during the day really helps me fall into a restful sleep at night. In recent years, I have also discovered some deep-breathing and meditation techniques that have helped me "turn off my mind" enough to fall asleep at night. I would be anxious to hear what works for others.

### Gatorade v. H<sub>2</sub>O: Which Is Best?

Every time you exercise, do you automatically reach for a bottle of your favorite sports drink? If you do, researchers say you are probably getting far more sugar and other ingredients than your body needs.

In the absence of extreme conditions, most people are probably better off relying upon plain water for their hydration needs, says Nancy Carter, a Boston sports nutritionist, in a recent Los Angeles Times article. As long as a person is eating a balanced diet including carbohydrates, salt, and potassium – which most average Americans get their fair share of in their normal diets. -- most Americans are fine exercising with just plain water.

On the other hand, sports drinks like Gatorade, Powerade, Pure Sport, and others, are probably indicated



for someone exercising at a very high intensity for an hour or more (for example a 10-mile run or 100-mile bike ride), someone who is exercising in a very high temperature environment, or someone who tends to be a "salty sweater". A "salty sweater" is someone whose body sweats out so much salt that salt can actually be seen on the skin once the sweat has dried. For these folks, sports drinks offer sodium, potassium, and sugar that these folks' bodies need to recover and refresh. In fact, Ms. Carter says that sports drink are downright critical for individuals who might find themselves competing in a day-long soccer tournament, or in a triathlon.

For normal exercisers, sports nutritionists suggest drinking plenty of clear water, and eating raisins, pretzels, Fig Newtons, or cut fruit.

# LIFE, LIBERTY, AND THE LAW

## TERRY'S TECH NEWS & VIEWS

Economy at all costs?

One of the world's least expensive and highest mileage cars is becoming more available outside its home country of India.

The Nano, manufactured by Tata Corporation, touts more than 50 miles per gallon and seats 4 people comfortably.

HOWEVER, the Nano -- as priced at \$3,000 -- has little, if any, creature comforts, much less ANY safety features we have become accustomed to in American vehicles. The means no air bags, no air conditioning, and lack of many other features we now accept as standard. You can get those EXTRA, but their prices add up fast. For a model



similar to a n American base-level car, the price will be around \$8,000.00.

The handling and braking features of the vehicle cannot be upgraded enough fashion to make vehicle up to par with what American drivers are used to. Likewise, the top speed of 60 mph for the 2-cylinder motor probably isn't suitable for highway driving.

It will be interesting to see if the feds will let Tata sell the Nano in its "base" configuration. Even so, it is not likely that many people would take the risk. This is one time the feds may know what is best for us.

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*Terry McCamie is our Case Manager. Terry loves cars and writes a monthly column on automotive and transportation issues.*

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