

APLA Exchange

Perilymph Fistula

We have been instructed by our client to pursue a claim for Perilymph Fistula that we allege was caused to our client during the process of training to become a Hyperbaric Chamber Nurse in 1996. In the process of training and being subjected to deep sea dives in a Hyperbaric Chamber, we allege our client sustained this injury. We are particularly interested in hearing from anyone who has knowledge of the condition or who has acted for someone in similar circumstances. Please contact **Mr Bruce Da Costa**, McLaughlin & Associates, PO Box 2080, Logan DC Qld 4114, **phone** (07) 3808 7777 or **fax** (07) 3808 6677.

Validity of Sub-contractor's indemnity

I represent a man who worked as a welder in a shipyard and sustained severe injuries in a fall of six metres onto concrete after scaffolding proved ineffective. He was "forced" to sign an indemnity by the company that he worked for, which protected the latter from "any and all actions howsoever arising", and categorized the person as a "subcontractor". This categorization we can live with, given that it is seemingly less onerous to go the public liability route. There is, however, concern about the "all-encompassing" indemnity clause. I would appreciate any constructive input from members having any similar experiences or knowledge in this area as my own extensive research has proven fruitless.

Please contact **Rick Byrne**, Rick Byrne & Associates, **phone** (07) 3806 0011, **fax** (07) 3806 0055, email rbyrne@powerup.com.au

Methicillin Resistant Staphylococcus Aureus (Golden Staph) [1]

Has any member conducted any litigation for a client suffering infection contracted during hospitalization in Queensland or elsewhere?

Please contact **Peter Tisdall**, Ehrich Monahan & Tisdall, **phone** (07) 3287 2077 or **fax** (07) 3807 3650

Methicillin Resistant Staphylococcus Aureus (Golden Staph) [2]

Is any member aware of successful litigation against hospitals concerning this infection?

Please contact **Thomas Sherley**, Hansons Lawyers, **phone** (02) 4266 4266, **fax** (02) 4229 2625.

Roaccutane

We represent a male in his 30s who was prescribed the drug Roaccutane for the treatment of chronic acne. We are instructed that following commencement of the treatment, he developed cracking of the foreskin of the penis, following cessation of the medication. The cracking ceased but he now has lost considerable function of his penis. Does any APLA member have any information about a similar case against the manufacturer?

Please contact **Mark D Spagnolo** of Hungerford Lehmann & Andrews, **phone** (02) 6684 2477, **fax** (02) 6684 2702.

Tractor Mounted Forklift

We represent a client who was injured by a round bale of hay, which rolled down a set of tractor mounted forklifts, striking the plaintiff. The tractor was fitted with a roll-over protection frame, but no overhead cabin protection. We are interested to hear from anyone who has acted in relation to a similar claim in negligence, against either an employer, owner of such machinery, or the manufacturer / seller of such equipment. We are also interested in obtaining details of relevant legislation, which requires bulldozers, cranes or low loaders to be fitted with overhead canopy protection.

Please contact **Grant Thompson** at Scott Thompson & Co, PO Box 1548, Shepparton, Vic. 3630. **Phone** 03 5821 0977, **fax** 03 5831 1426.

Mobile grain bin/auger accident

I represent a farmer who lost his leg while working inside a mobile grain bin cleaning out excess grain by sweeping it onto an auger while the auger was in operation. It is our case that there was no other safe or practical way to remove the grain. I would be grateful to hear from any member who knows of, or has been involved in, a similar case.

Please contact **Andrew Nicholson** at Palios Meegan & Nicholson, Lawyers, DX 177 Adelaide, **phone** (08) 8212 3566, **fax** (08) 8231 3847.

Angiogram

We represent a client who suffered acute myocardial infarction when undergoing an angiogram and subsequently during convalescence apparently as a result of consumption of prescribed Captopril. Have any APLA members investigated a similar matter and/or are they able to recommend a cardiac expert?

Please contact **Peter Tisdall**, Ehrich Monahan & Tisdall, **phone** (07) 3287 2077 or **fax** (07) 3807 3650

Ambulance delay - brain damage

It took three telephone calls before an ambulance responded to my client's request for assistance to her 6 month old fitting daughter. When the ambulance arrived it was apparently not equipped with morphine. My client's daughter is now significantly brain-damaged. I am investigating possible negligence in relation to ambulance response times as at September 1992, ambulance protocols for carrying morphine to prevent infants fitting, etc.. If any member has information that might help my severely disabled client, any offers would be greatly appreciated.

Please contact **Justin Burke**, Cappell Burke, **phone** (03) 5331 1122, **fax** (03) 5331 1880

Birth Trauma - Retrolental Fibroplasia

Has any member been involved in birth trauma litigation where one of the injuries is Retrolental Fibroplasia?

Please contact **Nicolas Ford**, Baldwin Oates & Tidbury, **phone** (02) 9499 2166, **fax** (02) 9499 2622

APLA Exchange gives APLA members a chance to share information on special issues or products relevant to their litigation. If you would like to submit a request to **APLA Exchange**, contact **Jane Staley** at APLA on **phone** 02 9415 4233.