

Law and Life Newsletter

Legal Lead Story: Sports and Torts—A Brief Look

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Got mine! Get yours!

Get your UNCG men's basketball tickets today! Starting this season the Spartans will claim Greensboro Coliseum as their home court and the Spartans need your support!



For ticket info visit http://www.uncgspartans.com/ViewArticle.dbml?DB_OEM_ID=5300&ATCLID=3748278&KEY=&DB_OEM_ID=5300&DB_LANG=&IN_SUBSCRIBER_CONTENT=.

Go Spartans!

As many of you know I love sports. I play golf and softball. I enjoy baseball, basketball, and football and soccer. From time to time, questions arise about liability as relates to sports mishaps. Here are some general rules as to liability for sports injuries occurring in North Carolina.

Generally, a person who suffers a sports-related injury may recover for medical expenses and other losses if the injury was caused by the negligence of another party. Injuries and damages resulting from intentional torts, such as battery or assault, likewise are recoverable.

If a party owes a duty of care toward another party and that duty is breached, the party owing the duty is liable for any injuries suffered by the party to whom the duty is owed that result from the breach. The level of care that must be exercised depends on the situation: dangerous situations require a high degree of care, whereas less dangerous situations require less care. There is no requirement for an owner or operator of a sports facility to protect persons from known or obvious dangers.

Errant golf balls: If a golf ball hits a person, house, or object that is out of bounds, the golfer is liable for the injury or

damage due to his or her negligence. Sorry to add more pressure to that iron shot in the fairway. If, however, your errant ball hits another golfer it could be held that the fellow golfer assumed the risk of injury and therefore cannot recover.

Foul baseballs/softballs: If you are struck by foul ball at a baseball or softball game, your ability to maintain a claim against the operator of the facility depends largely on your location at the time you were struck. If the facility has a screened or protected area but you were seated in the unscreened or unprotected area, you may not be able to recover based on the fact that it is the common knowledge that balls and objects may leave the playing field. However, if you are in a common area (ex: concession stand, interior walkway) away from the seating area you may recover for injuries resulting from a foul ball.

Interestingly, in December 2008 the NC Court of Appeals held different rules may apply to claims for injuries sustained at soccer games. The case involved a spectator, in the stands located behind one of the goals, who was struck by a soccer ball. As of September 2009, however, the North Carolina courts have created

no specific rules for injuries occurring at soccer games.

Defendants and defenses: If you injure another person in a sports-related activity your liability may be covered by your homeowner's or renter's insurance policy. Also, you may be covered under an insurance policy held by the team for which you play and by an insurance policy maintained by the owner of the facility at which you play.

Defendants in sports-related personal injury suits may possess any number of defenses. One of the most successful of these defenses is that the party assumed the risk of being injured by playing in or watching the sporting event. Other potential defenses include contributory negligence (for more on this [read the June 2009 edition of the Law and Life Newsletter](#)) and sovereign immunity.

If you sustain an injury or damages due to your participation in or attendance at a sports-related activity, you should consult with an experienced attorney to review your claim. -OLO

Discovery

People often believe that all they need to convince a judge or jury to rule in their favor is their own testimony. Unfortunately, testimony is rarely sufficient to win your case and sometimes it is not even sufficient for your case to proceed to trial. It is important to learn about the evidence and testimony that the opposing party may provide so that you can assess the strengths and weaknesses of your case prior to trial.

The legal process in which documents and information are exchanged between parties to a lawsuit is called discovery.

Discovery includes interrogatories (written questions), requests for production of documents (just as it sounds), depositions (questioning and cross-examination of parties and witnesses under oath), and requests for admissions of fact (asking your opponent to admit or deny specific facts so as to narrow down the potential issues and defenses prior to trial). Discovery is one part of a well-designed litigation plan.

Failure to respond to discovery in a timely manner can have damaging results to your case. Many cases are won or lost in discovery because the information

and witnesses uncovered can move the parties toward a pre-trial resolution. Lawyers spent a lot of their time conducting discovery and it is this part of the litigation process that can be the most confusing for a non-lawyer.

The importance of discovery and its effects on your case are strong reasons to consult with an attorney before you file a lawsuit or immediately after you are sued. Too often people call lawyers after discovery has begun and an important deadline has passed. Don't delay. Call an attorney and get a professional assessment of your case before discovery occurs. -OLO

Extra! Extra! O'Neal Law Office Website redesigned!

More FREE content and information! Simpler layout!

See for yourself.....Visit <http://www.oneallawoffice.com>.

UNCG Spartan Spotlight—Fallfest approaches!

It's that time of year again, Spartan fans. School is back in session and Monday, September 21st thru Sunday, September 27th will see UNCG's biggest multi-day event of the year--- Fallfest! The annual homecoming celebration brings hundreds of people to campus over the weekend and showcases the many good things that are happening at UNCG.

Here are some FallFest '09 highlights:

- Academic department receptions on Friday night across campus (Political science from 6:30 pm to 8:30 pm on Graham Building patio)

- Soccer—Women's game on Friday night and Men's game on Saturday night
- Children's Festival—Saturday morning
- Parade of Chariots---Saturday afternoon
- Music, food and more at Spartan Village on Saturday

For more info on Fallfest, visit <http://www.uncg.edu/ure/fallfest/>. Be sure to be there and bring a friend. Don't miss the fun and the chance to celebrate our University. Go Spartans! -OLO

This column is in memory of Former Chancellor Patricia Sullivan. You were appreciated and you shall be missed!

O'Neal Law Office Areas of Practice:

- Personal Injury/Accidents
- Wrongful Death
- Breach of Contract
- Civil Litigation
- Car Law/Vehicle Issues
- Contracts
- Business Disputes
- Professional Negligence
- Insurance Issues
- Homeowners' Issues
- Traffic Tickets (Guilford, Randolph, and Forsyth Counties)

Read actual case summaries at <http://www.oneallawoffice.com/RepresentativeCases.shtml>.

Call the O'Neal Law Office today for your free consultation!





Join the UNCG license plate campaign! Download your application now: <http://www.uncg.edu/ala/downloads/applicationforuncglicenseplate.pdf>.

Healthful Hints: Pop Quiz

Take a few moments and answer the following questions regarding food and nutrition. There is no prize for perfection (other than your own satisfaction and health) or penalty for failure (use this as a learning opportunity). Just fun and the opportunity to be better informed. Let us begin. Good luck and happy healthy eating and drinking.

1. Which of the following is the healthiest cooking oil?
a. canola oil b. margarine c. coconut oil
2. Which of the following raises your body's cholesterol level?
a. cholesterol b. saturated fat c. excessive protein
3. What of the following is the best wake-up beverage for your body?
a. water b. decaffeinated coffee c. low-fat milk
4. Which of the following makes the healthiest breakfast choice?
a. Chick-Fil-A chicken burrito b. Whole-grain bagel c. McDonald's egg McMuffin
5. When cooking at home, what is the maximum suggested length of time that you can safely leave cooked food unrefrigerated?
a. 30 minutes b. 1 hour c. 2 hours
6. Which is the better choice when buying fruits and vegetables, canned or frozen? (continued on p.4)

Questions and Answers

Q: I am an intelligent, fair-minded person. Do I really need a lawyer to handle my case?

A: You may not need a lawyer. Your case may not involve money or issues significant enough that a lawyer can provide you a true benefit. However, unless you have specific training or knowledge of the law, you may miss important details about your rights and remedies. It is never a good idea to rely on the insurance company or the other party for information helpful to your case. Why not consult a lawyer to see if you need legal assistance? Often the consultation is free and can better educate you about how to handle your case. For more info on this question visit http://www.oneallawoffice.com/Do_I_Need_a_Lawyer.shtml. The choice is yours...be smart.

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Tax Savings for You!

The nation's economy is slowly recovering from a deep funk. Fortunately, the American Recovery and Reinvestment Act of 2009 features several ways the American taxpayer can reduce their tax burden. Highlights include:

- Up to \$2,400.00 of unemployment income will be excluded from federal taxation.
- State and local sales tax paid on a new motor vehicle can be deducted. Deduction is limited to the first \$49,500 of the purchase price.
- Tax credit of up to \$8,000.00 for first-time home buyers (persons who have not owned a home in the past 3 years).

For more details on these and other tax-related opportunities, read about the American Recovery and Reinvestment Act of 2009 at the IRS website

(<http://www.irs.gov/newsroom/article/0,,id=204335,00.html?portlet=6>).

Depending on your financial situation, investing and purchasing in a fallen economy may be your window of opportunity!

NOTE: The material above is intended to be informative but does not constitute financial, tax, or legal advice. Consultation with the appropriate legal or accounting professionals for assistance is strongly recommended. -- OLO

Healthful Hints (from page 3):

1. a. Canola oil is monounsaturated—clearly the best choice. Corn oil is polyunsaturated which is a decent choice. Margarine is a transfat--really bad.
2. b. Consistent research shows saturated fat, more than cholesterol, causes a rise in blood cholesterol levels.
3. a. The average adult needs at least 64 ounces of water per day and an early glass will get your body going without the fat and sugar found in many other traditional breakfast drinks. Add a splash of lemon or lime or pomegranate to your water.
4. c. The burrito is a decent option but the chicken is fried. The bagel is a load of carbs and no measurable protein. The egg McMuffin has a good mix of carbs and protein and contains the fewest calories of the three choices.
5. c. You can put heated food into the fridge within 30 minutes of removal from heat but it cannot stay out more than 2 hours before you begin to take chances with your health. For more info on food storage and safety, visit www.stilltasty.com.
6. Opt for frozen foods over canned. Less sodium, fewer calories, and more flavor. -OLO