



A Monthly Publication of Ben Glass Law
This newsletter is for informational purposes only and no legal advice is intended.



Can I Make a Claim for Injury if I Contract FOOD POISONING?

by James Abrenio

How do you prove that it was the restaurant food that made you sick and not something else you ate?

In car accident cases, it's pretty easy to identify the source of your injury. If you were rear-ended, you simply look behind you and there's the defendant.

When it comes to food poisoning, things can be much more complicated. Think about how many items you eat in a day. In fact, in a recent case, *Bussey v E.S.C. Restaurants*, the Court pointed out, "cases involving food poisoning present unique circumstances because the primary source of evidence is usually consumed and transmuted in the ordinary course of its use. As a result, most cases will necessarily rely upon circumstantial evidence."

Given this, if you suspect you've been food poisoned, you should try to recall what you've eaten over the past five days to best identify the source of your illness. You can do several things:

- Write down what you remember you ate for the past five days (pay specific attention to any food similar in nature to the food that you suspect made you ill);
- Look at your receipts to see what you paid for;
- Discuss with your family, friends, co-workers, and others who were around you who can provide you more detail.

—continued on page 3

In this issue...

- **Page 1** Can I Make a Claim for Injury if I Contract Food Poisoning?
- **Page 2** How We've Helped BENGGLASSLAW VIP Members This Month
- **Page 3** BGL's Best Bites: Baked Maple Salmon
- **Page 4** Three Easy Ways to Accelerate Your Weight Loss This Winter

THE AWARDS KEEP ROLLING IN



The Fairfax Best Business Program

has named BENGGLASSLAW as the 2015 Best Business of Fairfax for the category of Personal Injury Law. The Fairfax Best Business Program honors and

recognizes local businesses that use best practices and create long-term value for the community. Congratulations to Ben on winning the award, but really, all we care about is helping people make the best decisions they can about their legal situations. Changing someone's life means way more to us than a plaque or a badge. Nevertheless, a best business award is a good way to kick off 2016!

HOW WE'VE HELPED BENGLASSLAW VIP MEMBERS THIS MONTH



Many of you have already heard about our free VIP program (Not a member yet? Go to www.BenGlassLawVIP.com and register), and we wanted to highlight some of the work that's been done. Through the VIP program, Virginians can get any of the following free: Family and Small Business Contract Review, Notary Service, Insurance Policy Review, 15-Minute Legal Consultation, and Entry into BenGlassLaw Contests - all completely free.

Our members have already been taking advantage of this. Here's what we've worked on recently:

- Reviewed a lease agreement for a local chiropractor
- Reviewed a private school contract for a family
- Reviewed an outsource billing contract for a doctor
- Reviewed an IT services contract for a charity
- Reviewed four car insurance policies for members
- Provided notary services

There's really no catch, we're just excited to be working with people and fulfilling our mission of helping Virginians make great legal decisions. Join today at no cost to you by visiting www.BenGlassLawVIP.com ■

BGL's Best Bites: BAKED MAPLE SALMON

Ingredients:

- 1 lb salmon
- 1/4 cup maple syrup
- 2 TBS soy sauce
- 1 clove garlic, minced
- 1/4 tsp garlic salt
- 1/8 tsp ground black pepper



Try this easy salmon recipe

Directions:

1. In a small bowl, mix the maple syrup, soy sauce, garlic, garlic salt, and pepper.
2. Place salmon in a shallow glass baking dish, and coat with the maple syrup mixture. Cover the dish and marinate salmon in the refrigerator 30 minutes, turning once.
3. Preheat oven to 400 degrees.
4. Place the baking dish in the preheated oven and bake salmon uncovered 20 minutes, or until easily flaked with a fork ■

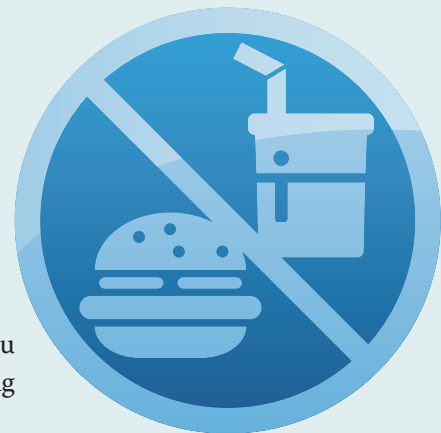
Thanks to Starflower at AllRecipes for this delicious dish!

—continued from page 4

Three Easy Ways to Accelerate Your Weight Loss This Winter

changes can be made. For those unfamiliar with compound lifts, these are movements that utilize multiple muscle groups over large ranges of motion. Examples of this are movements such as the squat, deadlift, clean, and overhead press. These movements develop muscle efficiently and functionally. Moreover, they increase overall strength better than any other form of training. If you do not have experience with these movements, it's important to maintain excellent form. There are a lot of resources available regarding how to perform these movements correctly, but for many people, the best resource is a competent trainer. Ensure you have sufficient mobility in your ligaments, tendons, and all your soft tissues prior to performing any loaded movement.

Macros and Calories - Be considerate of your macros in conjunction with your calories. Macros are your consumption of proteins, fats, and carbohydrates. Each person has a profile of calories and macros that best suits them. Tweaking these numbers can affect your ability to gain weight, maintain weight, or lose weight. If you feel so inclined, you can track these numbers to see what your current intake levels look like and make adjustments accordingly. Knowing your macros and calories profile is a good place to start. A competent nutritionist is often the best person to contact to ensure you're eating to meet your goals. Remember that the basic advice of eating moderate portions, diverse foods, and meals that are naturally colorful is still sound advice and can be the most simple fix this winter. ■



—continued from page 1

Can I Make a Claim for Injury if I Contract Food Poisoning?

Of course, if you didn't eat all of the particular food that you suspect made you ill, make sure to preserve it.

You should also make note of any discussions you've had with restaurant workers and managers about your illness and whether they knew the food they served was bad. (In Bussey, the waiter acknowledged the food that made the Plaintiff sick was "bad meat.")

Additionally, when food poisoning is suspected, restaurants are required to report claims to the Department of Health. Therefore, you should check with them to see if any other claims were made.

Of course, this list isn't exhaustive, and any other evidence you have, you should preserve.

How do you prove your particular type of illness was caused by the unsafe food?

The defense will likely argue that your illness could have been caused by any one of 1,000 (name the "bug" that you got sick from) sources - dirty door knobs, weights at the gym, your kids' runny noses and unclean hands. Therefore, you must also establish "proximate cause."

Ordinarily, proximate cause will be proven by the

doctors you saw as a result of your illness. If you've called an attorney due to your food poisoning, it's likely that you've been to the doctor, had tests run, possibly were admitted to the hospital, and hopefully the doctor has been able to identify the specific illness you have and provide you some guidance as to whether it was related to your food consumption.

Therefore, your doctor will become an important part of your claim. Make sure to ask him or her for your medical records.

How much is your case worth?

As with any lawsuit, the value of food poisoning is not so easy to narrow down. Of course, to best determine the value, you will need to collect all of your medical bills and records so that a proper assessment can be made. You should also prepare to discuss how the illness has affected your life, the pain caused, and any future issues that will come about.

If you suspect you had food poisoning and want more information, feel free to call BenGlassLaw. We are able to chat with you to give you guidance on your potential claim. ■

FOR OUR ATTORNEY REFERRAL PARTNERS

If you are one of our many attorney referral partners, we thank you for the people you've allowed us to help this past month. We always make sure the client knows that you are the hero for having made the connection. If this month you find yourself with a personal injury, long-term disability, or medical malpractice case that you don't handle, give that person the BenGlassLaw number, 703-584-7277, and make sure they say, "Attorney (Your Name Here) sent me," so that we know who to thank. If you have any questions about how we handle referrals, email info@benglasslaw.com with the subject line "Referral Partners" to learn more about our program.

Reminder About Our Firm's Communication Policy

Our promise to you is that while we are working on your case, we don't take inbound phone calls, faxes or emails. Ben Glass takes no inbound unscheduled phone calls whatsoever. It makes him much more productive and helps get your case resolved faster. You can always call the office at 703-544-7876, and schedule an in-person or phone appointment, usually within 24-48 hours. This is a lot better than the endless game of "phone tag" played by most businesses today. Remember, too, that email is "quick," but is checked no more than twice a day. Replies are then scheduled into the calendar. So if it's really important, don't email—call the office instead.

This publication is intended to educate the general public about personal injury, medical malpractice, and small business issues. It is not intended to be legal advice. Every case is different. The information in this newsletter may be freely copied and distributed as long as the newsletter is copied in its entirety.

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Inside This Issue...

- » Can I Make a Claim for Injury if I Contract Food Poisoning?
- » BGL's Best Bites: Baked Maple Salmon
- » Three Easy Ways to Accelerate Your Weight Loss This Winter
- » And more...

THREE EASY WAYS TO ACCELERATE YOUR WEIGHT LOSS THIS WINTER

High Intensity Interval Training (HIIT) - This training modality capitalizes on the principle of shorter time intervals with increased intensity. For example, consider you're planning to run two miles this afternoon. Instead, try running six to eight 200-meter sprints. Make sure you're timing yourself. Just wear your watch and set a pace on your first sprint and then do your best to maintain that time or to come as close as possible every subsequent sprint. Take adequate rest between sets. Oftentimes it is best to "program" your rest into the workout. For example, give yourself a preplanned two-minute rest after each sprint. Even if you feel ready to run before the two minutes, make sure you wait the rest period before sprinting again.

Strength Training Using Compound Lifts - For many people, this is the place where the largest and most sustainable

—continued on page 2

