

Megan: It is 7:44 the holiday season is a time for joy. It is a time for celebration. You dont want to end up in the emergency room. According to the Consumer Products Safety Division, there are roughly 200 decorating-related injuries per day this time of year. This morning attorney Charles Gilman, with Gilman & Bedigian LLC, is joining us live with some tips to make sure you are protected. Charles, always great to see you. Thanks for joining us this morning.

Charles: You as well and happy holidays, Megan.

Megan: Happy holidays. You know, my dad is one of them. He fell putting up Christmas lights - he fell off the ladder. Unfortunately, it was his own error. How do you know if legal action should be considered if it was not your fault?

Charles: Well, a lot of the lighting or ladder situations are going to be your fault or assumption of risk. So more to the point, what you have to do is be careful. Have a spotter make sure you have all the safety instructions. I know its odd to say the ladder comes with instructions but they do and you should read them before you use it if you are not a professional roofer or someone who is not climbing on a ladder on a daily basis. Just to remind yourself of all the safety risks and ways to prevent the injuries.

Megan: What are some of the injuries that you have heard about that can often lead to a lawsuit? Are there any we should keep in mind?

Charles: Often we hear of someone who climbed on somebody else's roof. For example, I am a professional decorator and I go out to decorate someone else's house. I climb on their roof and my ladder was safe, but the roof was not safe, because it was too old and the roof fell in and me as the professional fell through the roof. That is what we hear a lot of is those types of injuries where the roof was just not stable. And they result in workers comp claims and potential claims against the homeowner if they knew or should have known about the condition about the roof.

Megan: What about defective products? Do you hear about those this time of year?

Charles: Oh yeah. Much more after the holidays than before because what happens is we are all buying gifts for our children or other people's children and just young people in general and now it's even harder. If you are going to buy online, you don't get to see it in store and see if it has small parts or parts that are likely to break or come apart. So I think after the holidays is when we are going to hear about all the claims from children swallowing pieces of toys or toys that were made defectively. I, think we are going to have a huge influx of those types of incidents after the holidays unfortunately.

Megan: Yeah, unfortunately for sure and those kinds of things you can see how that could happen. If a toy says "choking hazard," would that protect the company from any lawsuits?

Charles: It depends on exactly the nature of the warning. If it's a toy for a child under the age of six and a child of three picks it up, perhaps. But if a children seven or eight or six picks it up, perhaps not. Those things are so fact specific. That's why we urge everybody to call a lawyer if it happens to you or your family. Get a lawyer who knows what they are doing to review the facts and circumstances for you. Don't make a generalization.

Megan: Right. Charles Gilman, we appreciate it. Hopefully no one gets hurt and they won't be calling, but we appreciate your advice this morning.

Charles: Happy holidays and we always hope that our phones are quiet and that everyone is happy and healthy.

Megan: That's a good thing. Thank you, Charles.

Charles: Thank you. Happy holidays.