

The Road To Justice Starts Here

Exclusively Representing Women in Divorce, Custody and Support Matters.

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HOW MOTORCYCLE HELMET LAWS

affect injury claims

It is abundantly clear that wearing a helmet while riding a motorcycle saves lives and reduces the number and severity of head and neck injuries. According to estimates by the National Highway Traffic Safety Administration, for every 100 riders killed in motorcycle crashes who were not wearing helmets, 37 would have survived had they been wearing one—an eye-opening statistic.

It's for this reason that a vast majority of states have laws that require at least some riders to wear helmets, if not all. For those who don't wear a helmet, and possibly defy the law, there is a price to pay that goes beyond one's health – a diminished ability to recover monetarily for head and neck injuries.

If your state has a helmet law and you were not wearing one upon sustaining a head or neck

injury, it will be extremely difficult to recover damages for this type of injury. You would have to prove that you would have been injured even if you had been wearing a helmet—a daunting task for any attorney.

Even if there is no state helmet law and you were not wearing a helmet upon suffering a head or neck injury, it may still be a tough go as far as collecting damages. If your failure to wear a helmet contributed to the severity of your injuries, you may be found “comparatively negligent,” meaning you are partially responsible for your own injuries, which will reduce your recovery accordingly.

If you sustain injuries due to a motorcycle accident, contact a motorcycle accident attorney to safeguard your rights. ■



Paul's recipe of the month

SWEET CHERRY PIE

4th of July is around the corner. And, nothing is better to bring to a BBQ on the 4th than a sweet cherry pie. Here is a recipe for that great desert. Enjoy!

Vodka is essential to the texture of the crust and imparts no flavor—do not substitute. This dough will be moister and more supple than most standard pie dough and will require more flour to roll out (up to 1/4 cup). The tapioca should be measured first, then ground in a coffee grinder or food processor for 30 seconds. If you are using frozen fruit, measure it frozen, but let it thaw before making the filling; if you don't, you run the risk of partially cooked fruit and undissolved tapioca.



Pie Dough

- 2 1/2 cups (12 1/2 ounces) unbleached all-purpose flour, plus more for work surface
- 1 teaspoon table salt
- 2 tablespoons sugar
- 12 tablespoons (1 1/2 sticks) cold unsalted butter, cut into 1/4-inch pieces
- 1/2 cup cold vegetable shortening, cut into 4 pieces
- 1/4 cup vodka, cold (see note)
- 1/4 cup cold water

Cherry Filling

- 2 red plums, halved and pitted
- 6 cups (about 2 pounds) pitted sweet cherries or 6 cups pitted frozen cherries, halved (see note)
- 1/2 cup sugar (3 1/2 ounces)
- 1/8 teaspoon table salt
- 1 tablespoon juice from 1 lemon
- 2 teaspoons bourbon (optional)
- 2 tablespoons instant tapioca, ground (see note)
- 1/8 teaspoon ground cinnamon (optional)
- 2 tablespoons unsalted butter, cut into 1/4-inch pieces
- 1 large egg, lightly beaten with 1 teaspoon water

Instructions

1. **FOR THE PIE DOUGH:** Process 1 1/2 cups flour, salt, and sugar in food processor until combined, about two 1-second pulses. Add butter and shortening; process until homogeneous dough just starts to collect in uneven clumps, about 15 seconds (dough will resemble cottage cheese curds and there should be no uncoated flour). Scrape bowl with rubber spatula and redistribute dough evenly around processor blade. Add remaining 1 cup flour and pulse until mixture is evenly distributed around bowl and mass of dough has been broken up, 4 to 6 quick pulses. Empty mixture into medium bowl.
2. Sprinkle vodka and water over mixture. With rubber spatula, use folding motion to mix, pressing down on dough until dough is slightly tacky and sticks together. Divide dough into 2 equal balls and flatten each into 4-inch disk. Cover each with plastic wrap and refrigerate at least 45 minutes or up to 2 days.
3. Remove 1 disk dough from refrigerator and roll out on generously floured (up to 1/4 cup) work surface to 12-inch circle about 1/8 inch thick. Roll dough loosely around rolling pin and unroll into pie plate, leaving at least 1-inch overhang. Ease dough into plate by gently lifting edge of dough with 1 hand while pressing into plate bottom with other hand. Refrigerate until dough is firm, about 40 minutes.
4. **FOR THE FILLING:** Adjust oven rack to lowest position, place baking sheet on oven rack, and heat oven to 400 degrees. Process plums and 1 cup halved cherries in food processor until smooth, about 1 minute, scraping down sides of bowl as necessary. Strain puree through fine-mesh strainer into large bowl, pressing on solids to extract liquid; discard solids. Stir remaining halved cherries, sugar, salt, lemon juice, bourbon (if using), tapioca, and cinnamon (if using) into puree; let stand for 15 minutes.
5. Transfer cherry mixture, including all juices, to dough-lined plate. Scatter butter pieces over fruit. Roll second disk of dough on generously floured work surface (up to 1/4 cup) to 11-inch circle about 1/8 inch thick. Roll dough loosely around rolling pin and unroll over pie, leaving at least 1/2-inch overhang. Flute edges using thumb and forefinger or press with tines of fork to seal. Brush top and edges with egg mixture. With sharp knife, make 8 evenly spaced 1-inch-long vents in top crust. Freeze pie 20 minutes.
6. Place pie on preheated baking sheet and bake 30 minutes. Reduce oven temperature to 350 degrees and continue to bake until juices bubble around the edges and crust is deep golden brown, 30 to 40 minutes longer.
7. Transfer pie to wire rack; let cool to room temperature so juices have time to thicken, 2 to 3 hours. Cut into wedges and serve. ■

consequences OF REFUSING A

BREATHALYZER TEST by Matthew Sullivan, Esq.

If you are pulled over by the police for suspicion of driving while under the influence of alcohol, you may be asked to submit to a breathalyzer test. You are not required to take the roadside “Portable Breathalyzer Test” (PBT)—or the field sobriety tests, for that matter—despite the casual (or intimidating) prodding of the police officer...so don’t.

If you are arrested for DUI, you will be taken to the station and are legally obligated to undergo a chemical test (breathalyzer or blood test) there. There are major ramifications for refusing, including fines, suspension or revocation of vehicle registration and driver’s license, insurance hikes and surcharges, and jail time (up to two years). Some of these penalties can be enhanced if you have a prior conviction for DUI/DWI. **Never refuse the chemical test at the station without talking to a DUI attorney first.**

According to the National Highway Traffic Safety Administration, the nationwide rate of breathalyzer refusal is 25 percent. A breathalyzer test is just one

piece of evidence involved in a DUI/DWI case; refusing to submit to one will rarely aid your situation. In fact, your refusal can be used against you in court and jump-start the above-mentioned consequences. Other evidence that can bolster the case against you is erratic driving, failing field sobriety tests, a police officer’s observations of your demeanor and speech, the smell of alcohol on your breath, witness testimony, and the damaging sight of empty alcohol containers in your vehicle.

A DUI/DWI attorney can guide you through the minefield of DUI/DWI implications. Completely avoiding these messy complications is simple – Never drink and drive.

Matthew Sullivan, Esq. is a criminal defense attorney based in San Francisco. Matthew represents people who have been charged with DUI offenses throughout Northern California. You can reach Matthew at 415-879-1256 and <http://www.mattsullivanlaw.com/> ■

June 2013 Important Dates

June 1 – Atlantic hurricane season begins June 14 – Flag Day
June 16 – Father’s Day June 21 – First day of summer

protect yourself WITH A TEMPORARY RESTRAINING ORDER

If you are the victim of domestic abuse, immediately report the incident to the police. After that, you may want to consider a Temporary Restraining Order (TRO).

A TRO is a court order that requires the person who is physically or emotionally abusing you, or stalking, threatening, or harassing you to cease these activities, to cut off all contact with you, and to stay away from you, your children, and other family members. If the abuser violates the order, contact the police promptly, who will warn or arrest them.

To receive a TRO, you will need to appear in county court to explain why the TRO is necessary. If the court grants the TRO, it will likely be issued the same day. The court will also schedule an “Order to Show Cause” hearing whereby both parties attend and plead their case as to why a more permanent restraining

order should or should not be issued. This hearing usually takes place within three weeks of the TRO issuance.

A TRO becomes effective as soon as it’s served to the person who is being restrained. A police officer or marshal will deliver it, and it will stay in effect until the Order to Show Cause hearing.

If the court is closed when you need a TRO, contact your local police department, who may have the authority to issue an emergency protective order effective till the next business day.

A family law attorney can offer guidance on your legal rights and remedies, and help you achieve the protection and peace of mind you and your family need.. ■



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HOW MOTORCYCLE HELMET LAWS AFFECT injury claims



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This publication is intended to educate the general public about personal injury, medical malpractice, and other issues. It is for information purposes only and is not intended to be legal advice. Prior to acting on any information contained here, you should seek and retain competent counsel. The information in this newsletter may be freely copied and distributed as long as the newsletter is copied in its entirety.

mysterious drownings

When marina boats don't have a sufficient grounding/bonding system in place, an electrical fault can occur aboard a boat that energizes its hull. In turn, electric current is released into the surrounding water. Oblivious swimmers in those same waters sometimes become the victims of what is known as Electric Shock Drowning (ESD).

When a boat is plugged into a marina's electrical system via a shore power cord, any piece of equipment on board that has a fault can create this deadly condition. The marina environment is ripe for faults to develop due to ever-present moisture, intense exposure to sunlight, and constant movement.

Victims are oftentimes paralyzed by the electricity (even by a very small current), which induces drowning. Sometimes the electricity is strong enough to cause electrocution. In many cases there is no physical evidence that electric shock has taken place, meaning that ESDs are likely vastly underreported.

The sad fact is that these tragedies are eminently preventable, but the boating industry has been lackadaisical in implementing standards that could curtail tragedy. Ground Fault Current Interrupters (GFCIs) are required by the electric code for damp areas in land-based environments such as kitchens and bathrooms to prevent electric shock; however, there is no mandate requiring them for marinas and private docks.

If in doubt, never jump into the water at a marina or dock; inquire of the marina owners/operators about the electrical and grounding setup; spread the word about ESD; and contact a boating accident attorney if a family member has met with tragedy. ■



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