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MAY 2016 NEWSLETTER

DEAR FRIENDS AND COLLEAGUES: CHECKED FOR RECALLS ON YOUR VEHICLE LATELY? NOT DOING IT COULD COST YOU YOUR LIFE!

LOCAL TEEN KILLED BY DEFECTIVE AIRBAG

Airbags can definitely save your life in an auto accident, but that is not what happened recently in a traffic accident involving a local teenager that attended George Ranch High School.

17 year-old Richmond, Texas high school senior Huma Hanif had a “fender bender” minor accident in her 2002 Honda Civic on March 31, 2016, as reported by local press including the *Fort Bend Star*. The minor accident turned into a fatal accident because her airbag malfunctioned.

At a press conference held on April 7, Fort Bend County Sheriff Troy Nehls reportedly stated: “There is no doubt that the Takata air bag inside her 2002 Honda Civic failed and fired a sharp piece of jagged metal into her throat at point-blank range, from less than two feet away.”

Sheriff Nehls went on to say: “Our investigation revealed that the cause of death was blunt force trauma to the right neck area, which severed her jugular vein and carotid artery.” The press conference was called to bring attention to the case and urge drivers to check their vehicles for recalls.

American Honda Motor Company confirmed that the death of Ms. Hanif was caused by a Takata Corp. air bag. They said the vehicle was the subject of multiple recalls and a market campaign to make consumers aware of the issue since 2011.

Ms. Hanif’s brother Faizan said the family never received a recall notice about the airbag and if they had, they would have responded. Honda later refuted that claim to the local press.

According to a national litigation law firm, the death toll from the defective Takata airbags is now 12; 11 in the U.S. and one overseas. And in a May 4 press release, the National Highway Traffic Safety Administration (NHTSA) states that an additional 35-40 million airbag inflators will be recalled, in addition to the 28.8 million already recalled.

By all means, check your vehicle for recalls. Go to www.safercar.gov and enter your Vehicle Identification Number (VIN). This will locate all pending recalls on your vehicle.

You can also go to the NHTSA website at www.nhtsa.gov and register your vehicles to be notified if a safety issue is discovered, either through a smartphone app or via email.

If you or a friend or loved one has been injured by an airbag or other defective product, contact Mr. Black at the office. ■



A deployed Takata airbag. With an estimated 68 million vehicles affected, this will be the largest and most complex safety recall in U.S. history.

Quotes:

There is no right way to do something wrong.
---Author Unknown

Your memories are your jewels.
--- Julie Baker

The odds of going to the store for a loaf of bread and coming out with only a loaf of bread are three billion to one.

--- Erma Bombeck

A LITTLE HUMOR – the “cigars do the talking” edition

(credit to Legal Funnies by Law Marketing)

A defendant in a lawsuit involving large sums of money was talking to his lawyer. If I lose this case, I'll be ruined.” “It's in the judge's hands now,” said the lawyer. “Would it help if I sent the judge a box of cigars?” “Oh no! This judge is a stickler for ethical behavior. A stunt like that would prejudice him against you. He might even hold you in contempt of court. In fact you shouldn't even smile at the judge.” Within the course of time, the judge rendered a decision in favor of the defendant. As the defendant left the courthouse, he said to his lawyer, “Thanks for the tip about the cigars. It worked!” “I'm sure we would have lost the case if you'd have sent them.” “But, I did send them.” “What? You did?” said the lawyer, incredulously. “Yes. That's how we won the case.” “I don't understand,” said the lawyer. “It's easy. I sent the cigars to the judge, but enclosed the plaintiff's business card.” ■

Getting calls about old payday loans? More than likely it is scam

We receive a LOT of calls from clients that have received harassing telephone calls from payday loan collectors. Many times, they are for very old payday loans, or for ones that my clients cannot even remember borrowing. Or sometimes the collectors are trying to collect for payday loans that were included in a bankruptcy, or they are just bogus.

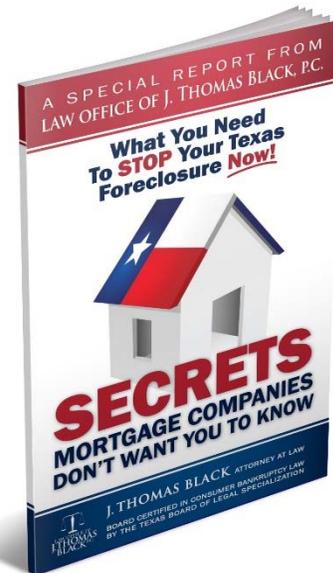
• **These calls are almost certainly scams.** Particularly if they threaten jail if you don't pay a debt, or that a lawsuit will be filed “today” or that a sheriff or constable is on the way to your house, etc.

• **Don't talk to them.** A legitimate debt collector collecting a consumer debt must state during their first contact with you that he or she is “attempting to collect a debt and any information obtained from you will be used for that purpose.” This is the so-called “mini-Miranda” warning because it is similar to the Miranda warning that a police officer must give suspects to warn them of their right to keep quiet. If they don't even give you this warning, they are likely a scammer and talking to them only encourages them.

• **They are likely offshore or otherwise judgment-proof.** If a debt collector harasses, oppresses or abuses you, you may have a right to sue them under the federal Fair Debt Collection Practices Act (FDCPA) or our similar state law, the Texas Debt Collection Act (TDCA). A legitimate debt collector won't usually risk being sued. These scam payday loan collectors are therefore often operating in a

foreign country, they are otherwise “judgment-proof,” i.e. they have no assets or ability to pay a judgment, or they are constantly on the move to avoid legal process and suing them is a waste of time.

• **You can complain to authorities.** Tired of scam collection calls? You can file complaints with the Consumer Financial Protection Bureau, the Texas Attorney General's Office, and the Federal Trade Commission. They all have online complaint forms. Learn more about “rogue” debt collectors in a book, “Bad Paper” by Jake Halpern. ■



Do you have delinquent mortgage payments or are you facing a foreclosure on your home? Don't wait until it is too late to stop it. You have rights! Learn about them in our free Special Report, What You Need to Stop Your Texas Foreclosure Now! Secrets Mortgage Companies Don't Want You to Know. You can download it instantly at jthomasblack.com or pick one up at the office.

Thank you for your referrals! We accept cases in the following areas-

Bankruptcy.
Debt Collection Defense.
Debt Collector Harassment.
I.R.S. Collection Defense.
Stop Foreclosure and Repossession.
Student Loan Help.
Wills and Trusts.

ARE YOU IN CHAPTER 13 NOW?

Always keep the law office updated with your current address, telephone numbers, and email address. We may need to reach you quickly. You can check on the status of your Trustee payments, how much you still owe on your case, etc., by going to www.ndc.org to set up your user ID and password. Plan payment too high? Lose job or overtime? It may be possible to surrender property or if your situation has changed to lower your payments. If this is your situation, contact our office for an appointment to prepare a Motion to Modify.

J. Thomas Black was licensed as an attorney in Texas by the Texas Supreme Court in May, 1982. Mr. Black is Board Certified in Consumer Bankruptcy Law by the Texas Board of Legal Specialization.

We are a federally designated Debt Relief Agency under the United States Bankruptcy Laws. We help people find answers to their debt and credit problems, including, when necessary, helping them file bankruptcy under the U.S. Bankruptcy Code.