



## Inside this Issue:

- Doug Martinson, II
- Attends NAELA Conference..... 2
- Tornado Legal Assistance..... 2
- Be Ready for the Next
- Power Outage..... 2
- Email Updates..... 2
- Protect Your Elderly Loved
- One from Abuse..... 3
- Fire watch: Don't flame out
- in the workplace..... 3
- Employee Spotlight:
- Myra Chittam..... 3
- Water Safety Tips..... 4
- Recipe of the Month: Dilled
- Cucumber Salad ..... 4

M&B is a full service law firm that has attorneys who specialize in the following areas:

- Serious Personal Injury
- Car, Truck & Motorcycle Accidents
- Wrongful Death
- Breach of Contract & Fraud
- Probate, Estates & Trusts
- Real Estate Transactions
- Business Law

FREE CONSULTATION

1-800-255-6534

Phones answered 24 hrs.

115 North Side Square  
Huntsville, AL, 35801  
256-533-1667

Call or visit

[martinsonandbeason.com](http://martinsonandbeason.com) and enter your questions.

You will get confidential answers from an attorney with no obligation.

## M&B Client Awarded \$1.6 Million Dollars in a Breach of Contract Case

March 30, 2011



The Plaintiff Chris Kolb was a salesman for a company known as CTA in Madison County, Alabama. CTA sold robots and robotic systems for applying paint and stealth coatings. These products and services were mostly sold to government contractors such as Boeing and Lockheed Martin. In May of 1999 Kolb was promoted to a salesman. As a part of this promotion Kolb signed a written contract that paid him the same base salary he was previously earning with the company but also entitled him to earn commissions. Attached to the contract was a detailed commissions schedule that outlined how the commissions were to be calculated. (It was not simply a percentage of the sale). Kolb worked under this contract from May 1999 to October 2003. During this time frame, Kolb sold over \$23M worth of product and services for CTA. In October 2003, he signed another written contract that increased his salary and promoted him to VP of Sales. This October 2003 contract eliminated Kolb's right to receive commissions on future sales. In October 2003, CTA began to negotiate the sale of the company and it was officially sold to Pratt & Whitney Automation in June 2004.

The Defendant in this lawsuit, PWA claimed that in June of 2000, Kolb agreed to accept a new position of Sales Manager and a raise that eliminated his right to commissions. During the course of the litigation, the

Defendant produced an unsigned document that they claimed Kolb signed and agreed to which eliminated his right to commissions. Despite numerous requests, the Defendant could not produce a signed version of this document. Furthermore, the plaintiff introduced a mountain of evidence at trial from which the jury could conclude this unsigned document was a phony. The unsigned document had an address for the company that did not exist for over a year after the date on the document. This document certainly created a lot of "heat" in the case.

The Plaintiff established through expert testimony that he was owed over \$909,000 in unpaid commissions. Plaintiff also established under Alabama code 8-8-8 he was entitled to 6% interest on these commissions from when they were due, which resulted in a claim for over \$700,000 in interest. Thus, the Plaintiff asked the jury to return a verdict in the amount of \$1,619,890.98. The jury returned a verdict for this exact amount. Plaintiff's counsel were Elizabeth Moore, George Beason and Morris Lillienthal of Martinson & Beason, PC in Huntsville, Alabama and Jim Lees of Charleston, West Virginia. ■



### Happy 1st Birthday to Wyatt Lillienthal!

Wyatt is the son of proud parents Morris and Shannon Lillienthal. Morris is an associate with the firm in the Personal Injury Litigation Practice Division. This gives new meaning to the term, "smash cake"!

## Doug Martinson, II Attends NAELA Conference

Doug Martinson, II of Martinson & Beason, P.C. recently attended the National Academy of Elder Law Attorneys annual conference – The Elder and Special Needs Law National Conference. This year, the conference took place at the Wynn Hotel in Las Vegas from May 19th through May 21st. He was one of only two attorneys representing the state of Alabama.

The conference focused on guardianship, protection of assets, and the ethics of Medicaid planning. However, speakers covered a range of other topics including: capacity, veterans' benefits, federal estate tax law, health care reform for persons with disabilities, tax primer for elder law attorneys, amongst others.

The National Academy of Elder Law Attorneys, Inc. (NAELA), consists of over 4,200 attorneys representing elderly and special needs clients. It is a state-focused professional organization that seeks to "Establish NAELA members as the premier providers of legal advocacy, guidance and services to enhance the lives of people with special needs and people as they age."

In addition to his active membership with NAELA, Martinson has received an AV Rating by Martindale-Hubbell, a 10.0 rating with AVVO and is an accredited attorney with the Veterans Administration.

## Tornado Legal Assistance

The April tornadoes struck close to home with everyone in the Tennessee Valley including our attorneys and staff at Martinson & Beason. In addition to charitable giving and manual labor, our lawyers are offering legal service, free of charge, to those with weather related legal questions. A blog post has also been added to our website that may help explain basic insurance questions like what may/may not be covered in storm related damage.

Going above and beyond to help those in need is an important concept to all of our employees. One attorney, Doug Martinson, II is even helping coordinate the Madison County response by serving as a disaster relief coordinator for Rotary Club district 6860, of which he is also assistant governor. If you or someone you know is in need of legal assistance, please don't hesitate to call.



## Be Ready for the Next Power Outage

This year has proved yet again that weather can turn violent at any given time. In January, Huntsville and most of north Alabama received nine or more inches of snow. The snowfall was so intense, in fact, that it brought on rare thundersnow, caused gravity waves to ripple through the air and even sparked a 50 mile long lightning flash. Turns out, however, that mother nature was just getting started. On April 27, tornadoes of the largest and most deadly kind roared through Alabama, leaving widespread loss of life, destruction and power outages. While you may cringe at the all too recent memory of cold showers, refrigerators with spoiled food and pitch black darkness, take a look at this list that may help you prepare for next time:

- Pull together an emergency kit with flashlights, candles, ready to eat foods, bottled water, warm clothing, a manual can opener, first aid kit and a radio, amongst other items that may be necessary for your family
- Create an emergency contact list of family members and their workplaces, essential services and perhaps gas stations and local grocery stores
- Think about purchasing an appliance thermometer that can help determine if your food is still safe to eat
- Regularly check the batteries in smoke detectors
- Keep a stock of bottled water
- Freeze containers of water or keep cold packs ready to be used as ice to keep food cold
- Protect your valuable electronics by utilizing a surge protector

Although the thought of the next power outage is unpleasant, consider using these tips to better prepare yourself and your family. In addition to this article, you may find more valuable emergency information at [www.weather.gov](http://www.weather.gov) and [www.fema.gov/prepare](http://www.fema.gov/prepare).



In just a few weeks, Martinson & Beason, P.C. will begin sending email updates on product liability, important recalls and other urgent legal matters. If you would like to be added to our electronic mailing list, please email us at [info@martinsonandbeason.com](mailto:info@martinsonandbeason.com). Also, if you would prefer we email you a copy of our newsletter, please let us know.

## Protect Your Elderly Loved One from Abuse

Progress in health care practices and technology means people are living longer. Although there were 35.9 million people age 65 and older in the U.S. in 2003, experts expect this number to rise to over 70 million by 2030. Perhaps even more astonishing, the number of people over 85 is predicted to triple over the next thirty years, according to a report by the U.S. Government Accountability Office.

These figures mean that the number of court appointed guardianships and conservatorships is also on the rise. Diseases such as Alzheimer's and the various forms of dementia are leading contributors and frequently render elderly victims incompetent of making their own decisions. The increase in seniors, which is the fastest growing demographic, has also caused the number of elderly abuse/neglect cases to also increase. The Alabama Department of Human Resources (DHR) has reported a larger number of abuse complaints in recent years, though the vast majority of maltreatment cases still go unreported. According to DHR, over 90% of reported cases occurred in the victim's home, 63% of victims were women and 40% of victims were over the age of 75.

Unfortunately, elderly abuse is a daily problem across the country - including right here in the Tennessee Valley. Neglect or abuse often goes unnoticed for months or even years until someone is willing to file a complaint. If you know someone who may be a victim to financial abuse, physical abuse, exploitation, or simply neglect, email us at [info@martinsonandbeason.com](mailto:info@martinsonandbeason.com) or call 1-800-255-6534.

## Fire Watch: Don't Flame Out In The Workplace

A fire at work can be a terrifying experience, and a tragic one. Don't take chances, and you'll avoid adding to the statistics. Take these precautions:

- **Keep pathways clear.** In an emergency like a raging fire, time is everything. Make sure all pathways to stairwells and fire exits are visible and open—don't block them with desks, boxes, or any other workplace equipment.
- **Check alarm equipment.** Are fire alarms well marked and easy to reach? Fire extinguishers should be fully charged and accessible. Though no one should try to fight a major fire on his or her own, a minor blaze can be contained with the proper use of an extinguisher. Train your people to use them safely.
- **Take a look above.** If your workplace has sprinklers in the walls or ceiling, make sure they have at least 18 inches of clear space—don't crowd them, or they won't be as effective.
- **Use electricity safely.** Don't overload electrical outlets. Use surge protectors instead of extension cords, and check that power cords aren't frayed or damaged. Make sure cords do not trip someone and cause an injury, and caution everyone to take care with liquids—coffee, soda, etc.—that could drip or spill on sockets and create a problem. In addition, remember that control panels should be easy to access at all times so firefighters and other emergency workers can shut down power as needed.
- **Plan for emergencies.** Conduct regular inspections to look for potential hazards, such as inflammable materials that are stored inappropriately. Take fire drills seriously, and hold them often enough for employees to get comfortable knowing what to do in an emergency: how to alert the authorities, the best way to exit the building quickly, where to gather outside, and so forth.

## National Safe at Home Week, August 22-26

More injuries occur at home than in the workplace, and they tend to be more expensive as well. National Safe At Home Week promotes and encourages safety in and around the home to prevent needless injuries.

## Martinson & Beason Employee Spotlight

### Myra Chittam

In May, 2011, Myra began her 29th year of service at Martinson & Beason, P.C. Prior to her time with the firm, she worked in insurance. Over the years, Myra has helped Martinson & Beason grow from a small two man operation into a full service law firm serving all of Alabama, with seven attorneys and eight support staff.

Her role has evolved from legal assistant to include handling day-to-day administrative work and human resources and managing the firm's computers and networks. While a lot has changed since she began in the early 1980's – Myra happily recalls the big upgrade from CPTs to computers in 1988 and the switch to Windows in 1998 – she still enjoys heading into work every morning.

Myra and her husband, Bobby, have been married 22 years and live in Hazel Green. Bobby has over 20 years service as an EMT and volunteer firefighter in Madison County, Alabama, with 12 years' service with Hazel Green Volunteer Fire and Rescue Dept. In her free time, Myra enjoys painting and drawing and usually enters some of her work in the Lincoln County Fair in Tennessee.

## Referrals

We want you to think of us as your law firm. If you have a legal matter that needs attention, let us know. If we can't handle the matter, we will refer you to a firm that can. Please feel free to refer us to your friends and family for their legal needs. A referral from a former client or friend is the greatest compliment our firm can receive. We welcome the opportunity to help. Thank you!

## Client's Bill of Rights

Lawyers will tell you that it is impossible to offer a guarantee in the legal business. **WRONG!** We say that law firm clients should settle for nothing less! Remember, your attorney works for you – not the other way around.

At Martinson & Beason we believe we can promise our clients quality service with personal attention. We believe that as our client you are entitled to have the:

1. Right to loyalty to you and your cause.
2. Right to be updated regularly and in a timely manner as to the progress of your case.
3. Right to our respect.
4. Right to expect competence from our firm and all who work here.
5. Right to know the truth about your case.
6. Right to prompt attention from us.
7. Right to have your legal rights and options explained in plain English without legal mumbo jumbo.
8. Right to a fair written fee agreement with our firm.
9. Right to a fair fee for the work we do.
10. Right to make the ultimate decision on your case.



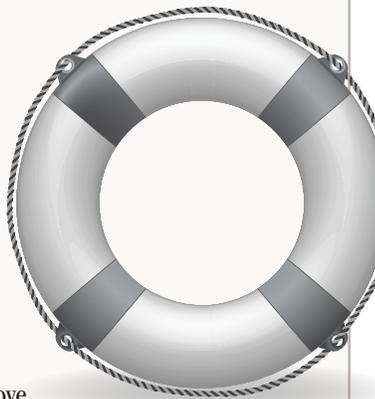
**MARTINSON  
& BEASON, PC**  
ATTORNEYS AT LAW SINCE 1937

**Martinson & Beason**  
Attorneys at Law  
115 North Side Square  
Huntsville, AL, 35801  
[www.martinsonandbeason.com](http://www.martinsonandbeason.com)

## Water Safety Tips

With Tennessee Valley temperatures approaching triple digits, the pool, the lake and the beach begin to look very tempting. While these aquatic destinations are a sure fire plan for hot summer days, keep these water safety tips that you may have overlooked in mind to prevent a terrific day from turning into a tragedy:

- Never swim alone.
- Don't mix alcohol and boating. Believe it or not, over half of ALL drownings involve boating and alcohol.
- Be aware of the signs of heat stroke – Rapid or weak pulse, changes in consciousness, rapid shallow breathing and/or hot, red and dry skin. If you suspect heat stroke, move the person to a cooler place and call 911 immediately.
- Watch out for "too's" – too tired, too cold, too far from shore, or too much sun.
- Keep a phone close by the water so that you can call for help in case of emergency.



## RECIPE OF THE MONTH DILLED CUCUMBER SALAD

*from Cindy Westrope, a Real Estate Assistant with M&B,  
is photographed with her two sons*

This is a family favorite in the summer:

- 2 large cucumbers. Unpeeled and thinly sliced (use 3-4) for a large crowd.
- 1/3 cup of thinly sliced onion (I like the red onions)
- 1 Tablespoon of fresh dill or 1 teaspoon of dried dill weed
- 1/8 teaspoon of ground white pepper
- 1 Tablespoon white vinegar
- 1/2 Teaspoon of salt (I use sea salt)
- 1/8 Teaspoon of sugar
- 3/4 cup of sour cream plus 2-3 extra tablespoons if you really like it



Wash and pat dry cucumbers with paper towels; combine the next 5 ingredients together in a bowl; toss gently and then fold in the sour cream; chill for 2-3 hours before serving.

Search for Martinson & Beason

<http://www.facebook.com/martinsonandbeason>



Find us on:  
**facebook®**



BBB Rating: A+



**MARTINSON  
& BEASON, PC**  
ATTORNEYS AT LAW SINCE 1937