



DPI Investigator

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Affidavits: Filling The Gaps

One suggestion made in a recent subrogation webinar concerned the uses of affidavits. We often point out in one form or another that failures do not occur outside of a context. Every claim has a history. Who, what, when, where, why. In most cases, we need the evidence that is around the evidence to come to the most probable conclusion. We also realize that it is not always possible to preserve everything that would be helpful to an investigation. This is where affidavits can help.

An affidavit can fill in information gaps that may have developed during repair and restoration. Also, an affidavit can help account for ancillary items around the failed item that may have been damaged or accidentally disposed. Use affidavits in anticipation of concerns and contentions that will be made by an adverse party. For example, if you know that Big Water Filter, Inc. always says that their product was damaged because the consumer did not use the correct filter cartridges, an affidavit confirming the types of filters and maintenance procedures of the user can answer the denial contentions in advance.

Detailed information documented in some form contemporaneous to the event should be much easier to get and more complete than trying to backtrack and reconstruct things two or three years after the loss.

Free Adjuster Training

Do you have new adjusters on staff? Or has it been a while since your adjusters and subrogation specialists had direct contact with DPI? Then it is time to take advantage of an on-site seminar or update training session. DPI will work with your team to improve your evidence submission procedures and provide tips to receive the most beneficial failure analysis reports.

And for an even better experience, visit our facilities here in Tennessee near the Great Smoky Mountains and spend time with the DPI team. Call soon and ask for Karen to make the arrangements.

Tips From The Shipping Dept.

1. Water heaters are best shipped upright. When water heaters are shipped laying on their side, we often see damage sustained in transit.
2. Often, small evidence parts are mixed in with the packing peanuts or shredded paper. As you may have guessed, this can present problems. *Please* put small items in separate bags or boxes. Make sure they stand out in some way from the surrounding packing material.
3. Please pack carefully around fragile items. For example: a microwave was received in a very large box without any surrounding packing material. It was damaged during shipping. In another common situation, burnt lamps with bulbs still intact need to have the fragile parts carefully protected so that they are not shattered by impact and vibration.



Can you spot the evidence?



Handy adjuster checklists are available at the DPI website. Click [HERE](#) to download a set.



NEWS from CPSC

FOR IMMEDIATE RELEASE

March 22, 2012

Release #12-137

U.S. Consumer Product Safety Commission**Adjustable Mattress Bases Recalled by Leggett & Platt Due to Fire Hazard**

WASHINGTON, D.C. - The U.S. Consumer Product Safety Commission, in cooperation with the firm named below, today announced a voluntary recall of the following consumer product. Consumers should stop using recalled products immediately unless otherwise instructed. It is illegal to resell or attempt to resell a recalled consumer product. **Name of product:** Power foundations or adjustable bases for mattresses **Units:** About 25,200 **Manufacturer:** Leggett & Platt, of Georgetown, Ky. **Hazard:** Electrical components in the motor control board can fail and short causing overheating, which poses a fire hazard. **Incidents:** The firm has received 29 complaints of overheating in the electronic motor control board located in a housing underneath the deck of the power foundation. No injuries or property damage have been reported. **Description:** The power foundations are motorized bed frames, controlled by handheld remotes, which enable the head and/or the foot of the bed mattress to be moved up and down. These power foundations were offered in all bed sizes and they were sold with handheld remote controls. The recalled models are "Titanium," "Gold" and "Signature" by Leggett & Platt and other brands names including Interflex, American Signature, Spring Air, Sealy and Simmons. Since power foundations look very similar, consumers should identify their products by looking at the remote controls. The remotes controls are either black or dark gray and feature multiple buttons and a label with one of these brand names: Adjustables by Leggett & Platt, Interflex, American Signature, Sealy, Simmons or Spring Air. Photographs of these remotes and these labels can be viewed anytime at www.titaniumrecall.com. No other power foundations are involved in this recall. **Sold at:** Mattress retailers nationwide from March of 2008 to October of 2011 for about \$1,700 to \$2,200. **Manufactured in:** United States **Remedy:** Consumers should immediately unplug the power cord and stop using the power functions of the beds. Consumers should contact Leggett to arrange for a free in-home repair of the product or for a free modification kit and consumer installation instructions. **Consumer Contact:** For additional information, call Leggett at (855) 853-3539 between 8 a.m. and 8 p.m. Monday through Friday ET, or visit the firm's website at www.titaniumrecall.com

Recalled Adjustable Mattress Base and Remote Controls