

CLARK • FOUNTAIN • LA VISTA
PRATHER • KEEN & LITTKY-RUBIN



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HAPPY NEW YEAR!

We have a lot to be thankful for as we welcome 2011. We are immensely grateful for your support and confidence in our “new” firm. While our name is new, our experience certainly is not. We’re an established team who has worked together with you, your colleagues, and friends for over 25 years.

At **Clark, Fountain, La Vista, Prather, Keen & Littky-Rubin**, our top priority remains client satisfaction. We feel fortunate that so many long-time clients have joined us during this transition. We also strive to maintain strong relationships with our many referral attorneys with whom we co-counsel cases.

So, what defines our new firm? In addition to focusing on personalized client representation and practicing with a heart as our clients deal with some of life’s hardest situations, we’re among a select group of firms nationwide that can handle both products liability and medical malpractice cases. Over the years, we have successfully handled thousands of cases, receiving verdicts and settlements in excess of \$500 million.

In just more than a month, we’ll be moving into a brand-new, 10,250-sq.-ft., state-of-the-art office located on the magnificent Intracoastal in West Palm Beach. We would be honored if you would stop by to see our new office and to say hello. In the next newsletter, we’ll give you a photo tour of our new home.

Many thanks again for your continued support. Wishing you a happy and prosperous new year.

Best regards,



Mark W. Clark

Donald R. Fountain, Jr.

Nancy La Vista

David C. Prather

W. Hampton Keen

Julie H. Littky-Rubin

MEET OUR ATTORNEYS



MARK CLARK // Managing Partner

A distinguished attorney with more than 25 years experience who specializes in catastrophic personal injury and products liability cases, he is recognized for his extensive portfolio of significant wins and multi-million dollar verdicts.

MClark@clarkfountain.com



DONALD R. FOUNTAIN, JR. // Partner

Nationally recognized in the area of products liability litigation, he focuses on creative strategies to disarm those defending automotive design and manufacturing defect cases.

DFountain@clarkfountain.com



NANCY LA VISTA // Partner

A skilled attorney in the areas of medical malpractice, medical products and products liability, as well as a critical care nurse, she "takes cases most will not."

NLavista@clarkfountain.com



DAVID C. PRATHER // Partner

Known for his legal prowess in the courtroom, he's earned numerous multi-million dollar verdicts and settlements for his clients.

DPrather@clarkfountain.com



W. HAMPTON KEEN // Partner

Handling complex products liability and catastrophic injury cases, he has a reputation for getting top-dollar settlements and verdicts from manufacturers of defective products and other responsible parties.

HKeen@clarkfountain.com



JULIE H. LITTKY-RUBIN // Partner

Heads the firm's appellate practice, she's also hired by other firms throughout Florida to assist with their appellate and complex trial support matters.

JLittkyrubin@clarkfountain.com



TIMOTHY J. MURPHY // Associate

Possessing a background in construction, he litigates both general negligence and products liability claims in those instances where manufacturing or design defects compromised consumer safety.

TMurphy@clarkfountain.com



CYRUS S. NIAKAN // Associate

Focusing on personal injury and wrongful death cases, his practice emphasizes cases involving manufacturing and design defects.

CNaikan@clarkfountain.com

RECENT CASES // AWARDS AND ACCOLADES

ATTORNEY: JULIE H. LITTKY-RUBIN

JUST IN // APPEALS COURT REVERSAL CLEARS WAY FOR COUPLE TO COLLECT \$11 MILLION VERDICT AGAINST MITSUBISHI

After ruling 2-1 to reverse an almost \$11 million verdict obtained for our clients in a product liability case involving a defective seatbelt design, the 4th District graciously changed its mind on rehearing. In a turn of events on Dec. 15, the appellate court granted attorney **Julie Littky-Rubin's** motion for rehearing, withdrawing its earlier opinion from June 2010, and issuing a new one. The case involved a 25-year old, Scott Laliberte, who died after the seatbelt in a Mitsubishi Montero failed him during a rollover crash in 2004. While the recent decision in *Mitsubishi v. Laliberte* will not bring our clients', Peter and Donna, son back, it will give them some closure and save them from having to relive his death through a second trial.



ATTORNEYS: NANCY LA VISTA // CYRUS NIAKAN

\$1.25 MILLION RECOVERY FOR SURVIVORS OF 92-YEAR OLD DAD

Nancy La Vista recently obtained a \$1.25 million recovery on behalf of the surviving adult children of a 92-year old man who died in a tragic auto accident. La Vista, along with attorney **Cyrus Niakan**, successfully convinced the decedent's insurance carriers to pay the \$1.25 million policy the father purchased. While still devastating, the father's foresight and instincts continue to protect his family even now that he's gone.

WRONGFUL DEATH OF SCUBA DIVER CAUSED BY NEGLIGENCE OF DIVE SHOP

In a hotly contested wrongful death claim by the family of a SCUBA diver who was killed while spearfishing alone in the Gulf of Mexico, attorney **Hampton Keen** used his experience and knowledge as a certified instructor by the National Association of Underwater Instructors [NAUI] and as an avid spear-fisherman to successfully resolve the case.

Keen determined that the decedent's regulator was negligently serviced by a retail scuba shop, despite the shop's claims that it never serviced the regulator.

ATTORNEY: W. HAMPTON KEEN

CONGRATULATIONS



MARK CLARK, DONALD FOUNTAIN JR., NANCY LA VISTA & DAVID PRATHER

Mark Clark, Donald Fountain Jr., Nancy La Vista and David Prather have been selected for inclusion in the prestigious publication, *The Best Lawyers in America*, for 2011. And, special congratulations to **Mark Clark** who was also recognized among a distinguished few who have been selected for 10 or more years.

These attorneys have also been selected as a **Top Lawyer** by the *South Florida Legal Guide* for 2011. **W. Hampton Keen**



has been selected in the Top Up & Comer category.

W. HAMPTON KEEN



ATTORNEY: **JULIE H. LITTKY-RUBIN**

SUPREME COURT REFUSES TO SLAM COURTHOUSE DOOR IN THE FACE OF A LITTLE BOY

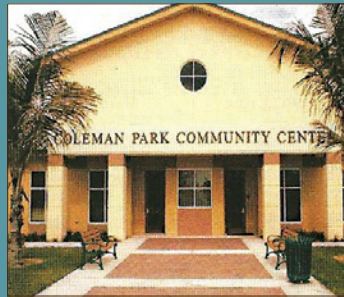
Appellate attorney, **Julie H. Littky-Rubin**, convinced all seven justices of the Florida Supreme Court that a little boy – whose biological father died as a result of alleged medical malpractice – could pursue a claim for his father’s death, even though his mother was “married” to another man when he died. The trial judge had ruled to take away the boy’s claim.

In *Greenfield v. Daniels*, 35 Fla. L. Weekly S685 [Fla. November 24, 2010], the Florida Supreme Court refused to allow a well-entrenched legal presumption regarding paternity to deprive the boy from pursuing his wrongful death claim. The court held that although the seven-year-old was born out of wedlock, there was also undisputed evidence that the father had provided support for him, which was all the child needed to pursue his claim. The Supreme Court ultimately affirmed the unanimous decision of the Fourth District Court of Appeal, which had found the trial court erred.

OUR COMMITMENT TO THE COMMUNITY

At **CLARK, FOUNTAIN, LA VISTA, PRATHER, KEEN & LITTKY-RUBIN**, contributing to our community is who we are. We volunteer our personal time, and believe that as a firm we must do what we can to help others live their best lives.

In addition to the many national causes we support, we find it equally important to contribute to an initiative close to home. The firm has decided to embrace Coleman Park, a historically rich, low-income neighborhood in West Palm Beach in need of some serious attention. The West Palm Beach Mayor has made it her mission and so have we. Years ago, the area was home to baseball greats like Hank Aaron, Jackie Robinson, Satchel Paige and others. Today, this largely deteriorated neighborhood is in the beginning stages of revitalization thanks to federal stimulus dollars and we’re eager to contribute as well.



Not only are we helping to fund important programs like **SMARTCATS**, a weekly activity course for seniors, we’re getting our hands dirty rebuilding the city with its residents from the ground up. If you’d like to be part of the cause, please contact attorneys **Julie Littky-Rubin** or **Cyrus Niakan**, who are leading this initiative.

ATTORNEYS: **W. HAMPTON KEEN // TIMOTHY J. MURPHY**

DAD BECOMES QUADRIPLEGIC; ATTORNEYS HELP FAMILY AFTER CAR ROOF COLLAPSES



Our client became catastrophically injured when, as a passenger, the truck driven by his friend lost control, rolled over multiple times and the roof collapsed.

Hampton Keen and **Timothy Murphy** successfully convinced the vehicle manufacturer to settle the case prior to trial, citing that our client’s vehicle and its roof failed to properly protect its occupants during a foreseeable rollover. Our firm’s attorneys settled this case for a confidential amount despite the fact that the

rollover occurred off the paved roadway, and the client admitted to wearing his seatbelt behind his back.

While the recovery for injuries cannot take back what happened, it relieves the family from worrying about future medical care, and most importantly, helps the driver understand that this was not his fault.



MEET:
ROXANN BILLINGLEA
 // Nurse Paralegal

When clients battling a catastrophic injury come to the firm, they're fortunate to have RoxAnn examining their cases. Working with the firm's six partners for the last 17 years, she has utilized her in-depth knowledge of the medical field to help obtain settlements or verdicts ranging from \$250,000 to \$35 million.

A Registered Nurse, RoxAnn analyzes and investigates the firm's medical malpractice cases to assess client damages, frequently obtaining world-renowned medical experts to see if the standard of care was met.

"We take many heartbreaking, complex cases often rejected by other firms," she said. "I'm continually impressed by the attorneys here who define excellence and stand up for our clients rights. They're not afraid to take a case to trial."

As a patient/client advocate, our initial goal is to ensure that mistakes never happen again and injuries are reduced, if not totally avoided.

RoxAnn's expertise in the legal field involves medical malpractice, product liability, legal malpractice, hospital credentialing and major personal injury cases.

RoxAnn has been a Registered Nurse for more than 30 years, with training in critical care, hospital risk management and life care planning for catastrophically injured patients.



ATTORNEYS: DONALD R. FOUNTAIN, JR. // DAVID C. PRATHER

22-YEAR OLD RENDERED PARAPLEGIC; BEWARE OF QUICK FIXES ON FLAT TIRES

While many don't think twice when tire stores recommend using a rubber "string plug" to fix a leak from a nail in a tire, it's a repair that almost all tire manufacturers and industry organizations forbid doing. While these repairs are not illegal, such cheap and easy fixes can yield catastrophic results.

Our 22-year old client became a victim when a vehicle he was riding in with a string-plugged tire rolled over after the tire blew out. He suffered a broken back and was rendered a paraplegic. **Don Fountain** and **David Prather** successfully convinced the companies responsible for the tire maintenance and repair, as well as their insurance companies, that they should settle this case. The confidential settlements our firm obtained will be enough to provide stability and support for our client's future.

CASE BACKGROUND: Tires repaired with a rubber "string plug" that may appear to fix the leak can lead to a tire separation and blowout months or even years later. The danger happens because the string plug may succeed in allowing the tire to hold air, but because it does not provide a complete seal to the inner liner of the tire, the inflation pressurized air can leak into the steel belt structure, forcing the layers of the tire to come apart. This results in tread and belt separation and ultimately blowout of the tire.

ATTORNEYS: W. HAMPTON KEEN // MARK CLARK

DRIVER KILLED DURING ROLLOVER DUE TO HIDDEN SEATBELT DEFECT



Hampton Keen and **Mark Clark** successfully resolved the tragic case of a 52-year old father and husband who was killed after being ejected from his pick-up truck after it rolled over. While the investigating government agency concluded he was not wearing a seatbelt during the accident, the firm's lawyers questioned that finding when his widow adamantly advised them he always wore his seatbelt.

Keen and Clark successfully proved that their client's husband, was, in fact, wearing his seatbelt. The vehicle manufacturer – which had experienced multiple problems with inadvertent unlatching of these seatbelts before this accident – settled prior to trial.

It's noteworthy that several law firms had reviewed the potential case, but turned it down after hearing the initial findings from the investigating agency.



NANCY LA VISTA

Congratulations to **Nancy La Vista**, the first female president of the Palm Beach County chapter of the American Board of Trial Advocates [ABOTA]. The chapter was just named Chapter of the Year, and will be honored this month during the national conference.



MEET:

ELIANA PUTNEY

Products Liability // Paralegal Investigator

Products liability cases can be intricate puzzles, often times with important pieces missing. When a tire comes apart, an airbag deploys late or a seat belt fails, we have to piece together why or how the failure occurred. Eliana works closely with the nation's best experts to determine the product defect and find the missing pieces to show what happened, why and how the tragic injuries could have been prevented.

While the case may be about the product, it's also helping the family through a difficult time. As the go-to contact, Eliana prides herself on keeping the clients well informed during the course of the case and addressing their individual needs.

"Although there is great satisfaction in resolving the case, personally, I feel a deeper satisfaction knowing that I made a difference in my client's life."

Fluent in Spanish, she is also a friendly voice for our firm's Spanish-speaking clients.

Eliana is a registered paralegal with more than 25 years of experience.

NO GEOGRAPHICAL LIMITS

While our main office is in West Palm Beach, Fla., look to us for assistance regardless of your location. We regularly handle personal injury, products liability and medical malpractice cases throughout Florida and the United States, including in Alabama, Arizona, California, Georgia, Maryland, Michigan, Nevada, New Mexico, New York, North Carolina, Oklahoma, South Carolina, Virginia, and West Virginia.

Our attorneys are adept at handling cases of all complexity levels. We have the financial resources, experience and ability to go up against the country's largest companies, having access to the top experts to examine each case.

We appreciate and value the cases so many of you around the country have referred us over the years. Please keep us in mind if you would like us to examine a potential case.

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866.643.3318 // www.forinjuryhelp.com

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DEDICATED PERSONAL INJURY LAW FIRM IN WEST PALM BEACH

Experienced Florida lawyers pursue justice for the injured nationwide. At Clark · Fountain · La Vista · Prather · Keen & Littky-Rubin, we know that personal injuries and products liability events, and the struggle to get your life back to normal afterwards, can be very stressful. Our lawyers believe that our resources as a strong legal partner also understand how

Visit our new web site:
WWW.FORINJURYHELP.COM