



Case Resolution

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In This Issue:

Case Results
Legal Insights
Product Recalls

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Mike Smith and Nancy La Vista successfully resolved a medical malpractice claim whereby the patient was left paralyzed below the waist.

After back surgery, the patient bled into his spine which went undiagnosed too long such that the proper treatment was ineffective. The resolution of the litigation will allow the patient and his family to obtain future medical care and be financially secure.

Ben J. Whitman and Mark W. Clark recently obtained a settlement on behalf of a North Palm Beach client who was stopped at red light when a Maserati sedan –operated by a felon who stole the vehicle from a country club parking lot and pursued at high speeds by the Palm Beach Gardens Police Department – violently impacted his vehicle. Although the owner of the vehicle did not give the driver permission to operate the Maserati and police officers were in violation of internal policies regarding high speed chases, Whitman and Clark were able to establish that the owner of the vehicle was liable for the damages because he negligently left his keys in his unlocked Maserati vehicle in violation of Florida’s “Unattended Motor Vehicle” Statute which prohibits such actions.

Community Awareness

What does it mean “My Doctor is Bare”.

This means your physician or healthcare provider has chosen or elected NOT to carry traditional medical malpractice coverage. What does this mean to you if during the course of your treatment you are harmed or injured as a result of that healthcare provider’s negligence? This could be problem.

Many patients and consumers of healthcare are unaware that the State of Florida does NOT require a physician to carry malpractice insurance coverage, hence the phrase “the doctor is BARE”. While similar to being hit by a car where a driver doesn’t have insurance coverage and there is no recourse, the State of Florida supposedly does require the doctor to post a bond for \$250,000 in funds in the event the patient and or plaintiff suing for medical malpractice obtains a verdict in a court of law. The reality is the physician and or healthcare provider rarely do so! Other options available to the physician include asset protection making it impossible for the plaintiff to obtain any recovery and a discharge of the judgment into

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bankruptcy occurs.

The fact that a doctor is “bare” does NOT mean the doctor is immune from suit. However the challenges in obtaining a settlement on your behalf are more complicated. At CFLPKL we do not run away from complicated cases. Our team of experienced lawyers and paralegals evaluate all medical malpractice claims on their merits and where appropriate, pursue claims against identified negligent doctors, bare or not. To avoid a ‘bare’ doctor note that there is supposed to be a sign in the waiting room advising patients the doctor does not carry malpractice insurance. At that point, BUYER BEWARE! Ask questions, know your rights. At Clark, Fountain, La Vista, Prather, Keen & Littky-Rubin, we have a dedicated team of lawyers who are there for you when these unfortunate events occur. If you have suffered damages due to the negligence of a healthcare provider, give us a call at 561-922-0258 for a free consultation

Legal Insights

Takata Executives Indicted in Airbag Scandal



Three former executives with Takata Corp. were indicted on wire fraud charges, accused of deceiving automakers in regards to the safety of air bags. The air bags, which are associated with at least 11 deaths and 184 injuries, were prone to exploding. Takata Corp. settled in a criminal case, agreeing to pay \$1 billion in penalties, including \$975 million in restitution and a \$25 million fine.

Fiat Chrysler Accused of Violating Clean Air Act

The Environmental Protection Agency (EPA) issued a notice of rule violation to Fiat Chrysler for secretly using software that allowed excess smog-producing emissions. About 104,000 light-duty diesel vehicles received this software and, as a result, do not conform to EPA specifications. The company offered to work with the EPA to resolve the matter.



RECALLS

Yamaha Snowmobiles



[Yamaha recalled about 400 units of snowmobiles](#) with aftermarket turbochargers. The turbochargers can cause engine damage, which may pose crash and fire hazards to the user. There were 40 reports of engine damage as a result of turbocharge overboost, though no injuries were reported. The snowmobiles were sold at Yamaha snowmobile dealers nationwide from August 2015 through April 2016.

BRB Side-by-Side Off-Road Vehicles

[BRB recalls about 780 units of their side-by-side off-road vehicles](#), which may unexpectedly roll away even when in the park position, which may pose the risk of injury to users. The recall applies to model year 2016 Can-Am Defender, Defender DPS, and Defender XT model side-by-side off-road vehicles, which were sold at Can-Am dealers nationwide between October 2015 and December 2016. There were 6 reports of these vehicles moving even while in the park position.



Textron Bad Boy Off-Road Utility Vehicles



[Textron recalled about 1,100 units of their Bad Boy off-road utility vehicles](#), which do not have seat belts and pose a risk of serious injury or death to both operators and passengers in the event of an accident. The death of one passenger was reported and, in a separate incident, an adult male operator suffered a severe leg injury. The vehicles were sold at Bad Boy dealers nationwide from November 2010 to June 2013.

Polaris Sportsman 570 All-Terrain Vehicles

[Polaris recalled about 9,900 units of their Sportsman 570 all-terrain vehicles](#) due to an air intake duct, which can contact the fuel rail and cause a fuel leak. This recall involves model year 2014 through 2016 Sportsman 570 and Touring and X2 model ATVs and model year 2017 Sportsman 570 6x6 model ATVs. There were 35 reports of damaged fuel rails and leaks, but no injuries. All models were sold at Polaris dealers nationwide from May 2013 through December 2016.



Suzuki KingQuad 750 All-Terrain Vehicles



[Suzuki recalls about 3,400 units of their KingQuad 750 all-terrain vehicles](#) due to battery failure, which can cause the engine to stop while running, posing a crash hazard. The recall involves model year 2016 and 2017 LT-A750X and LT-A750XP KingQuad ATVs. There have been 6 reports of battery discharge and failure to restart, but no injuries. Suzuki ATV dealers sold these models nationwide from September 2015 through November 2016.

LIFEPAK 1000 Defibrillators by Physio-Control

[Physio-Control announced a voluntary field action for their LIFEPAK 1000 defibrillator](#) due to reports of unexpected shut downs during patient treatment. Thus far, the company received 34 reports of the device shutting down due to issues with the battery and device electrical outlets. Physio-Control will initiate a hardware device correction for this product and contact customers to schedule necessary device corrections.



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