



THE LEGAL EDGE

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HAPPY HOLIDAYS FROM CLARK FOUNTAIN!



The holiday season is a wonderful opportunity to reflect, connect and spend time with loved ones. It's also a hectic time of year filled with events, travel and more. With all of the chaos, it's easy to try to take shortcuts or not pay as close attention to important little details. During the next few weeks, please consider these tips to keep your holidays running safe and smoothly:

- If you get burned while cooking, do NOT put ice on the burn. Instead, run cold water over the injured area and continue with cold compresses. Icing the burn will worsen the injury by decreasing the blood flow to the already injured tissue.
- If your family will be traveling by car to visit loved ones, make sure children are properly buckled up in a car seat, booster seat or seat belt, whichever is appropriate for their age, height and weight. If you're not sure which type of seat your child or grandchild needs, visit www.cdc.gov/features/passengersafety/.
- Check your extension cords carefully to decrease fire risks. If you have holiday lights and other decorations plugged in, make sure extension cords are not damaged or overheating, usually caused by overloading appliances that consume more watts than the cord can handle. Check the cord's capacity by looking at the tag on the cord or its packaging. If any part of the cord is hot during use, it may be overloaded and should be unplugged immediately.

Wishing you a happy holidays and a joyful New Year!

FIRM NEWS

ATTORNEYS REACH SETTLEMENT AGAINST LARGE INSURANCE COMPANY

Mark Clark and Christa L. McCann recently obtained a substantial confidential recovery against a large insurance carrier in a bad faith claim brought by the personal representative of the estate of a deceased woman. The carrier claimed that it lacked notice of the underlying claim or the severity of the deceased's injuries or damages prior to the time that suit was filed in the underlying action.

However, Clark and McCann were able to establish that the carrier was notified by its insured as well as the medical providers that treated the deceased prior to her death and that, despite that notice, the carrier failed to respond to requests for information or otherwise make any offer to resolve the claim. Consequently, the carrier ultimately agreed to a confidential settlement to resolve the judgment obtained in the underlying wrongful death case.

LEGAL INSIGHTS

INCREASE IN E-FILING IN STATE AND LOCAL COURTS, STUDY SHOWS

According to a 2015 survey by [ABA Journal](#), there is a steady growth in electronic filing of court documents, with half of state courts and nearly 40 percent of local courts now requiring e-filing. It's a considerable increase based on the 2012 report that showed only 26.1 percent of state courts and 23.9 percent of local courts requiring e-filing.

STUDY SHOWS 'DEFENSIVE MEDICINE' REDUCES MALPRACTICE SUITS



[Bloomberg BNA](#) recently reported on a survey published by the *British Medical Journal* which found that medical professionals who spend more time, money and resources on patient tests and procedures are less likely to be sued for malpractice. The study was conducted by researchers at the University of Southern

California, Harvard Medical School and Stanford University. While defensive medicine – doing more for patients because it's believed to reduce liability risk – has been proven to decrease medical malpractice suits, it is criticized because it increases healthcare costs.

JUDGE REJECTS CHALLENGE TO MEDICAL RECORD CHARGES

According to [Health News Florida](#), an administrative law judge rejected a challenge to a state Board of Medicine proposal that would

increase the cost of copies of patient medical records. State law gives the Board of Medicine, which regulates physicians, the authority to adopt rules about how much patients, governmental agencies and other entities can be charged when requesting copies of medical records. Requesting copies costs \$1 per page for the first 25 pages and 25 cents for each additional page.

SETTLEMENT REACHED IN FAKE DE KOONING PAINTING LAWSUIT

According to the **Wall Street Journal**, John Howard, an avid art collector and businessman, recently settled a lawsuit over a fake Willem de Kooning painting he bought from now shuttered art gallery, Knoedler & Co., for \$4 million in 2007. According to the article, the terms of the settlement are confidential.



RECALLS

HYUNDAI RECALLS NEARLY 305,000 CARS DUE TO BRAKE LIGHT ISSUE



HYUNDAI

According to **CNBC**, Hyundai is recalling nearly 305,000 Sonata cars in the model years 2011 and 2012. The company reports that the stopper pad between the brake pedal and the plunger that turns the lights on can deteriorate, ultimately leading the brake lights to stay illuminated. No

crashes or injuries have been reported.

CHRYSLER RECALLS OVER 100,000 VEHICLES

According to the **National Highway Traffic Safety Administration**, Chrysler Group LLC (Chrysler), is recalling certain model year 2013-2014 Dodge Dart vehicles manufactured February 27, 2013 to January 23, 2014 and equipped with either a 2.0L or 2.4L engine. In affected vehicles, engine oil from the vacuum pump may seep into the break booster, damaging a component within the break booster. This could cause internal damage resulting in loss of brake assist, lengthening the distance needed to stop increasing the risk of crash. Chrysler will notify owners.

FIAT CHRYSLER RECALLS 121,000 DODGE DART SMART CARS

According to **Automotive News**, Fiat Chrysler Automobiles has issued a recall for about 121,000 Dodge Dart smart cars due to potential braking issues. The recall includes certain 2013-2014 cars with 2.0 and 2.4-liter engines. According to the report, affected vehicles may be subject to oil migration that could

affect the brake system's power-assist feature. Fiat Chrysler says it's aware of two minor injuries and seven accidents that could be related

FCA

FIAT CHRYSLER AUTOMOBILES

to the problem.

DOLLAR TREE RECALLS OVER 300,000 PACKAGES OF BURN RELIEF GEL

According to the **US Consumer Product Safety Commission**, Dollar Tree is recalling more than 300,000 packages of Burn Relief Gel, with the brand name Assured, because the packaging is not child resistant as required by the Poison Prevention Packaging Act. The gel contains lidocaine, posing a poisoning risk if swallowed. Consumers should immediately stop using the gel and take the gel to the store where they purchased for a full refund.

THE SWEET LEAF TEA COMPANY ISSUES VOLUNTARY RECALL



The **U.S. Food and Drug Administration** stated that The Sweet Leaf Tea Company has issued a voluntary nationwide recall on tea in glass bottles. The recall includes 16 ounce glass bottles out of an abundance of caution because of the possible presence of glass fragments. This was a result of glass

breakage during the filling process. Consumers could potentially be cut or injured if drank. Consumers are asked to contact Sweet Leaf for replacement product or return the product to the store of purchase.

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