



THE LEGAL EDGE



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PRATHER & LITTKY-RUBIN

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Clark, Fountain, La Vista, Prather, & Littky-Rubin is pleased to help you evaluate any factual scenario or potential case you may have. We handle cases on referral or co-counsel basis around the state and country. Please visit our website for details or call us at 866.643.3318

Referrals →

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Find us online to learn about our 200 years of combined experience in the practice of personal injury law, read about what distinguishes Clark Fountain, and browse our case results, which amounts to over a billion dollars recovered for our clients.

Case Resolution

Confidential Settlement Reached in Negligent Security Case Resulting in Severe Facial and Head Trauma

Upon exiting an elevator to leave a club in West Palm Beach, our clients, two cousins, were attacked and sustained severe facial and head injuries including a facial/orbital fracture and concussion. The attackers were unknown to our clients and never identified or charged.

After multiple attempts to reach the defendants went unanswered, a local attorney referred the case to Clark, Fountain, La Vista, Prather & Littky-Rubin due to the firm's reputation of handling complex cases. The event space had multiple property owners and several lease agreements. Despite the complicated nature of the building ownership, and the original unresponsiveness of the defendants, Ben J. Whitman was able to demonstrate the companies that promoted the event and the owner of the event space failed to take appropriate measures to provide reasonable security and prevent harm.

Previously overwhelmed by mounting medical bills and no health insurance, our clients are relieved that the settlement will cover their existing *and* future medical costs, lost wages, and compensate them for their physical and psychological injuries.

Partners Donald Fountain and Julie Littky-Rubin Succeed in Evidentiary Hearing Regarding Tax Costs for \$15 Million Wrongful Death Verdict Granted in 2018

Donald Fountain and Julie Littky-Rubin completed a two-day evidentiary hearing regarding tax costs for a [\\$15 million dollar wrongful death verdict](#) granted in 2018 in which a jury found

[Website →](#)



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National Truck Center responsible for a trucking accident that killed a 41-year-old single father.

Clark, Fountain, La Vista, Prather & Littky-Rubin spent \$718,000 to try the case and, in early February, convinced the court to tax a substantial amount against National Truck Center. The court scheduled another evidentiary hearing on the motion to tax attorney's fees in excess of four million dollars.

Confidential Settlement Reached with Healthcare Provider for Unnecessary Surgery Resulting in Loss of Hand Function

Our client fell at her home while doing yard work and sustained a left elbow radial head fracture. Because of the severity of the fracture, surgical intervention was necessary. Unfortunately, the surgery resulted in permanent numbness and tingling in the median nerve distribution, which affected the thumb and index fingers and prohibited her from engaging in typical daily activities. As a result of the botched surgery, our client underwent multiple additional surgeries. She was never able to improve the loss of use in her hand and fingers that originated after the initial surgery.

Associate Michael Smith retained multiple experts and filed suit against the healthcare provider alleging the surgery should have never been performed and that it was not preformed correctly. The case successfully resolved for a confidential amount, which will help compensate our client for future medical needs and loss of her working ability as a health care provider – a position she held prior to her injury for more than 16 years.

Legal Insights

Associate Ben J. Whitman Elected to Palm Beach County Justice Association Board of Directors

Ben J. Whitman was elected to the Palm Beach County Justice Association (PBCJA) Board of Directors in late January. During his one-year term, Whitman will contribute to ideas and actions that help ensure fair access to the courts for Florida residents. Whitman previously served as chair of the PBCJA Young Lawyer Board.



As Pedestrian Deaths Increase Nationwide, Federal Regulators Make Safety Recommendations



history since 1990.

During a seven-year period, the number of pedestrian deaths in America [rose by almost 50%](#). A total of 5,987 pedestrians were killed on U.S. roads during that eight-year period – the most in U.S.

Federal Self-Driving Vehicle Regulations Could Undermine Consumer Safety and Privacy

A new Congress could mean round two for The American Vision for Safer Transportation Through Advancement of Revolutionary Technologies (AV START) Act, which seeks to create the first federal framework for autonomous vehicles (AVs). Some legal professionals are concerned the legislation would [undo safety regulations](#) already passed in many states and limit consumer rights to bring about a claim in the instance of an injury or accident.



Recalls

Ford Recalls 1.5 Million Vehicles Due to Gear, Door Latch Defects After Reported Accidents



Ford has issued a recall on select 2011 to 2013 Ford F-150 vehicles with six-speed automatic transmissions, 2017 to 2019 Lincoln Continental vehicles, and select 2019 Ford Mustang, Lincoln Nautilus and Lincoln Navigator vehicles. The F-150 trucks have a defect that can cause the truck to temporarily downshift into first gear – a defect that has caused up to five accidents. The recalled Lincoln vehicles may have a problem with silicon contamination in the door latch, which can prevent it from fully engaging and cause the door to open while the vehicle is in motion.

Tyson Foods Recalls 18 Tons of Chicken Nuggets Contaminated with Hard Plastic

Tyson Foods is recalling more than 36,000 pounds of frozen chicken nuggets after consumers reported finding soft, blue pieces of rubber inside the nuggets. Five-pound bags of “Tyson Fully Cooked Panko Chicken Nuggets” with a best by date of November 26, 2019 should be discarded or returned to the store for a refund.



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