

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



LEGAL EDGE

REFLECTING ON A SUCCESSFUL 2011

JUDGE DECLARES MAJOR AWARD IN MALPRACTICE CASE

MORE RECENT CASE WINS

AWARDS & ACCOLADES

HIGH-PROFILE CASE GENERATES NATIONAL ATTENTION

COMMUNITY CONNECTIONS

NEW ASSOCIATE JOINS FIRM

PERSONAL INJURY

WRONGFUL DEATH

PRODUCTS LIABILITY

MEDICAL MALPRACTICE

BUSINESS LITIGATION

APPELLATE LAW

Happy New Year, and welcome to the one-year anniversary edition of the Legal Edge.

It's hard to imagine another year has gone by! What a tremendous year it has been for our firm. In addition to moving into our brand new, 10,000-square-foot office, 2011 saw many victorious verdicts and settlements for our clients. Justice was served for many families whose lives were tragically altered by the negligence of others. Armed with extensive financial resources, experience and the ability to go head-to-head against the largest companies in America, we increasingly traveled across the United States to work with referring attorneys who sought our co-counsel for their complex personal injury, products liability, medical malpractice and business litigation matters. Whether in our own backyard, or across the United States, we are grateful for our long-standing relationships within the legal community. We look forward to building more connections with each of you in 2012, and beyond.

On a final note, we would like to extend a warm welcome to our newest associate, Poorad Razavi. Poorad brings a wealth of litigation experience to the firm, particularly in the area of catastrophic injury cases. You will learn more about his diverse background in this newsletter. We're proud that the addition of Poorad, who is of Persian descent and fluent in Farsi, continues to underscore our firm's commitment to not only expanding our firm with top talent, but also to enhancing the diversity that is represented in our attorneys, paralegals and office staff.

We wish all of you health and prosperity in 2012,
The Partners of Clark, Fountain, La Vista, Prather, Keen & Littky-Rubin

  
Mark W. Clark Donald R. Fountain, Jr. Nancy La Vista

  
David C. Prather W. Hampton Keen Julie H. Littky-Rubin

ATTORNEYS: NANCY LA VISTA // TIMOTHY J. MURPHY



**FIRM WINS \$6.32 MILLION
ARBITRATION AWARD
AGAINST NEGLIGENT
RADIATION ONCOLOGIST**

Attorneys **Nancy La Vista** and **Timothy J. Murphy** won a \$6,320,000 arbitration award for clients, Belinda and Scott Burns, against radiation oncologist, Ronald Woody, M.D. Dr. Woody works for Mid-Florida Radiation Oncology, PA in association with Port St. Lucie Ventures. The verdict was rendered by Retired Judge, Leonard Fleet, in his capacity as arbitrator.

Based on expert testimony and other evidence, the arbitrator found Dr. Woody negligent in administering an overdose of radiation to treat squamous cell cancer in situ—a precursor to skin cancer—on Ms. Burns' hands. The overdose resulted in radiation burns and radiation fibrosis causing disfigurement, and the likelihood of future amputation of one or both of her hands.



Nancy La Vista on the front page of the Daily Business Review for an impressive medical malpractice victory.

NANCY LA VISTA: 2011 TRIAL LAWYER OF THE YEAR

The Palm Beach County chapter of the American Board of Trial Advocates (ABOTA) named **Nancy La Vista** the "2011 Trial Lawyer of the Year." La Vista recently completed her term as president of the Palm Beach County chapter of ABOTA, the first female president in its history. She currently serves as treasurer of the Florida chapter of ABOTA.

ATTORNEY: MARK W. CLARK



**MARK W. CLARK RECOVERS \$525,000 IN MINOR
PROPERTY DAMAGE LOW BACK INJURY CASE**

The firm's client was diagnosed with a herniated lumbar disc following a minor property damage, rear-end auto accident and underwent a one-level discectomy and fusion surgery. The defense doctor opined that the disc injury and need for surgery was not related to the accident, but instead was the result of a pre-existing degenerative disc disease. Clark was able to establish a causal connection between the injury and surgery, and the accident in question, and obtained a \$525,000 settlement for the client.

MASTERS IN TRIAL

Partner **Mark W. Clark** is a featured attorney on the prestigious "Masters in Trial" demonstration sponsored by the Foundation of The American Board of Trial Advocates (ABOTA) and presented by the Palm Beach chapter of ABOTA. The trial demonstration features some of the area's best trial lawyers. Clark was asked to participate as an instructor on conducting direct and cross examination.



**FIRM PARTNERS ARE
"TOP LAWYERS"**

Mark W. Clark, Donald R. Fountain Jr., Nancy La Vista, David C. Prather, W. Hampton Keen and Julie H. Littky-Rubin have been recognized as "Top Lawyers" for 2011 in the *South Florida Legal Guide*.

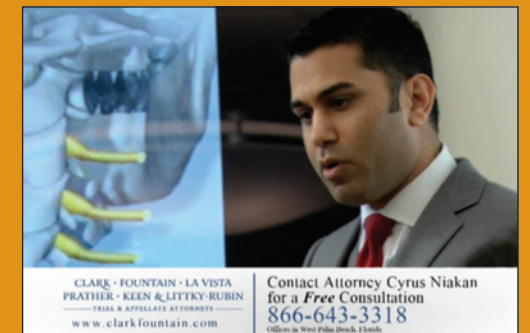
Super Lawyers
FLORIDA SUPER LAWYERS

Mark W. Clark, Donald R. Fountain, Jr., Nancy La Vista, David C. Prather, W. Hampton Keen and Julie H. Littky-Rubin were recognized as Florida Super Lawyers for 2011. Just five percent of attorneys in Florida are recognized with this honorable distinction. Associates **Poorad Razavi** and **Cyrus Niakan** were named "Rising Stars," and Littky-Rubin was further distinguished as one of the state's Top 50 Women for 2011. The Super Lawyers recognition was featured in The Wall Street Journal.

DID YOU KNOW?

Two of Clark Fountain's associates, **Cyrus S. Niakan** and **Poorad Razavi**, are of Persian descent and are fluent in Farsi.

Recently, **Cyrus Niakan** was featured in the firm's television spot which airs on Andisheh TV, a California-based Persian internet television station. Andisheh TV is broadcasted to millions across the United States, Canada and to over 50 European and Middle Eastern countries.





FIRM HOLDS PRESS CONFERENCE ON HIGH-PROFILE CASE

In September 2011, Clark Fountain held a press conference before filing a complaint against the parents of killer, Paul Merhige, who went on a shooting rampage on Thanksgiving Day 2009 and claimed the lives of 6-year old, **Makayla Sitton**, daughter of our clients **Muriel and Jim Sitton**, and **Raymonde Joseph**, Muriel's mom, and wife of our client, **Antoine Joseph**.

More than 15 news outlets from Palm Beach County to Miami attended, including the Associated Press. In addition to coverage in various South Florida media outlets, the story was featured on MSNBC, ABC News and Forbes. In December, CNN's Headline News (HLN) did a live national television interview with partner, David C. Prather, regarding the case.



FIRM SPONSORS EVENT HELD IN MEMORY OF MIKAYLA SITTON

In November, **Clark Fountain** sponsored the inaugural "Miles for Makayla 5K Run/Walk," with proceeds benefitting the Makayla Joy Sitton Foundation. The non-profit was created to honor the life of Makayla Joy Sitton, with funds benefitting arts education and opportunities to underprivileged students.

ATTORNEYS: DAVID C. PRATHER



FIRM WINS \$626,000 IN TRAGIC WRONGFUL DEATH SETTLEMENT AGAINST TRUCKING COMPANY

A 19-year-old woman who was an honor student in high school and college was travelling westbound to her job as a counselor at the Girl Scouts of Florida when she suddenly lost control of her vehicle after hitting the shoulder of the roadway. After trying to regain control of the vehicle, she ended up partially in the eastbound lane of oncoming traffic. An inexperienced truck driver who clearly saw the young woman's vehicle in his lane of travel, and had almost three football field-lengths to react, failed to apply his brakes or take any evasive action until after impact. The impact of the truck driver's collision was so significant that it killed the woman instantly.

Attorney **David C. Prather** represented the young woman's parents, who were acting as co-personal representatives of her estate. They brought suit against the truck driver and his company, as well as their insurance company, Liberty Mutual. The case settled for \$626,000, of which \$500,000 was received from the truck driver and his company.

ATTORNEYS: W. HAMPTON KEEN // DONALD R. FOUNTAIN, JR.



ROLLOVER DEATH RESULTS IN SETTLEMENT AGAINST RENTAL CAR COMPANY

A removable rear passenger seat in a rental car, which was allegedly not properly locked and secured to the vehicle by the rental agent, became dislodged during a rollover crash. When the vehicle rolled over into a shallow canal and came to rest on its roof, the unsecured vehicle seat trapped a young child whose booster seat was seat-belted to the vehicle seat, causing her to drown.

Clark Fountain's products liability team successfully pursued claims against the rental car company for failing to properly secure the seat before renting the car to a consumer who was unfamiliar with the seat's various functions, and for failing to have proper safety policies in place. The attorneys also argued that the vehicle and seat manufacturer were liable for developing and implementing a faulty seat design.

THE SMART RIDE 8

Ken Dishman, one of the firm's talented paralegals, recently participated in the SMART Ride 8, a 165-mile fundraising bicycle ride from Miami to Key West to benefit the Comprehensive AIDS Program of Palm Beach County [CAP]. Together with his teammate and partner, Michael Dillon, the pair raised \$21,000 this year. They are currently SMART Ride's top fundraisers.

COMMUNITY CONNECTIONS



Sandy Duncan and firm partner, Julie H. Littky-Rubin, with Smart C.A.T.S. Earl Paulk.

The holidays were a lot brighter this season for families and seniors in Coleman Park, the historically rich, low-income neighborhood in West Palm Beach that the firm has committed to supporting through various initiatives. The firm's employees generously contributed funds that were used to purchase Visa gift cards for five needy families in order to bring extra smiles and good tidings.

Clark Fountain also hosted a fun and festive holiday party for the Smart C.A.T.S. [Coleman Area Talented Seniors] program in the neighborhood's community center. In addition to a delicious lunch, the seniors were treated to a rendition of "Deck the Halls" and other Christmas carols by nearly a dozen attorneys and staff. Plus, the seniors didn't leave empty handed. The firm gave each attendee a cash gift and other favors to help them celebrate the holidays.

\$11 MILLION APPELLATE JUDGMENT EARNS TEAM “MOST EFFECTIVE LAWYERS 2011”

Partners **Julie H. Littky-Rubin**, **Donald R. Fountain, Jr.** and **W. Hampton Keen** were named Most Effective Lawyers 2011 by The Daily Business Review in the category of Appellate Law. More than 300 attorneys and business leaders attended the Daily Business Review’s luncheon in Miami where the partners were presented with this prestigious honor.

Julie H. Littky-Rubin, the firm’s appellate lawyer, persuaded a three-judge appellate panel to reverse itself on a motion for rehearing and reinstate an \$11 million judgment against Mitsubishi in the death of a passenger from a rollover crash. At the trial, the trial team argued that the Mitsubishi SUV’s passenger seat belt and seat back were defective, causing the passenger to be partially ejected during a rollover which resulted in his death.



ATTORNEY: MARK W. CLARK // W. HAMPTON KEEN

COMMITMENT TO EDUCATION: FIRM CO-SPONSORS LUNCHEON TO BENEFIT SCHOLARSHIP FUND

Clark Fountain recently co-sponsored the 33rd annual “White Rose Luncheon” at the Ritz-Carlton in Palm Beach to benefit the West Palm Beach chapter of The Link, Inc. Proceeds from the luncheon benefit scholarships for Palm Beach County students planning to study fine arts at major universities and colleges. Since 1978, The Link, Inc. has awarded more than \$200,000 to graduating seniors.

CLARK FOUNTAIN AMONG “BEST LAW FIRMS” IN THE COUNTRY



Clark Fountain has been recognized in the 2011-2012 edition of the U.S. News & World Report and Best Lawyers™ rankings of the “Best Law Firms” in the country. The firm received high rankings in the areas of personal injury litigation, medical malpractice law and product liability litigation.



FIRM WINS \$352K VERDICT AFTER REJECTING \$50K PRETRIAL OFFER

Attorneys **Mark W. Clark** and **W. Hampton Keen** won a \$352,000 verdict in September 2011 for a client who sustained a tibial plateau fracture during an accident. The fracture did not require surgery at the time of the accident; however, the 65-year-old plaintiff eventually had arthroscopic surgery for cartilage damage in her knee. The defendant’s insurance company, State Farm, only offered \$50,000 to settle the case before trial. Clark and Keen won the verdict, despite physician testimony for the defense that the plaintiff’s arthroscopic surgery was not related to the accident, but was the result of pre-existing arthritis.

ATTORNEYS: NANCY LA VISTA



PARTIAL SETTLEMENT REACHED FOR BREAST CANCER PATIENT AGAINST NEGLIGENT PROVIDER

When our client thought she felt a lump in her breast, she did what all women should do: immediately sought medical evaluation and diagnosis from her doctor. Unfortunately, through a series of errors caused by health care providers, there was a delay in her diagnosis, which drastically changed her medical outcome. A partial settlement was reached with one health care provider, and Clark Fountain continues to seek justice through the court in an effort to hold the other responsible parties accountable.

MEET:

POORAD RAZAVI, ESQ. // Associate Attorney



When **Poorad Razavi**, an experienced trial lawyer, worked as an insurance defense attorney in Miami handling high-exposure catastrophic injury suits arising out of automobile negligence, wrongful death, products liability and negligent security cases, he worked side-by-side with insurance companies and corporate defendants to minimize their losses in law suits. But something was missing for him—the human element; the reason he began a career in law.

Now, as an associate at Clark Fountain in West Palm Beach, he will parlay his experience on the insurance defense side to seek justice for clients who have been injured as a result of the carelessness of others. Razavi concentrates his practice in the areas of personal injury, wrongful death and products liability litigation. He has dual licensure in California and Florida, and will handle cases for clients in both jurisdictions.

“Because Poorad worked as an insurance defense attorney, he offers clients a unique perspective into the mindset of insurance companies and corporate defendants,” said managing partner, Mark Clark. “His experience gives him a distinct understanding of how insurance companies evaluate claims, what they look for to settle a case and how to maximize the value of a claim in order to ensure clients receive full and fair compensation for their injuries.”

Born in Iran, Razavi moved to Greece where he spent several years of his childhood before relocating to the United States with his family. He earned his Bachelor of Science in international business and business economics from Indiana University’s prestigious Kelley School of Business, and his Juris Doctor from the University of Cincinnati College of Law. In 2010 and 2011, he was named a “Florida Rising Star” by Florida Super Lawyer magazine; a distinction given to less than 2.5 percent of lawyers in Florida. He is fluent in Farsi and conversational French.

And how does a busy, successful trial attorney spend his time outside of the office? “I love being involved in the community, I’m an avid sports fan and love to travel,” he said. In fact, bungee jumping and canyon jumping are just a couple of “leisure” activities he’s partaken in recently.

To learn more about Clark Fountain’s newest associate, visit www.ClarkFountain.com, or contact Poorad Razavi at prazavi@clarkfountain.com or 561.899.2133.

STAY IN THE KNOW



Visit us at our headquarters on the Intracoastal Waterway in West Palm Beach, Fla., or online at www.ClarkFountain.com.

Stay informed with the latest consumer recalls, legal news, legislative issues and our case updates by signing up for the monthly e-version of Legal Edge on our website. While there, you can also sign-up to receive the electronic copy of the popular Week in Torts, a summary of Florida case law authored by Board Certified appellate attorney, Julie H. Littky-Rubin.



Scan this code using a QR reader on your smartphone to quickly access Clark Fountain's web site.

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

866.643.3318 // 561.899.2100 // www.ClarkFountain.com

Clark, Fountain, La Vista, Prather,
Keen & Littky-Rubin
1919 N. Flagler Drive
West Palm Beach, FL 33407

