



THE LEGAL EDGE

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In This Issue:

Case Results
Legal Insights
Product Recalls

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CASE RESULTS

FIRM ATTORNEYS SUCCEED IN REACHING CONFIDENTIAL SETTLEMENT IN CHALLENGING CASE AGAINST GM

Attorneys Poorad Razavi and Don Fountain recently obtained a confidential settlement with automobile maker General Motors. The lawsuit involved the death of a woman who was a passenger in a car involved in a rollover accident that resulted in the roof being crushed. GM focused on shifting liability toward the tortfeasor that had initially caused the accident due to the Florida Legislature's retraction of the D'Amario case several years earlier.

Razavi and Fountain had to overcome difficult issues with the tortfeasor, who was driving over 100 MPH when he collided with their client's vehicle, and who has a lengthy criminal record including assault, domestic battery and drug possession. Despite the challenges faced, they were successful in obtaining a favorable confidential settlement on behalf of their client without the need for a lengthy trial.

TRAGIC PREVENTABLE DEATH AFTER 911 TEAM SAID TO "CALL BACK"

The medical malpractice team of Clark Fountain recently pursued a devastating case on behalf of five children after their mother tragically died, likely as a result of a 911 rescue team's actions who hours earlier told her that "it was a terrible time to go to the ER".

Having been earlier diagnosed with pneumonia, Ms. Hollis called 911 complaining of fever and difficulty breathing and was told that because it was New Year's Eve, it is was not a good time to go to the emergency room. The rescue team recommended that she turn down her air conditioner. The next morning, in dire medical condition, Ms. Hollis' family called 911; the same rescue team answered the call to find that Ms. Hollis was not breathing. Sadly, it was too late. She was pronounced dead at the hospital.

Faced with a statutory cap and potentially years of protracted litigation, and the need for a Claims Bill, the family chose to settle the case.

LEGAL INSIGHTS

CARMAX CRITICIZED FOR SELLING USED CARS WITH ACTIVE RECALLS



Consumer advocacy groups recently condemned auto dealer CarMax for selling cars with pending recalls, according to a New York Daily News article. The two groups, Consumers for Auto Reliability and Safety and the Massachusetts Public Interest Research Group, claim that more than 17 percent of cars on sale at the

CarMax North Attleborough location in Massachusetts were subject to federal safety recalls and had not been repaired.

CarMax responded with the following statement: “To ensure our customers are well informed about recalls, CarMax provides vehicle-specific information about open recalls to every retail customer prior to purchasing a used vehicle from our stores. ...We have found that [manufacturers’] dealers are more often likely to provide timely recall repair to customers rather than to a competitor, like CarMax.” Read more [here](#).

HACKERS INTERCEPT LAWYER-CLIENT EMAILS, STEAL CLOSING FUNDS

According to the [ABA Journal](#), a new hacker scheme is underway in the United Kingdom, as well as in the United States. Hackers have intercepted emails between lawyers and clients in an attempt to steal closing funds. To date, the scheme has been successful in 91 cases in the UK.



CAN INJURED THIRD PARTY SUE FOR MEDICAL MALPRACTICE?

The New York Court of Appeals recently ruled that an injured third party can sue a hospital for medical malpractice, according to [The National Law Review](#). The case, *Davis v. South Nassau Communities Hospital*, involved Lorraine Walsh, who went to the emergency room with stomach pains, was given a heavy pain medication by the doctor, and was then discharged without being informed that the medication could impair her driving ability. On the way home, Ms. Walsh crossed into incoming traffic and crashed into Edward Davis’ car. Davis sued the hospital and the physician, and the lawsuit was eventually brought to the state’s Appeals Court.



RECALLS

MAZDA RECALLS 374,000 VEHICLES FOR FAULTY TAKATA AIRBAGS



According to [CNBC](#), Mazda has announced a recall covering 374,000 vehicles due to potentially defective passenger-side Takata airbags. The recall also includes the 2003-2008 Mazda6, 2006-2007 MazdaSpeed6 and 2004 RX8. This latest Takata airbag recall was prompted after testing showed additional airbag inflators could become prone to ruptures.

FORD ISSUES RECALL FOR 317,000 VEHICLES

Ford Motor Co. issued three safety recalls and one safety compliance recall for about 317,000 vehicles, according to [The Detroit News](#). Included in the recall are, 313,000 2003-2005 Crown Victoria and Mercury Grand Marquis due to a lighting control module issues, 177 2016 F-650 and F750 trucks to replace rear air brake chambers, 1,300 2015 Ford Transit dual-rear-wheel vehicles to replace rear axle shafts, and 3,200 2015 F-150 SuperCrew vehicles to replace the front safety belt retractor and pretensioner assembly.



WALMART RECALLS 330,000 ELECTRIC GRIDDLES



Walmart has issued a recall for Rival brand electric griddles. The heating element can crack and cause water to get inside, posing a shock hazard when the griddle is plugged in, according to the [Consumer Product Safety Commission](#). The griddles

are sold exclusively at Walmart. The recall covers about 330,000 griddles.

BUILD-A-BEAR RECALLS STUFFED ANIMALS

According to the [Consumer Product Safety Commission \(CPSC\)](#), Build-A-Bear Workshop has recalled its Starbrights Dragon stuffed animal. The satin seam on approximately 33,600 stuffed animals can open, exposing the stuffing material, which could pose a choking hazard. Additional recent consumer recalls are available on [CPSC](#) web site.



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