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Case Resolutions

Confidential Settlement Reached in Commercial Trucking Accident Resulting in Multiple Surgeries, Total Knee Replacement

While driving on I-75 in Nokomis, Florida, our client was struck by a commercial truck and sustained severe injuries that required multiple surgeries to her shoulder and knee, including a total knee replacement. The truck lost control after a tire blowout and struck the right side of our client's vehicle, dragging it to the shoulder of the interstate and causing it to crash head-on into a guardrail.

Partner David C. Prather filed suit alleging the well-known national trucking company was negligent in the maintenance of the company vehicle, stating the tire blowout was a result of improper inspection and maintenance, which ultimately led to the defective condition of the tire at the time of the accident. Prather successfully resolved the case before trial for a significant amount. The settlement will compensate our client's medical expenses, as well as any treatment she will need in the future. It will also compensate her for the mental anguish she suffered as a result of the accident.

Partner Julie H. Littky-Rubin Assists Local Trial Firm in Obtaining a New Trial After Trial Judge Refused to Grant Plaintiff's Peremptory Strike on a Juror of Color

A local trial firm retained appellate counsel, Julie Littky-Rubin, to assist with trial support in representing its client in a tragic wrongful death case. The plaintiff's husband of over thirty years was innocently on his way home from work on a road where

to over a billion dollars recovered for our clients.

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construction was being done in St. Lucie County. No one accused the man of doing anything wrong, but two other distracted drivers—one operating a car and the other a tractor-trailer, caused an accident that resulted in the eighteen-wheeler running over the decedent's vehicle and killing him.

The evidence showed the truck driver was on his cell phone at the time of the crash, but the jury ultimately determined that the other driver was 100% responsible for killing the plaintiff's husband.

During the jury selection process, the plaintiff tried to use a peremptory strike on an African- American female juror, who candidly advised that she had been married to a tractor-trailer driver for over thirty years. Plaintiff's counsel sought to strike the juror from serving, concerned that her relationship with her husband and the challenges he faced would lead to possible bias. However, because the defendant truck driver was also African-American, the trial judge denied the peremptory strike, refusing to find the fact that the potential juror had been married to a tractor-trailer driver for over thirty years was a "race-neutral" reason to exclude her, and finding that she would be the only African-American person to serve on the jury.

Notwithstanding the almost three-week trial, Ms. Littky-Rubin, along with trial counsel from the referring law firm, convinced the trial judge that he had made a mistake, resulting in the grant of a new trial. As the trial judge wrote in his Order granting the new trial:

It is not easy for a court to have the Appellate Court rule against it, much less for the Court to rule against itself; but justice is a far greater taskmaster than the Court being right.

The matter is currently on appeal, and the plaintiffs are hopeful that a new trial without a potentially biased juror will yield a very different result.

Firm News

FJA Presents Managing Partner Mark Clark with EAGLE Centurion Award

[The EAGLE Centurion Award](#) represents a lifetime commitment to leadership and public justice advocacy and recognizes an exceptionally generous individual contribution to the Endowment for Association Giving to Law and Education (EAGLE) program.



Florida Trend Names Five Attorneys to Legal Elite



Partners Mark W. Clark, Nancy La Vista, David C. Prather, and Julie H. Littky-Rubin have been selected for inclusion in the prestigious [Legal Elite](#) roster. Attorney Ben J. Whitman is featured as an “Up & Comer.”

David C. Prather Appointed Vice Chair of Florida Bar Judicial Nominating Procedures Committee

[The Judicial Nominating Procedures Committee](#)

establishes the rules and procedures for the state’s Judicial Nominating Commissions (JNC). The committee also assists the Governor and the Judicial Nominating Commissions in discharging their respective duties as outlined in the Constitution of Florida.



Recalls

Porsche Recalls 100,000 Vehicles Over Rollaway Concerns



The [Porsche recall](#) was announced after multiple incidents indicated a plastic part can come loose from its moorings, allowing the transmission to be in a different gear than the gear shift knob

implies. No property damage or injuries have been linked to the defective part.

Audi Recalls 265,000 Vehicles to Fix Airbag, Wheel Trim

[Several popular models](#) are being recalled in the U.S. for a faulty electrical connection that can deactivate the passenger airbag. The same vehicles feature wheel trim that can fall off and become a hazard on the road.



Mazda3 Recalled for Loose Lug Nuts



vehicle is in motion.

More than 25,000 2019 [Mazda3 vehicles](#) are being recalled because the lug nuts that hold the wheels in place may not have been properly tightened. The manufacturing error creates the potential for the wheels to fall off when the

Honda Recalls 1.6 million Vehicles Over Takata Airbags

According to a recent statement, Honda is ahead of the NHTSA's schedule for replacing defective Takata airbag inflators. The most recent recall is the last phase of its efforts to replace the potentially deadly Takata airbags.



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