



# THE LEGAL EDGE



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YOUR SOURCE FOR LEGAL NEWS AND UPDATES, CONSUMER ALERTS, FIRM NEWS AND MORE

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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 →](#)

### Visit our website today!

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 Resolutions

### Confidential Settlement Reached for Family in Wrongful Death Airplane Crash Case

A 58-year-old pilot took off from Stuart, Florida and refueled in Tennessee in route to northern Wisconsin for an airshow. During the flight from Tennessee to Wisconsin, a portion of the wing and/or engine detached from the aircraft, causing it to break apart mid-air, and ultimately crash in Illinois. The pilot was killed in the crash.

Managing Partner Mark Clark and Attorney Ben J. Whitman filed a wrongful death lawsuit against the FAA-approved aircraft maintenance company that serviced the plane a month prior to the crash, as well as the manufacturer of the wing components. The firm retained a materials engineer and aviation expert who showed the aircraft repair company failed to properly perform the repair of the aircraft wings, allowing the skin on the wing to peel off during flight. They were also able to identify a defect in the wing component parts.

As a result, Clark and Whitman were able to negotiate a confidential settlement and hold the defendants accountable for the wrongful death of the pilot.

### Confidential Settlement Reached After a Tractor Towing a Mower Deck Runs

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## Over Man, Resulting in Leg Amputation at the Hip Joint

During routine roadside mowing maintenance near Lake Okeechobee, our client brought his loaner diesel tractor that was pulling a large three-blade commercial mower deck to a stop, placed the transmission in neutral and exited the tractor to move metal debris out of his path. As he was moving the debris, the tractor unexpectedly jumped into forward gear and accelerated toward him. Our client attempted to pull himself back onto the tractor to reach the controls to stop it, but was trapped under the rear tire and struck by the blades, resulting in an amputation to his right leg at the hip joint. He also sustained significant traumatic lacerations to his left leg, and subsequent MRSA, concussion, and loss of hearing in his left ear.

An investigation by the Clark Fountain team revealed the transmission had been adjusted in such a manner that it had a "false neutral" defect, which could have been discovered and corrected had the shift linkage been properly inspected and adjusted prior to use. The condition permitted normal engine vibration to jump the transmission from neutral to forward without any movement of the shift lever. Partner Donald R. Fountain and Attorney Ben J. Whitman filed suit against the farm tractor supplier for negligent inspection and maintenance. The confidential settlement will help our client with his current and future medical costs, as well as compensate him and his family for the loss of his working ability as a lawn maintenance provider.

### Firm News

**Mark W. Clark Named 2020 "Lawyer of the Year" in Product Liability Litigation**

The 26th Edition of *Best Lawyers® in America* has named Managing Partner Mark W. Clark as [2020 “Lawyer of the Year” in Product Liability Litigation](#). Only a single lawyer in each practice area and community is honored with a “Lawyer of the Year” award, which is based on a rigorous peer-review survey.



## Partners Recognized as Best Lawyers® in America 2020



Partners Mark W. Clark, Donald R. Fountain Jr., Nancy La Vista, David C. Prather, and Julie H. Littky-Rubin have once again been [recognized by their peers for inclusion in the 26th Edition](#) of *Best Lawyers® in America* in the areas of Product Liability Litigation, Personal Injury Litigation, Medical Malpractice, and Appellate Practice.

## Attorney Jennifer Lettman Selected to Join the Craig S. Barnard American Inn of Court LIV

Attorney Jennifer Lettman was [selected to join The Craig S. Barnard American Inn of Court LIV](#), which serves as the local chapter of a nationwide network of judges and attorneys committed to fostering excellence in the legal industry.



## Recalls

### Mercedes-Benz Recalls SL-Class Models for Improperly Sewn Airbags



Mercedes-Benz

Poor sewing in select 2018 and 2019 [Mercedes-Benz SL-Class models](#) can allow for the passenger-side front airbag to tear during deployment, reducing

their effectiveness. Supplier testing revealed two instances of the torn airbags.

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### Toyota Recalls Select RAV4 SUVs Due to Faulty Backup Camera

A possibly damaged electrical connector can prevent the backup camera in nearly 15,000 [RAV4 SUVs](#) from activating when the vehicle is in reverse.



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### Mazda3 Recalls Headrests



Nearly 10,000 2019 [Mazda3 vehicles are being recalled](#) due to headrest issues. Improper installation of the seat cover material for the front driver and passenger seatbacks can interfere with the lock release button, prohibiting the headrest from locking

in place.

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