



THE LEGAL EDGE



CLARK · FOUNTAIN
LA VISTA · PRATHER
& LITTKY-RUBIN

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

March
2019

In This Issue:
Case Results
Firm News
Product Recalls

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 Resolution

Confidential Settlement Reached in Wrongful Death Caused by Defective Vehicle Headrest

Our client and her husband of nearly 50 years were traveling on the Florida Turnpike in their new full-sized four-door pickup truck. As traffic began to slow, our client's vehicle was struck from behind. Our client and her husband were both wearing seatbelts. Our client suffered only minor injuries, but her husband died on scene from a fatal spinal fracture.

Partner Donald Fountain and Attorney Ben Whitman hired a team of experts to inspect the vehicle. The investigation revealed the impact of the collision caused the driver's headrest to fracture and break, forcing the driver's head and neck to hyperextend, which resulted in a fatal fracture and aortic dissection.

Fountain and Whitman brought the case against the vehicle manufacturer on six counts for design defects, manufacturing defects, and defective warnings and instructions, as well as the insurance company of the driver and owner of the commercial vehicle that caused the accident for their negligence.

A confidential settlement was reached that will provide financial security for our client and her family.

Confidential Policy Limits Settlement Reached with Tire Shop After Negligent Inspection Leads To Tire Blowout, Death of a 16-Year-Old Boy

A 16-year-old boy was a passenger in his friend's vehicle on I-95 in Miami-Dade County when the left rear tire on the vehicle failed. The driver steered the vehicle toward the shoulder of the

Website →



Stay "In the Know"



Join the Conversation



Connect with Our Legal Leaders

interstate but was unable to navigate to the side of the road and out of oncoming traffic. The driver, passenger, and other occupants exited the vehicle to attempt to push it out of the travel lanes when they were struck from behind by a passing vehicle. Both the driver and passenger were killed.

The family of the deceased 16-year-old passenger hired Clark, Fountain, La Vista, Prather & Littky-Rubin to determine what caused the incident and their son's death. Attorney Ben J. Whitman was able to identify a used tire store/service facility that had performed an inspection on the vehicle and tires and also sold the two tires on the front axle of the vehicle to the driver.

Even though the failed tire was not sold by the facility, Whitman filed a lawsuit and sent a demand to the facility's insurance company arguing that the tire store/service facility had an obligation to inspect every tire on the vehicle and warn the owner that the rear tires were unsafe. Despite previously denying the claim, the insurance company agreed to pay the full insurance policy, which will provide financial security to the surviving parents.

Firm News

Partner David Prather Helps Women Negotiate for Salary, Cases at Mentoring Luncheon

Partner David C. Prather shared his knowledge and first-hand tips [during an IMPACT lunch](#) hosted by the Florida Association of Women Lawyers Palm Beach County Chapter. The discussion, titled "Know Your Worth: How to Ask for a Raise, Negotiate a Salary, and Compete for Work" was aimed at helping women in law speak up and start discussions about their salary and caseloads.



Associate Ben J. Whitman Presents at Florida Justice Association John Romano's Workhorse Seminar



Associate Ben J. Whitman presented "Liability Theories and Litigation Strategies in Electrocution & Utility Cases" at the Florida Justice Association John Romano's Workhorse Seminar in Orlando, FL. Whitman, who has [presented](#) at the seminar in years before, outlined fact patterns and investigative considerations before reviewing two recent cases.

Now Hiring: Associate Attorney with Experience in Personal Injury/Product Liability

We are looking for a [Florida licensed attorney](#) with judicial clerkship experience and/or three to seven years of experience in personal injury and/or product liability litigation to join the Clark, Fountain, La Vista, Prather & Littky-Rubin team.



Clark Fountain Representing Veterans in 3M Combat Arms Earplug Lawsuit



Clark, Fountain, La Vista, Prather & Littky-Rubin is representing veterans suffering from hearing loss and/or tinnitus (ringing in the ears) that developed as a result of using the Dual-Ended Combat Arms™ Earplugs, Version 2 (CAEv2) from 2003 to 2015.

South Florida Legal Guide Names Clark Fountain Partners as "Top Lawyers," Firm as "Top Law Firm"

The 2019 edition of the South Florida Legal Guide [named all six partners](#) at Clark, Fountain, La Vista, Prather & Littky-Rubin as "Top Lawyers" and the firm a "Top Law Firm."



Recalls

Honda, Acura Recall 1.1 Million Vehicles for Takata Air Bag Issue



The recall covers both Honda and Acura vehicles, across model years ranging from 2001 through 2016. The recall is for previously replaced airbag inflators. Honda said in its announcement that the vehicles in the recall got replacement airbag parts from Takata in a former recall and that those parts “are now deemed defective.”

Claire's Recalls Makeup Possibly Contaminated with Asbestos

Claire's has issued a voluntary recall of three makeup products that regulators said tested positive for asbestos. The recall involves certain batches of three cosmetic products: Claire's Eye Shadows, Claire's Compact Powder and Claire's Contour Palette.



Unsubscribe instantly from these emails by [clicking here](#).



CLARK · FOUNTAIN
LA VISTA · PRATHER
& LITTKY-RUBIN

866.643.3318 | CLARKFOUNTAIN.COM