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Case Results

October
2016

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Wrongful Death Results in \$2.5 Million Recovery for Bad Faith on \$30,000.00 Policy

David C. Prather was recently contacted by a referral attorney in New York City to represent the family of his former college roommate whose step-daughter was tragically killed riding her motor scooter on the streets of Tampa, Florida at the young age of 21.

The lawsuit was filed against the used car dealership whose vehicle was being test driven at the time of the collision. The adverse driver failed to notice the decedent's scooter and pulled directly into her path of travel causing injuries which ultimately led to her death after two days of life saving medical treatment failed.

The dealership only had the required amount of insurance to obtain a "dealer" license plate of \$30,000.00. Based upon the failure of the insurance company to timely pay the dealership's \$30,000.00 liability limits, David C. Prather was successful, along with bad faith counsel, in obtaining a \$2.5 million total recovery on behalf of the parents of their deceased daughter.

Airbag malfunction leads to serious injuries and confidential settlement

A firm client was seriously injured in a single vehicle collision when his vehicle left the roadway and struck a solid concrete wall head on. After consulting with a couple of attorneys from other firms the client was told that nothing could be done for him and that he had no case because the accident appeared to be his fault. He was then referred to Clark Fountain for a final opinion. Don Fountain and Poorad Razavi purchased the accident vehicle and moved it to the firm's evidence retention facility for detailed evaluation. Inspection immediately determined that the steering wheel mounted drivers airbag did not deploy during the crash and that the crash severity was such that the airbag sensors were definitely triggered and the airbag unquestionably should have inflated. It was also determined that if the airbag had functioned properly the vast majority of the clients injuries would have been prevented.

Expert evaluation by experts retained by the firm determined that although the air bag itself was not defective the computer control module that was responsible for directing the airbag when to inflate contained a defect that prevented the "fire" signal from ever being sent to the airbag. In essence, the vehicles on board computer never

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told the airbag to inflate during the accident. The firm invited the vehicle manufacturer, airbag manufacturer, air bag control module manufacturer, and their experts to inspect the vehicle at the firm's evidence retention facility. Shortly following these inspections the firm reached a confidential settlement for the client who had been told that he had no case

Legal Insights

Clark Fountain Represents Patient with ECT-Related Memory Loss

Clark Fountain's Nancy La Vista is representing a client in a [medical malpractice](#) case against Dr. Praturi Sharma. The client visited Dr. Sharma in 2010 to treat depression. According to the complaint, Dr. Sharma failed to obtain informed consent before administering electroshock therapy at unusually high voltages, causing serious brain injury and memory loss.

Brake Defect Leads to Toyota Prius Recall

Reports of a serious parking brake defect prompted Toyota to initiate a [massive recall](#) of one of its most popular car models, the Toyota Prius. The defect, which causes the parking brake to stop working while the engine is running, could affect up to 340,000 cars. Investigators are still looking into accidents, injuries, and fatalities possibly linked to the defective vehicles.

Roadway Design Cases: What You Should Know

Most car accidents involve a common factor: human error. But did you know the responsible party doesn't always have to be another driver? In some cases, [defective road designs](#) lead to serious – even fatal – automobile accidents. Common road defects include: missing rails, visual obstructions, missing signs, narrow shoulders, steep shoulders, poorly marked pedestrian crosswalks, and more.

RECALLS

Chimparoo Baby Carriers

1,000+ Chimparoo brand Trek baby carriers were recalled after Chimparoo found that the straps of the carrier [straps can loosen suddenly](#), causing the child to slip and fall. If you have this product, stop using it immediately and contact Chimparoo to receive a replacement buckle. This product was sold in stores (such as Granola Babies and Top to Bottom) and online, including Amazon.com and Chimparoo.com.

Summer Classics Rocking Lounge Chair

About 800 rocking lounge chairs were recalled by Summer Classics this month when the patio furniture company found that some of its [bucket-seat lounge chairs can break apart](#), causing users to fall. The recall affects the following styles: Skye, Charleston, Bentley, Belize, and Aire. If you own a chair affected by the recall, contact Summer Classics for a full refund.

Fiddle Diddles Car Seat Strap

Several hundred Fiddle Diddles LullaBelay adjustable car seat strap systems have been recalled because of a [choking hazard](#). The system, which contains small parts, can disassemble during use and create a choking hazard to children. Products with the model number "LB1001" are affected. If you own this product, contact Fiddle Diddles for a free repair kit to remedy the problem.

Sargent Art Craft Paint

2.8 million units of craft paint were recalled after Sargent Art found that the product contained [harmful bacteria](#) in 13 varieties of finger and tempera paints. Exposure to the paints can lead to illness and bacterial infection. If you purchased this product (sold at Walmart, Hobby Lobby, and other stores), stop using it and contact Sargent Art for a refund.

Specialized Road Bicycles

Roughly 1,000 bicycles were recalled by Specialized for a defect that causes the [rear wheel](#) to disconnect from the bicycle. The recall occurred after several reports, including one injury, related to the defective product. The recall includes 2016 Specialized Venge Pro Vias and Venge Vias bicycles. Anyone who purchased this product can contact Specialized to get it repaired.



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