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Case Results

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In This Issue:
Case Results
Legal Insights
Product Recalls

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Hampton Keen and the firm recently resolved litigation against a product manufacturer involving the catastrophic failure of the driver and front passenger's respective seatbacks during a highway accident.

Although the back seat passengers fortunately escaped with minor injuries, the front seat passenger was killed when his seatback collapsed and the driver sustained a cognitive brain injury due to his seat's failure. Having handled multiple seatback failure cases throughout the country, the firm and its team of experts determined that the seatbacks were defective when involved in a moderate speed, rear impact and filed a lawsuit against the manufacturer. After several years of litigation, Keen successfully resolved the litigation, thereby helping to ensure that the emotional and economic needs of his clients were met.

The Clark Fountain law firm was recently appointed interim class counsel and members of Plaintiffs' Executive Committee along with several other law firms in the pending class action lawsuit that alleges a defective Continental Airbag Control Module in 2008-2010 Honda Accords may result in a non-deployment of the airbag in the event of a collision requiring the deployment of an airbag. Following firm attorneys Don Fountain and Poorad Razavi's filing of the class action lawsuit, Honda subsequently issued a recall for the very same issues alleged in the Complaint. The alleged defect has also resulted in warnings or recalls issued on the following vehicles, which are also being included in the class action lawsuit: 2008-2009 Chrysler Town and Country, 2008-2009 Dodge Grand Caravan, 2009 Dodge Journey, 2008-2009 Mercedes Benz C Class, 2008-2009 Audi A4, A5, and Q5, 2010 Mercedes Benz GLK Class, and 2009 Volkswagen Routan.

Legal Insights

Tobacco Case Ends in Mistrial, BigLaw Partner Accused of "Egregious" Comments

Miami-Dade Circuit Judge William Thomas declared a recent tobacco case a mistrial before ordering a partner from King & Spalding to show cause regarding why sanctions should not be handed out due to the cost of a retrial. The partner was accused of making an improper comment to an expert witness during the questioning. [The](#)

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[report](#) shows that the lawyer made a comment regarding another similar case result, which was also untrue.

Starbucks Lawsuit Thrown Out

A [recent lawsuit brought against Starbucks](#) was thrown out by a federal judge in Los Angeles. The case alleged Starbucks of using more ice to shortchange the amount of liquid used in customers' drinks. The plaintiff in the case claimed that the iced beverages contained up to 10 ounces less liquid than it had claimed to hold. Starbucks was accused of fraud, negligent misrepresentation, unjust enrichment, and breach of warranty.



One "Making a Murderer" Suspect Conviction Tossed, Judge Calls Lawyer's Conduct "Inexcusable"

A Wisconsin man who was convicted of helping his uncle kill someone has had his conviction overturned by a federal magistrate judge. The decision came with the judge claiming that the interrogators' techniques were coercive. [This was the murder case that was examined by "Making a Murderer"](#), a popular series on Netflix. Prosecutors were given 90 days to attempt to retry the man. The judge called the man's initial defense lawyer's conduct inexcusable ethically and tactically. The judge cited the investigators disclosing unknown information and using leading questioning when speaking with the man.



RECALLS

Step-iT Activity Wristband Recalled by McDonald's



McDonald's has [issued a recall](#) on the Step-iT activity wristband, including roughly 29 million units in the United States and another 3.6 million from Canada. According to the recall, the company has already received over 70 reports of adverse events regarding the wristband. These reports include seven claiming the users suffered blisters after wearing the wristband. McDonald's cites skin irritation and a potential for burns as the reason for the recall. Consumers can take the recalled wristbands to any McDonald's to return them for a replacement toy for free, as well as apple slices or a yogurt tube..

34,000 Video Baby Monitors Recalled

[Lorex has recalled their Care 'N' Share video baby monitors](#), models WL3520, WL4320, and WL3401. According to the report, roughly

34,000 units (26,000 in the U.S. and 8,000 in Canada) have been recalled because the potential of the monitor's batteries overheating, swelling, and expanding. This has the potential to cause the cover of the batteries to come off, exposing the hot battery and risking a potential burn hazard. The company has received a total of 488 reports of overheating, as well as 140 of the reports detailing the battery pack expanding. Consumers should stop using the monitors immediately and seek a full refund from Lorex.



Children's Jewelry Recalled for Lead Standard Violation



Silver bracelets and charm necklaces from Things Remembered [have been recalled](#) due to the clear coating on the children's jewelry containing lead. The reports state that the amount of lead exceeds the amount allowed and, if ingested by children, can cause adverse health problems. The recalls include 7,000 total bracelets and another 3,400 necklaces sold in the United States and Canada. The bracelets are 6 inches, silver plated, and have 10 silver hearts and 1 heart-shaped charm. The necklaces are 13 inches and have three total charms, including a pink cupcake, a pink ice cream cone, and a gold-plated tag with the word "Sweet" engraved.

82,000 Vehicles Recalled by Mitsubishi Due to Transmission Issues

Mitsubishi Motors Corp. has [recalled a total of 82,436 vehicles](#) due to transmission issues that could cause an acceleration delay. According to the report, the recall includes certain models from the Outlander Sport crossovers series (2015-2016), the Outlander crossovers series (2016), and the Lancer compact series (2016). The vehicles have "constant velocity transmissions" that, at times, can experience a delay in acceleration due to a loss of signal. This increases the risk of an accident. Consumers can take the vehicle to the dealers where the affected transmissions will be reprogrammed for free..



Ford Issues Recall Affecting 88,000 Vehicles, Including All Police Interceptors Made Between 2013 and 2015



Ford is [recalling more than 88,000 SUVs and vehicles](#), including every Ford Police Interceptor build between 2013 and 2015. According to the report, the vehicles contain fuel pump control modules that can potentially fail which would result in the vehicle stalling when not expected. After the stall, drivers would not be able to turn the vehicle back on. The other vehicles involved are the 2013-2015 Ford Flex and Taurus models, as well as the Lincoln MKT and MKS

models. The recall will only apply to vehicles that have the 3.5-liter EcoBoost V6.

830,000 Ford and Lincoln Vehicals Recalled Due to Faulty Latches

Earlier this month, Ford Motor [recalled roughly 830,000 Ford and Lincoln model vehicles](#) due to faulty latches on the side doors that could become unlatched while driving. This recall includes the 2013-2015 Ford C-MAX, 2013-2015 Ford Escape, 2015 Ford Mustang, 2015 Lincoln MKC, and 2014-2016 Ford Transit Connect. The company has claimed one injury and one incident reported that may be associated with the faulty latch. Consumers can take their vehicles to a dealer for a free replacement side door latch installed.



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