



# THE LEGAL EDGE



CLARK · FOUNTAIN · LA VISTA  
PRATHER · KEEN & LITTKY-RUBIN

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

## Case Results

JULY  
2016

**In This Issue:**  
Case Results  
Legal Insights  
Product Recalls

Get A FREE Case Evaluation  
from Clark Fountain

[Free Evaluation →](#)

Clark, Fountain, La Vista, Prather, Keen & 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 web site for details or call us at 866.643.3318

[Referrals →](#)

Visit the brand-new  
website today!

### **Firm's Experience with Federal Trucking Regulations Leads to Multiple Million-Dollar Recoveries for the Firm's Clients**

Commercial motor vehicles, such as tractor-trailers, are subject to a unique set of safety rules known as the Federal Motor Carrier Safety Regulations (FMCSR) knowing these rules and regulations, help to maximize recovery of victims injured in truck crashes. The attorneys at Clark Fountain have years of experience handling cases on behalf of clients injured by tractor-trailers that are subject to these regulations. Just this past month, Mark W. Clark and Christa L. McCann obtained a \$1 Million recovery for a client who was injured when a tractor-trailer collided with his vehicle as he was traveling on a highway in South Florida which required him to undergo a lumbar fusion at the L5-S1 level and arthroscopic shoulder surgery. Clark and McCann were able to establish that the tractor-trailer driver violated provisions of the Federal Safety Regulations in order to prove liability.

In another case pending in Central Florida, Clark and McCann represent a family of five Chinese tourists who sustained catastrophic injuries including quadriplegia and traumatic brain damage when a semi tractor-trailer made an improper right turn from the left lane across the clients' lane of travel. As a result, the driver of the client's vehicle was required to take evasive action but was still unable to avoid colliding with the rear of the trailer. Clark and McCann have established that the driver of the tractor-trailer violated key provisions of the FMCSR, which requires drivers of commercial vehicles to make a right hand turn "as close as practicable to the right-hand curb or edge of the roadway" and to ensure that no vehicles are, passing them or otherwise in their path of travel before beginning their turn.

The firm also handles cases throughout the state of Florida and the United States, and has obtained multiple million dollar recoveries on behalf of clients injured or killed as a result of tractor-trailer accidents in states such as California, Alabama and Georgia, just to name a few. In a case currently pending in Georgia, Clark and attorney, Ben Whitman, represent a father and son who were severely injured when a tractor-trailer struck their vehicle at a high rate of speed as they were traveling on I-75. Clark and Whitman are relying on key provisions of the FMCSR in pursuing claims against the owner and operator of the tractor-trailer for serious neurological and orthopedic injuries sustained by their clients as a result of the

Learn about our more than 220 years of combined experience exclusively focused on the practice of personal injury law, what distinguishes Clark Fountain from others, and our case results that have translated to hundreds of millions of dollars for past clients.



New Website →

accident.

## Legal Insights

### Popular Pokémon Go Game Brings Legal Questions



A new popular cellphone game, Pokémon Go, is [bringing with it some legal questions](#) due to liability issues regarding the risk of injury as players walk around the physical world focusing solely on their phone. The game's terms of service remove liability regarding property damage, injury, or death while playing the game.

---

### The Future of the Indiana Medical Malpractice Act

According to [The Indiana Lawyer](#), there will be new caps in medical malpractice cases. During this year's session of the Indiana General Assembly, the damage caps were increased and that new cap would be effective July 1, 2017. With the new change, the new \$1.65 million cap will become \$1.8 million by July of 2019. Plaintiff attorneys will also see an increase in percentage for maximum compensation from 15% to 32%.



---

### Attorney Fees Limited by 7th Circuit

In a case involving class-action lawyers who represented accountants who received unsolicited legal newsletters, the Chicago-based 7th U.S. Circuit Court of Appeals ruled that the [lawyers were not entitled](#) to fees on the \$4.2 million available to the claimants. Instead, they would be able to claim fees based on how many accounts claimed their \$500 in damages.



## RECALLS

### 10 Manufacturers Recall Over 500,000 Hoverboards



On June 6, 2016, 10 different firms [recalled more than 500,000 self-balancing scooters](#), also known as hoverboards. The recall cites a potential fire hazard after overheating. These were popular items around Christmas 2015, but numerous reports and videos have surfaced regarding the products catching fire or exploding, sometimes while charging, others while in use.

---

## 28,000 Kawasaki Off-Highway Vehicle Recalled

Kawasaki USA has [recalled roughly 28,000 off-highway vehicles](#) due to a potential injury risk posed to the riders. The recall claims that the front floor cover has the potential to be punctured by a foreign object. As a result, the company is offering free repairs, encouraging consumers to halt use of these vehicles and take it to a local authorized Kawasaki dealer. The recall includes the Mule Pro side-by-side recreational off-highway vehicle, model years 2015, 2016, and 2017.



---

## Swivel Wheel Jogging Strollers Recalled by Pacific Cycle



Citing a possible crash and fall hazard due to the front wheel becoming loose and detaching from the frame, [Pacific Cycle has recalled 217,600 units of the Instep and Schwinn swivel wheel jogging strollers](#). The recall includes single and double occupant jogging strollers equipped with a quick release mechanism that allows the user to remove and reattach the front wheel. The following models may be affected: Instep Safari, Instep Grand Safari, Instep Flight, Schwinn Turismo, and Schwinn Discover (single and double occupant jogging strollers).

---

## URBAN626 Recalls Electric Scooters

[URBAN626 is recalling about 1,200 electric scooters](#) — their URB-E model — due to a potential fall hazard. According to the recall, there is a bolt below the seat that has the risk of cracking which could cause the rider to fall and sustain injury.



CLARK • FOUNTAIN • LA VISTA  
PRATHER • KEEN & LITTKY-RUBIN

866.643.3318 | CLARKFOUNTAIN.COM

Clark Fountain | 1919 N. Flagler Drive | West Palm Beach, FL 33407 | United States  
[Unsubscribe](#) from future marketing messages from Clark Fountain