



THE LEGAL EDGE



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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

Case Resolution

TIRE BELT SEPERATION RESULTS IN DEATH OF MOTHER OF THREE

Mark Clark and Ben J. Whitman successfully resolved a wrongful death case arising out of a rear tire tread belt separation and subsequent rollover accident. As a result a mother of three was tragically killed. Clark Fountain were contacted by out of state attorneys to handle this wrongful death case because of the firm's prior experience and expertise in handling tire failure and rollover cases. Whitman and Clark filed suit against multiple parties and the case was extensively litigated. Over thirty (30) depositions were conducted in over eight different states and multiple days of highly contested pretrial hearings were completed. On the eve of trial, the defendants agreed to pay a series of settlements to resolve the survivor's claims arising out of the devastating and preventable death of their mother.

Legal Insights

Six Clark Fountain Attorneys Named to Florida Trend's 2017 Florida Legal Elite



Clark, Fountain, La Vista, Prather, Keen & Littky-Rubin is pleased to announce that [six of our firm's attorneys have been named to the Florida Legal Elite](#) list for 2017 by Florida Trend. This is a significant accomplishment that stands testament to an attorney's legal abilities and standing in the local and legal communities. No more than 2% of all active lawyers in the entire state are named to the annual list.

This year's publication include the following Clark Fountain Attorneys: **Partners Mark Clark, Nancy La Vista, David Prather, W. Hampton Keen, Julie Littky-Rubin, and Associate Christa McCann.**

Having one attorney distinguished among the Florida Legal Elite is impressive in and of itself, but having six attorneys named to the

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list speaks immensely about the level of service provided by our firm and our legal team's ability to work collaboratively for the benefit of seriously injured victims and families. We congratulate all attorneys recognized in this year's list.

Partners Nancy La Vista and Julie Littky-Rubin Recognized Among Top 50 Women Florida Super Lawyers

Firm Partners Nancy La Vista and Julie Littky-Rubin were recently selected for inclusion in the Top 50: 2017 Women Florida Super Lawyers® list! In addition to being named to the Florida Super Lawyers list with several other Clark Fountain attorneys this year, [La Vista and Littky-Rubin were further distinguished among the 50 most accomplished and respected female attorneys out of roughly 33,000 women in the state!](#)



Recognition in the Top 50 Women Super Lawyers is a rare distinction for any attorney, and it is exceedingly rare to have two recognized attorneys at the same firm. When looking at the both Nancy and Julie's track record, however, it is clear why they were selected. Both are Board Certified attorneys, and both have earned a reputation for their notable case results and abilities to handle even the toughest cases.

In addition to having exemplified the highest standards of excellence, Nancy and Julie are both committed to active engagement in the legal community, and have served in leadership roles with various associations that help promote advocacy and further women in the profession.

David C. Prather, Christa McCann Secure \$361,000 Jury Verdict After Pre-trial Offer of Only 60K



Our recent blog details a trial victory secured by David C. Prather and Christa L. McCann in a motor vehicle accident case that resulted in minimal property damage. After defendants in the case rejected the plaintiff's proposals for settlement and aggressively disputed our client's claims, Prather and McCann worked diligently to refute the defense arguments over the course of a two-week trial. In dramatic fashion, the trial concluded with an 18-hour day on Good Friday, a time when the courthouse was closed to all but our trial. At 2:00 in the morning, the [jury returned a verdict in the amount of \\$361,000 for our client's damages.](#) This exceeded the proposals for settlement rejected by the defendants prior to trial, subjecting the defendants to substantial attorney's fees.

Florida Supreme Court Strikes Down Medical Malpractice Caps

On Thursday June 8th, the Florida Supreme Court ruled to strike down medical malpractice damages caps that have been in place since 2003. In its landmark 4-3 ruling, the Court ruled that capping non-economic damages caps in medical malpractice cases is unconstitutional because it unfairly limits the rights of the most seriously injured victims, was arbitrarily implemented, and failed to reduce malpractice insurance rates as lawmakers had anticipated.



The ruling is a significant victory for victims who have been seriously injured by negligence medical professionals and substandard health care. [Now, victims who pursue medical malpractice cases in Florida will have the opportunity to pursue a full and fair recovery](#) of their non-economic damages, which include the emotional and intangible losses victims and families suffer following injuries, including pain and suffering, mental anguish, and loss of support or companionship.

As a renowned Florida law firm that fights for the seriously injured and for families who have lost loved ones due to negligence, our legal team is readily available to help victims understand their rights following preventable injuries caused by doctors, nurses, and other health care providers. Visit our blog to learn more about the recent Florida Supreme Court decision or contact us to discuss a potential case.

RECALLS

Honda Recalls Over 2 Million Vehicles Due to Engine Fire Risks



Honda recently announced that it is recalling roughly [2.1 million vehicles worldwide in order to replace battery sensors that may lead to engine fires](#). The recall would affect close to 1.2 million Honda Accord sedans produced between

2013 and 2016.

Honda has reported that the recall comes in response to multiple reports of engine fires caused by the vehicles' battery sensors, which may not be sufficiently sealed against moisture. Due to the defect, substances such as road salt can enter the sensor and cause it to short, which can potentially cause fires. Honda will be notifying owners of the battery recall by the end of the month.

Takata Expands Recall for Airbag Defects in 2.7 Million Ford, Nissan, and Mazda Vehicles

Takata has made headlines in recent



Takata has made headlines in recent years over defective airbags that have been [linked to at least 17 deaths and more than 180 injuries across the nation](#), as well as the largest automotive recall in American history. Faulty inflators in the airbags could cause them to explode with excessive force and send shrapnel into vehicle occupants. Now, the company is adding an additional 2.7 cars and trucks that contain an airbag inflator previously thought to be safe.



The recall includes various Ford, Nissan, and Mazda vehicle manufactured between 2005 and 2012 equipped with airbags that contain a desiccant, or a drying agent intended to stop chemicals that inflate air bags from degrading in high humidity and high temperature environments. However, officials from the National Highway Traffic Safety Administration reported earlier this month that tests indicate a desiccated inflator poses safety risks if not replaced. Owners of recalled vehicles are being encouraged to have their airbags replaced as soon as possible.

Fiat Chrysler Recalls 1.33 Million Vehicles for Fire Risks, Inadvertant Airbag Deployments



In response to two separate defects that pose potential fire risks and inadvertent airbag deployment, Italian-American automaker Fiat Chrysler has [recalled 1.33 million vehicles worldwide](#).

The first recall affects nearly 540,000 Dodge Journey SUVs in North America produced between 2011 and 2015. These vehicles may contain a wiring defect that can cause driver side airbags to unexpectedly deploy. Several injuries have been reported in connection to the faulty airbags.

The second recall covers 565,000 vehicles equipped with defective alternators that may prematurely degrade, potentially cause fires, compromise the vehicle's anti-lock brakes, or lead to engine stalls. Recalled models include Chrysler 300, Dodge Challenger, Dodge Charger, and Dodge Durango vehicles products between 2011 and 2014, as well as 2012-2014 Jeep Grand Cherokee SUVs.

Lamaze Munching Max Toys Recalled for Cutting Risk

Close to 10,000 Lamaze Munching Max chipmunk toys are being recalled due to risks of internal pieces in the stuffed toy [breaking and creating sharp points that can poke through the material and injure children](#). The toys are manufactured by TOMY International and were sold at Toys R Us, Amazon, and other retailers nationwide



were sold at Toys R Us, Amazon, and other retailers nationwide from May 2016 to June 2017. Parents are advised to prevent children from playing with the toy and to contact TOMY for a free replacement or credit.

Ford Edge, Ford Fusion, and Lincoln MKZ Models Recalled Over Transmission Defect



Ford is recalled close to [6,000 Ford Edge, Ford Fusion, and Lincoln MKS models](#) produced between April and June 2017 equipped with 6F35 six-speed automatic transmission that can result in gas pedal failure. The problem stems from a torque converter that can lose connection to the engine's flexplate. Vehicle owners are advised to bring vehicles in to a dealer for replacement parts.

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