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Case Resolution

Firm Reaches Confidential Settlement in Household Consumer Product Defect Case

A defectively manufactured stainless steel braided water line for a kitchen sink faucet ruptured in the middle of the night and flooded our client's kitchen. Unfortunately, late that same night the client entered the kitchen and slipped on the soaked floor. The fall resulted in serious leg injuries that required surgery as well as causing significant flood damage to the kitchen.

Microscopic evaluation of the water supply line installed by a licensed plumber 6 years earlier revealed built in weaknesses and material impurities that resulted in a complete rupture. After presenting the evidence of the failure to the product manufacturer the firm was able to obtain a confidential settlement. The clients received compensation for the physical injuries sustained, as well as, a new kitchen..

Clark Fountain Secures Confidential Settlement for Teenager Catastrophically Injured by Vehicle Modified With After Market Lift Kit

Ben J. Whitman and Don Fountain of Clark Fountain recently reached a confidential settlement for a teenager that ejected from a pickup truck that was equipped with an aftermarket lift kit. Tragically, the client suffered significant brain injuries and will need medical treatment for the remainder of his life.

For decades, automotive retailers have sold and installed suspension and lift kits and oversized tires despite knowledge that these products increase the center of gravity and dramatically increase the likelihood of an unexpected roll over incident. Something of which can cause catastrophic injury and death. Even more shocking is the fact that vehicle manufacturers have stated under oath in legal cases around the country that they specifically discourage the use of aftermarket lift kits on vehicles because of the dangers they

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pose to passengers and others motorists. Through discovery depositions, Clark Fountain attorney Ben J. Whitman was able to establish that the manufacturer of the lift kit knew or should have known the significant dangers their products posed but refused to provide permanent warnings in the vehicle that would serve as a constant reminder for any person operating the vehicle of its unique handling characteristics. The most shocking piece of information uncovered in this case was that the company indicated it would have cost less than one dollar [\$1.00] to include permanent warnings in the vehicle that could have prevented this tragedy.

Legal Insights

Attorney David C. Prather Elected Board Treasurer of South Florida PBS, Inc.



Clark, Fountain, La Vista, Prather, Keen & Littky-Rubin is pleased to announce that Partner David C. Prather has been recently elected as the Treasurer for the Board of our local South Florida PBS! South Florida PBS, Inc. is the largest public media and news broadcasting company in Florida, reaching more than 6 million viewers, and is widely hailed for its ability to bring people together, expose people to new arts and ideas, educate young children, and encourage audience engagement.

Attorney Prather has built a reputation as a legal professional with a keen eye for organization, and planning. He is also known for his compassion shown for our clients and dedication to securing positive results. For all of these traits and more, we are confident he will prove himself as an excellent Treasurer. From all of us at Clark, Fountain, La Vista, Prather, Keen & Littky-Rubin, we would like to thank our local South Florida PBS, Inc. for giving Attorney Prather this incredible opportunity.

6 Mistakes to Avoid After Being Involved in an Auto Accident

Auto accidents of any type can be frightening and confusing experiences, especially if you or a loved one have been injured. While remembering your legal rights and the correct steps you should be taking can be easier said than done, it is important to remember that



what you say and do after a wreck can have a potential impact on any personal injury case you later file against the at-fault party – whether that be another negligent motorist, a commercial trucking

company, or other entities responsible for causing a preventable crash.

In our blog, we discuss a few mistakes worth avoiding after any auto accident – both in the immediate aftermath of a crash and in the following days, weeks, and months when you are seeking treatment, communicating with insurers, and doing all you can to start the personal injury claim process off on the right foot.

Texting & Driving: A Dangerous Epidemic



Texting and driving has become one of the most concerning epidemics on public roads and highways across the nation, causing thousands of motor vehicle accidents, injuries, and deaths each year – all of which can and should be prevented.

As the problem has become worse in light of smart phone technology and the ever-present distractions they create, states throughout the country – including Florida – have begun to crack down and push for tougher texting while driving laws.

One Florida law now making its way through the state House and Senate would make Florida the 44th state in the U.S. to make texting while driving a primary offense – meaning that law enforcement officers can stop and cite drivers for texting behind the wheel alone, without having to first see them making a traffic infraction. In our blog, we discuss the new proposed law and just how serious texting while driving is in terms of increasing risks of accidents, serious injuries, and deaths.

RECALLS

Hyundai Recalls Over 40,000 Santa Fe / Santa Fe Sport SUVs for Faulty Steering Columns



Hyundai has recalled nearly 44,000 Santa Fe and Santa Fe Sport SUVs over faulty steering columns that can significantly increase risks of crashes. According to Hyundai and the National Highway Traffic Safety Administration (NHTSA), the recalled SUVs have a steering wheel assembly that may be prone to breaking, which can cause the steering wheel to separate from its column. If the separation occurs while a vehicle is in motion, it could lead to a crash, Hyundai reports.

NHTSA and Hyundai have reported two incidents involving the faulty steering columns, and are urging drivers to contact Hyundai customer service to see if their vehicle is included in the recall and whether it qualifies for a free replacement of the steering wheel

whether it qualifies for a free replacement of the steering wheel assembly. Recalled vehicles include: roughly 12,500 Santa Fe SUVs manufactured in South Korea between June 15, 2017 through December 28, 2017, 13,750 Santa Fe Sport SUVs built in Alabama between July 23, 2017 and October 23, 2017, and 17,618 Santa Fe Sport SUVs built in Georgia between August 10, 2017 and October 24, 2017.

AmazonBasics Portable Charges Recalled Following Reports of Fires, Burn Injuries

Amazon has announced that it is recalled 260,000 AmazonBasics portable charges due to risks of overheating that can cause fires and burn injuries. According to the U.S. Consumer Product Safety Commission (CPSC), Amazon has received over 50 reports of charges overheating, property damage due to fire and smoke, and reports of burns caused by battery acid.



Amazon is informing consumers to immediately stop using the power chargers, which are used to charge smart phones and other devices on the go, and to contact Amazon for a refund. They were sold online at Amazon.com, Amazon book stores, and Amazon pop-up shops between December 2014 and July 2017 for between \$9 and \$40. The recall covers six versions of the portable AmazonBasics battery: 16,100 mAh; 10,000 mAh; 5,600 mAh; 2,000 mAh with micro USB cable; 3,000 mAh and 3,000 mAh with USB micro cable.

Fiat Chrysler Recalling Over 180,000 Ram Pickup Trucks Over Shifting Issue



Fiat Chrysler Automobiles announced a recall of more than 180,000 RAM pickup trucks due to a potential dangerous problem with gear shifters. According to NHTSA and the automaker, recalled pickups have shifters mounted on the steering column. A mechanical flaw may allow drivers to inadvertently shift trucks into gear using those shifters without first stepping on the brake pedal, usually meant to be a safeguard against unintended rollaways. It might also be possible to shift the vehicle out of Park if the key is not in the ignition. NHTSA reports the issue “may increase the risk of an unintended vehicle rollaway” that could result in a crash or injury.

The recall follows a recent recall from December in which 1.5 million Ram pickups were recalled over another gear-shift issue. Vehicle models affected by the most recent recall include: Ram 1500 2500 3500 4500 and 5500 pickup trucks from the 2017-2018

1999, 2000, 2001, 1999, and 2000 pickup trucks from the 2017-2018 model years. Fiat Chrysler will notify owners of the recall, dealer testing of the brake transmission shift interlock, and updates to the truck's software or free replacements for vehicle owners.

2011 Hyundai Sonata Sedans Recalled Over Faulty Front and Side Airbags

Hyundai is recalling nearly 155,000 2011 Sonata sedans because their front and side airbags and seat belts might not work in a crash. The airbag issue involves a potential short circuit that could prevent the airbags from inflating. The seat belts have a potential problem with their pretensioners, which make passengers more secure by removing excess slack in the belt in a crash. Hyundai is aware of three vehicles involved in crashes where the airbags were supposed to deploy but did not.



Recalled vehicles include certain 2011 Hyundai Sonatas produced between December 11, 2009 and September 29, 2010. Hyundai is still working on a fix for the issue, according to NHTSA, and vehicle owners can contact Hyundai customer service for more information about the recall, which is expected to begin in mid-April.

Graco Highchairs Sold at Walmart Recalled Due to Fire Hazard



Graco is recalling 36,000 units of its Graco Table2Table 6-in-1 Highways due to a fall hazard. According to the manufacturer, the highchair's rear legs can pivot out of position making the chair unstable and posing a fall hazard to a child in the highchair. Graco has received nearly 40 reports of rear leg pivoting, as well as injuries to several children who were in the highchair when it fell over.

Consumers should immediately stop using the recalled highchairs and contact Graco for a free repair kit. They were sold exclusively at Walmart stores nationwide between October 2016 and December 2017 for around \$100.

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