



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

MARK CLARK OBTAINS SUCCESSFUL RESOLUTION FOR THE SURVIVING FAMILY MEMBERS IN A TRAGIC WRONGFUL DEATH CASE

The decedent was killed in a violent crash involving a commercial truck. Following the accident, the family's probate attorney sought the expertise of Clark Fountain to investigate and pursue a wrongful death case on behalf of the Personal Representative of the Estate of the decedent and the surviving family members. As a result, Mark Clark was able to achieve a successful resolution of the devastating case prior to trial. The confidential settlement has provided the family with the necessary financial resources to replace the loss of the decedent's income. In addition, the surviving family members were compensated for the unspeakable mental pain and suffering experienced by each of them as a result of the violent, untimely, and preventable death of the decedent.

PARTNER DAVID C. PRATHER OBTAINS \$500,000 JURY VERDICT IN REAR-END COLLISION CASE

Clark, Fountain, La Vista, Prather, Keen & Littky-Rubin is pleased to announce that David C. Prather was recently successful in obtaining a nearly \$500,000 jury verdict on behalf of a Florida man who suffered injuries to his back and neck following a rear-end collision.

The collision occurred in May of 2015 when a Jaguar was pushed into our client's vehicle after being struck by a large Chevy truck. There was no visible damage to our client's vehicle, which was fitted with a heavy duty trailer hitch that bore the brunt of the impact. The client's vehicle was repaired for under \$700.

Our client experienced neck and back injuries in the collision, and was treated by a chiropractor. He was also referred to an orthopedic specialist who recommended epidural steroid injections. Our client chose to continue non-invasive medical treatment and physical therapy. Surgery was not recommended by his treating physicians.

Ultimately, our client was diagnosed with three herniated discs in his neck and an aggravation of several pre-existing bulging discs in his low back. At trial, he testified that he suffered injuries to his lower back in a car accident 30 years prior to the recent rear-end

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collision, and that those injuries did not cause him pain for many years. Despite the testimony of the defendant's expert orthopedic surgeon, who claimed that all of our client's injuries were pre-existing and a result of his duties as a restaurant owner, Mr. Prather was able to present a clear and convincing argument that resulted in the jury siding with our client.

Following three days of litigation, the jury awarded \$498,691 in compensation to our client, including \$46,000 for past and future medical expenses, \$2,000 for lost income, and \$450,000 for past and future pain and suffering. The at-fault driver's insurance company had offered only \$10,000 to settle the case prior to trial.

Legal Insights

Firm Partners, Associate Named to 2017 List of Florida *Super Lawyers*®

Super Lawyers

Clark, Fountain, La Vista, Prather, Keen & Littky-Rubin is proud to announce that all six of our firm's Partners and Associate Christa McCann have been recognized in the 2017 list of Florida *Super Lawyers*®.

Partners Mark Clark, Don Fountain, Nancy La Vista, David Prather, Hampton Keen, and Julie Littky-Rubin have all been included in this year's publication, a testament to their continued demonstration of the highest standards of professional excellence, ability, and client satisfaction. No more than 5% of all lawyers in the state of Florida are for inclusion in the final *Super Lawyers* listing, one of the most notable distinctions in the legal profession.

Associate Christa McCann was also recognized in this year's list of Florida *Super Lawyers Rising Stars*™, which is reserved for attorneys who are under the age of 40 or who have been practicing law for 10 years or less. Selection to the Rising Stars list is limited to just 2.5% of Florida lawyers.

Our firm is pleased to have multiple members of our legal team recognized in the list of Florida *Super Lawyers*, many of whom have been selected for inclusion multiple times over the years. We believe their recognition is a key indicator of the successful results that talented, experienced, and determined legal minds are able to achieve for the seriously injured.

Clark Fountain Supports National Nurses Week 2017

During the week of May 6th through May 12th, Clark, Fountain, La Vista, Prather, Keen & Littky-Rubin showed its support for National Nurses Week and the essential and vital role nurses play in helping injured victims after tragedy and unforeseen accidents. Additionally, we discussed how nurses, and in particular, legal nurse consultants are a key part of our success in personal injury cases.



[At our firm, we have the benefit of having two members of our legal team who are former critical care nurses – Partner Nancy La Vista and nurse paralegal and firm administrator RoxAnn Billingslea.](#)

Their insight into nursing and their medical expertise make them invaluable assets when working difficult cases, especially those involving medical malpractice and catastrophic injuries. They also make a difference in the quality of support and care we are able to provide our clients, many of whom are struggling with the physical and emotional toll of serious injuries.

Dram Shop Laws: Can You Hold Bars Responsible?

Most people are well aware that drunk driving is a negligent, unlawful, and highly dangerous act, which makes it no surprise that drunk drivers are typically held liable for causing serious injuries in preventable auto wrecks. However, there are also laws in place in the state of Florida that may allow victims injured by intoxicated people – either in drunk driving accidents or other alcohol-related incidents – to [seek a recovery of their damages from the alcohol vendor or drinking establishment that negligently served the intoxicated person](#). These laws are known as dram shop laws, and they can provide another avenue for victims seeking justice and fair compensation.



RECALLS

Over 1.25 Million Dodge Ram Trucks Recalled Due to a Fatal Software Glitch



Fiat Chrysler Automobiles has recalled over 1,250,000 Dodge Ram pickup trucks worldwide over a software glitch that can cause the vehicles' seatbelts and airbags to fail during rollover crashes. According to a statement recently released by the automaker, the defect has been linked to at least one confirmed death and two injuries. [Affected models under the recall include a range of light- and medium-duty Ram pickups](#) between the model years of 2013 and 2014, including the Ram 1500, 2500, and 3500.

years of 2015 and 2016, including the Ram 1500, 2500, and 3500 pickups sold in the United States.

Owners with vehicles that display a warning light on the instrument panel can temporarily fix the glitch by shutting the vehicle off and then turning it back on. The airbags and seatbelts will be operational if the light is no longer on. The automaker will also be reprogramming affected vehicles to ensure that the problem with not reoccur. Vehicle owners should receive a notice regarding the free recall repair.

HoMedics Handheld Massagers Recalled Due to Shock and Burn Hazards

Handheld massagers manufactured by HoMedics have been recalled due to a defect that can cause cords at the base of the massager to break and expose wiring. The HHP-375H, HHP-250, and PA-MH-THP models have all been recalled following over a dozen reports of electrical shock and burn injuries experienced by consumers, as well as nearly 150 reports of exposed wiring, sparks, and smoke or flames. These handheld massagers were sold at Bed Bath & Beyond, Walmart, Rite-Aid and other major retailers across the country from August 2013 to February 2017. Consumers should immediately cease use of the massagers and contact HoMedics for a refund or replacement unit.



VanMoof Bicycles Recalled Over Fall Hazards



VanMoof B and S Series bicycles are being recalled nationwide due to [defects that can pose increased risks of falls and impacts](#). The problem involves bolts on the front fender which do not break when objects become stuck between the fender and the front tire, which can cause abrupt stops. Several injuries have been reported and bike owners are being advised to immediately stop riding the recalled bicycles and contact VanMoof for replacement nylon bolts and installation instructions at no charge.

Razor RipStik Motorized Caster Board Recalled

Razor has recalled nearly 200,000 units of its RipStik electric motorized caster boards, which [pose fall hazards due to a rear wheel](#) that can stop rotating and lock up while in use. The boards have been linked to over 700 consumer reports, including a number of reported injuries to children. They were sold at many major



reported injuries to children. They were sold at many major retailers nationwide, including Target, Walmart, Toys R Us, and Amazon.com. Owners are advised to discontinue use and contact Razor for a free repair kit.

Combi USA Stroller and Car Seat Combo Recalled Over Fall Hazards



Combi USA has recalled its Combi Shuttle Travel System, which includes both a stroller and a car seat, due to [defects that can cause the car seat to disengage from the stroller's frame](#) and create fall hazards. The shuttle system was sold between June 2015 and September 2016 on Amazon.com, Target.com, and other online retailers. Parents who own the shuttle car seat / stroller should immediately stop using the recalled system and contact Combi for a free repair.

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