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FIRM NEWS



Continental
TIRE

VERDICT IN EXCESS OF \$10 MILLION AGAINST CONTINENTAL TIRE AFFIRMED BY APPELLATE COURT

The 4th District Court of Appeal affirmed an over \$10 million verdict in favor of the Parker family against Continental Tire, one of the largest tire manufacturers in the world. Florida Board Certified attorney, Julie H. Littky-Rubin, handled the appeal and the firm handled the original case as well.

Tracy Parker initially received compensation of over \$10 million in 2013 for catastrophic damages from a Palm Beach County jury who determined that a defect caused the tire's failure and her injuries. Parker was the victim of a horrific tire blow out on I-95 in 2009 and spent over a month in a coma, 102 days in the hospital, underwent 17 surgical procedures, as well as other extensive medical treatment.

The verdict came after a three-week trial and four year battle against the defendant. Attorneys W. Hampton Keen and Donald R. Fountain, who tried the case, contended that a defect in the tire caused it to prematurely fail without warning. According to Keen, at the time of its failure, the Parker tire appeared well maintained, with no uneven tread wear, no repairs, plenty of tread depth, and three years remaining on its warranty. Continental Tire, a German owned company, denied all responsibility for the tire's failure.

PLACEMENT OF NEW TIRES ON FRONT AXLE LEADS TO CATASTROPHIC TIRE FAILURE

After a tire failure and rollover on the highway caused one of the passengers to suffer catastrophic injuries, the injured person and her family hired our firm to investigate what happened. Don Fountain and Hampton Keen determined through their investigation that the local service center that had inspected and changed several of the vehicle's tires had failed to install the new tires on the rear axle, which is standard in the industry. Instead, the service center left the older tire, which ultimately failed, on the rear axle where a tire failure was much more likely to cause the vehicle to lose control and rollover.

Although the service center initially denied any liability and vowed to take the case to trial, the case was resolved for the dealer's policy limits shortly after Fountain and Keen presented their theory of the case to the defendant's legal team. The client and her family were especially grateful to our firm for the recovery, because the initial law firm handling the case failed to identify the claim against the service center.

LEGAL INSIGHTS

FLORIDA LAWMAKERS SEEK TO SHIELD SENIORS FROM UNSCRUPULOUS GUARDIANS

According to the [Daily Business Review](#), a Southwest Florida lawmaker is renewing a push to better protect elderly Floridians from unscrupulous guardians who take control of seniors' assets. The Senate Children, Families and Elder Affairs Committee approved a bill that would charge the Department of Elder Affairs with certifying and overseeing professional guardians, and disciplining those who abuse their trust.

FLORIDA BILL TO PUT RESTRICTIONS ON EMPLOYER ACCESS TO SOCIAL MEDIA

The [South Florida Business Journal](#) stated that a bill in the Florida Senate passed its first hurdle that would restrict employer access to their employees' social media accounts. If passed by the Florida Legislature, Senate Bill 186 will make it illegal for any employer in the state to require access to employees' or potential employees' social media accounts. Videos, pictures, blogs and audio recordings, as well as emails and messages also would be protected.



FLORIDA MAY ENTER INTO OPEN-CARRY GUN BATTLE

According to the **Daily Business Review**, the Florida Supreme Court has waded into the open-carry gun battle. The bill that would allow people to openly carry guns in public recently cleared its first hurdle in the House. Florida is currently one of just five states that bans open-carry.

RECALLS

VW POLLUTING DIESEL SCANDAL RESULTS IN MILLIONS OF RECALLS



Volkswagen will embark on a massive recall in the United States and in Europe after the German auto maker was found to be rigging its cars with software designed to cheat on pollution tests, according to **Auto News**. However, a U.S. recall could be thwarted by reluctant diesel owners who don't want to give up their peppy ride. VW, German's largest auto manufacturer, is preparing for incentives and bonuses to lure drivers.

MAZDA RECALLS NEARLY 15,000 VEHICLES

According to the **National Highway Traffic Safety Administration**, Mazda North American Operations is recalling certain model 2015-2016 Mazda3 vehicles manufactured May 21, 2015 to August 25, 2015, because the vehicles are equipped with a fuel tank with a shut-off valve that can allow fuel to enter into the fuel tank emissions systems. If enough fuel enters the system, the fuel may leak out onto the ground or result in an engine stall. Mazda will replace system components free of charge and provide rental cars until repairs have been made.

FORD MOTOR COMPANY RECALLS F-150 TRUCKS

Ford Motor Company (Ford) is recalling over 33,000 certain model year 2015 F-150 trucks manufactured March 2014, to August 2015 and equipped with Adaptive Cruise Control (ACC), stated the **National Highway Traffic**



Safety Administration. While using the ACC, the vehicle may falsely detect an obstacle in its path and may unexpectedly apply the brakes increasing the risk of a crash. Ford will notify owners, and dealers will reprogram the ACC to the newest software, free of charge.

POLARIS RECALLS OFF-HIGHWAY VEHICLES

According to the **Consumer Product Safety Commission**, Polaris is recalling 53,000 RZR Recreational Off-Highway Vehicles (ROV) due to the fuel tank vent line being misrouted causing it to become pinched. This can cause the fuel tank to pressurize and leak fuel posing a fire hazard. Consumers should contact their local Polaris dealer to schedule a free repair.

GENERAL MILLS RECALLS BOXES OF CEREAL



General Mills voluntarily recalled Cheerios and Honey Nut Cheerios cereal produced over a several day span because of an undeclared allergen, wheat, with potential adverse health effects, stated the **US Food and Drug Administration.**

These boxes had inadvertently introduced into the gluten free oat flour system. As a result, the products may contain an undeclared allergen – wheat – in products labeled as gluten-free. Customers may contact General Mills Consumer Services for refunds or further questions.

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