



# THE LEGAL EDGE

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## CASE RESULTS

### BILATERAL SHOULDER SURGERY RESULTS IN SIGNIFICANT SETTLEMENT

Antonio Cardona thought June 10, 2014 would be a normal work day at his construction job, but it would be a day he will never forget. Before he ever arrived at the job site the vehicle that he was riding in as a passenger was violently impacted in Lantana, Florida by a negligent driver who improperly changed lanes without paying attention.

Mr. Cardona was sleeping prior to the accident and was awakened by the sound of crushing metal. He instinctively tried to brace himself and reached out with both arms severely injuring both of his out stretched shoulders on the dashboard.

As a result of the accident, Mr. Cardona sustained lateral tears in both of his shoulders. He ultimately required bilateral surgeries after conservative treatment failed to improve his symptoms.

David C. Prather was successful in obtaining a substantial settlement for Mr. and Mrs. Cardona, which will provide for his future medical treatment as well as compensate him and his wife for their loss of their quality of life.

## LATEST BLOG POSTS

U.S. citizens use dozens, if not hundreds of products each day, typically without giving any thought to their safety. We assume or hope that manufacturers have made their products safe for our use. However, at Clark Fountain we have seen far too often that this is not always the case.

Read **here** the firm's latest blog post, which highlights the types of product liability claims. Please contact attorney, Hampton Keen, at **HKeen@clarkfountain.com** if you have a question regarding a possible claim.

## LEGAL INSIGHTS

**FLORIDA SUPREME COURT DENIES BAR DUES HIKE FOR**

Court rejected a proposed dues increase for Florida Bar members pushing for more money for legal aid to the poor. The justices ruled last week that a more comprehensive solution is needed for legal aid funding woes. A coalition of attorneys had proposed a Bar dues increase of \$100 to help fund the program.

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## MEDICAL MALPRACTICE CAPS IN FLORIDA RULED UNCONSTITUTIONAL

The 4th District Court of Appeal, in a well-reasoned **decision** ruled last week that state law imposing dollar limits, or "caps" on pain-and-suffering damages known in legal parlance as non-economic damages are unconstitutional in medical malpractice claims. The case involved a surgical procedure and the use of anesthesia requiring intubation. During the intubation the endotracheal tube was wrongfully inserted into the patient's esophagus tearing the esophagus. Consistent with the Florida Supreme Court's ruling in the related McCall case that the non-economic caps in wrongful death cases are unconstitutional, the 4<sup>th</sup> District Court of Appeal found it would make no sense to have a different application in non-death cases.

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## RJ REYNOLDS HIT WITH \$13 MILLION VERDICT OVER SMOKING DEATH



A Florida jury on Monday charged R.J. Reynolds Tobacco Co. with \$8.5 million in punitive damages, adding to a nearly \$5 million compensatory verdict it awarded just days earlier, reported **Law 360**. The suit was brought by the widower of a smoker who died from mouth cancer. The Miami-Dade County jury's decision came shortly after more than a day of arguments and testimony.

## RECALLS

### CHRYSLER RECALLS CERTAIN MODEL DODGE CHALLENGERS

According to the **National Highway Traffic Safety Administration**, Chrysler (FCA US LLC) is recalling 88,346 Dodge Challengers that were manufactured September 2007 to October 2010. The affected



vehicles are equipped with a dual-stage driver frontal air bag that may be susceptible to moisture intrusion which, over time, could cause the inflator to rupture. In the event of a crash deploying the airbag, the inflator could rupture with metal fragments striking passengers resulting in serious injury.

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### FORD MOTOR COMPANY RECALLS VEHICLES THAT MAY NOT TURN OFF



stated the **National Highway Traffic Safety Administration**. In the affected vehicles, the engine may continue to run after the key or the start/stop engine button is turned off. If the engine does not turn off as expected, someone could move the transmission shifter out of park and the vehicle may move unintentionally, increasing the risk of a crash.

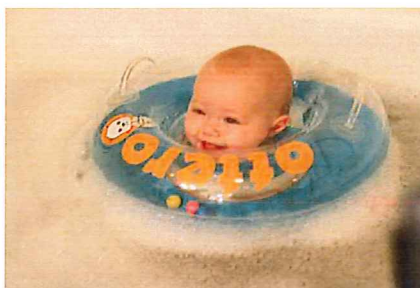
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### SPARKLERS RECALLED DUE TO BURN HAZARD

According to the **U.S. Consumer Product Safety Commission**, Jake's Fireworks is recalling approximately 651,500 sparklers because they tend to burn faster with a larger flame than normal and can burn down the stick towards the user's hands posing a burn hazard. Consumers should immediately stop using the sparklers and contact Jake's Fireworks Inc. to receive a full refund.

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### DUE TO DROWNING RISK, OTTEROO RECALLS BABY FLOATS



Otteroo Corp is recalling its Otteroo Inflatable Baby Floats, reported the **U.S. Consumer Product Safety Commission**. The seam on the floatation device can leak air and deflate, posing a risk of drowning. The baby float is an inflatable round ring made of clear and blue plastic material. It has two air chambers that fasten around a baby's neck with a white buckle. The floats have a chin rest, two handles and two and three colorful balls that move freely around the inside of the ring. Consumers are asked to immediately stop using the float and contact the company to receive a free replacement.

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