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CASE RESULTS

FIRM EARNS SUBSTANTIAL SETTLEMENT FOR YOUNG WOMAN WHO SUFFERED TRAUMATIC INJURIES IN GOLF CART ACCIDENT

Mark W. Clark and Christa L. McCann recently made a significant recovery on behalf of a young woman who suffered a traumatic brain injury, including temporal and occipital bone fractures and a frontal hemorrhagic contusion, as well as neck and back injuries after being thrown from a golf cart being operated by the Plaintiff's friend, a minor. Clark and McCann brought suit against the owner of the golf cart as well as the parent and natural guardian of the minor driver. Although the Defendants denied liability and maintained throughout the course of the litigation that the Plaintiff was solely at fault for causing her own injuries due to her allegedly jumping up and down on the back of the golf cart just prior to the accident, Clark and McCann were able to establish through the testimony of a non-party witness that the Defendant driver violently swerved the golf cart, causing the Plaintiff to hit her head on the frame of the golf cart and be ejected from the rear, subsequently striking her head, neck and back on the pavement. As a result, the Defendants agreed to a substantial settlement to compensate the Plaintiff for her ongoing physical and cognitive injuries caused by the accident.

KEEN RESOLVES CASE FOR POLICY LIMITS AFTER PROVING TORTFEASOR WAS IN COURSE AND SCOPE OF HIS EMPLOYMENT

Hampton Keen recently resolved a case involving an automobile accident for a client who endured catastrophic injuries that resulted in multiple surgeries. Despite initial claims and evidence to the contrary, Keen established that the at-fault driver was in the course and scope of his work. According to the police report, the tortfeasor did not appear to be working for his employer at the time of the accident. Keen, however, pursued discovery to determine if there were any possibility that the driver actually was in the course and scope of his employment despite arguments that such discovery was unsupported and inappropriate.

Keen and the firm persevered and were able to obtain documentation confirming that the driver was at least in part engaged in a task that benefited his employer who knew or should have known of such work. Shortly after receiving such documentation and proving the economic benefit to the employer, Keen resolved the case for employer's insurance company's policy limits. With the successful resolution of the case, the firm's client no longer has to worry about his future medical or employment needs.

LATEST BLOG NEWS

IMPORTANT: UPDATE ON TAKATA AIRBAR RECALL

Last week, air bag manufacturer, TK Holdings, Inc. (Takata) entered into a consent order with the U.S. Department of Transportation. Takata acknowledged that a defect exists in its airbag inflators and that it will cooperate in all future regulatory actions and proceedings. It's estimated that this recall could affect approximately 34 million vehicles.

Click below to get the latest update from attorney [Jason Cornell](#) about what will likely become one of the largest and most complex auto product recalls in history.

[READ MORE](#)

LEGAL INSIGHTS

PRIVATE SECTOR DATABASES HAVE ACCESS TO EXPUNGED RECORDS

According to [ABA Journal](#), even if an individual's criminal record is expunged it doesn't necessarily mean it is eliminated from credit reports. A Pennsylvania woman found this out when her rental application was rejected due to arrests in 2008 and 2010 concerning disputes with her estranged husband. The woman filed a federal lawsuit earlier this year under the Fair Credit Reporting Act, seeking damages for third-party background reports to potential landlords that allegedly claimed her arrests were still on the record. In most states, there is no provision for notifying credit-reporting agencies about expunged criminal records.

FIAT CHRYSLER SEEKS NEW TRIAL IN BOY'S FIERY CRASH DEATH

According to [ABA Journal](#), Fiat Chrysler is asking a judge for a new trial in the case of a fiery crash that killed a four-year old Georgia boy. Last month, a jury awarded \$150 million in damages to the parents of the boy who was killed in March 2013 when the 1999 Jeep Grand Cherokee he was riding in caught fire after being rear ended. According to the filing, the jury's



\$120 million verdict for the boy's wrongful death and \$30 million verdict for pain and suffering are more than 11 times and four times the largest awards in the state's history. The lawyers representing the family argued the automaker was at fault for installing a fuel tank behind the SUV's rear axle.

FLORIDA REJECTED IN CHILDREN'S HEALTH CARE LEGAL BATTLE



A federal judge rejected the state of Florida's latest attempt to end a decade-long lawsuit that contends the state has not properly provided care to children in the Medicaid program, as reported by **The Ledger**. Attorneys for the state pointed to a recent U.S. Supreme Court decision in an Idaho case to argue that the judge should dismiss claims that Florida has failed to adequately provide care such as check-ups and screenings to low-income children. The judge only dismissed one of the three counts in the case that dealt with arguments that Florida has not paid adequate reimbursement rates to doctors and dentists and as a result, has limited the amount of care available in the Medicaid program.

RECALLS

NISSAN RECALLS MORE THAN 260,000 VEHICLES



Nissan North America, Inc. (Nissan) is recalling certain 2004 Pathfinder vehicles manufactured between January 6, 2004 to July 19, 2004, and 2004-2006 Sentra vehicles manufactured January 7, 2004 to August 26, 2006, totaling 263,692 vehicles, reported the **National Highway Traffic Safety Administration**. Upon deployment of the passenger side frontal air bag, excessive internal pressure may cause the inflator to rupture with metal fragments striking and potentially seriously injuring the vehicle occupants. Nissan will notify owners and dealers will replace the passenger air bag inflator, free of charge

IKEA EXPANDS RECALL OF CRIB MATTRESSES



According to the **U.S. Consumer Product Safety Commission**, IKEA is recalling 300,000 crib mattresses in the United States and about 44,000 in Canada. The recall involves IKEA SULTAN and VYSSA crib mattresses with the model names: SULTAN BLUNDA, SULTAN DRÖMMA, SULTAN SNARKA, SULTAN SUSSA, VYSSA VACKERT, VYSSA VINKA, VYSSA SPELEVINK, VYSSA SLÖA

and VYSSA SLUMMER. A gap between the mattress and the crib ends larger than two fingers width is an indication of the defective mattress and could pose an entrapment hazard to infants.

LAND ROVER RECALLS LR4S



According to **Consumer Affairs**, Jaguar Land Rover North America is recalling 2,687 of its 2015 LR4 vehicles manufactured from August 19, 2014 to February 9, 2015. Due to an Anti-Lock Braking System (ABS) software error, the Dynamic Stability Control (DSC), Roll Stability Control (RSC), Traction Control (TC) and Hill Descent Control (HDC) systems may be disabled. If these systems are disabled, a loss of vehicle stability and control may occur, increasing the risk of crash. Land Rover will notify owners, and dealers will update the ABS software, free of charge.

MITSUBISHI RECALLS LANCERS, OUTLANDERS, LANCER SPORTBACKS AND EVOLUTIONS

Mitsubishi Motors North America is recalling 53,396 of its 2009-2010 Mitsubishi Lancer vehicles manufactured January 12, 2009, to July 6, 2010; 2009-2010 Outlander vehicles manufactured January 12, 2009, to August 27, 2010; 2010 Lancer Sportback vehicles manufactured June 17, 2009, to June 8, 2010, and 2010 Lancer Evolution vehicles manufactured July 14, 2009, to August 4, 2010, according to **Consumer Affairs**. The voltage inside an electronic control unit (ECU) that controls the headlights, tail lights and windshield wipers may be unstable. The unstable voltage could result in intermittent failure of the vehicle's head lights, tail lights and windshield wipers causing reduced visibility for the driver increasing the risk of crash.



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