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THE LEGAL EDGE

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TRIAL & APPELLATE ATTORNEYS

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FIRM NEWS

FIRM EARNS SETTLEMENT IN T-BONE COLLISION AFTER DEFENDANT CLAIMS PRE-EXISTING CONDITIONS

Mark Clark and Christa McCann recently recovered \$492,500 on behalf of a woman injured in a T-bone collision. The client, a 61-year-old real estate agent, suffered spinal injuries as a result of the collision, which required her to undergo numerous pain management procedures before ultimately undergoing a two-level cervical spine fusion. The defense vehemently denied liability for causing the client's injuries, and claimed that the client had failed to mitigate her damages due to lapses in treatment with one of her treating physicians.

In addition, the opposition relied on the opinions of two defense doctors, Dr. Grabel (neurosurgeon) and Dr. Chayet (orthopedic surgeon), who examined the client on three occasions to argue that the client's injuries were degenerative and pre-existed the subject motor vehicle accident, and that the surgery was not related to the accident. However, the Clark Fountain team were able to establish through the testimony of the client's treating physicians that the client had suffered a permanent aggravation of her pre-existing degenerative conditions in her spine, and her pain and need for treatment were caused by the subject motor vehicle accident. As a result, on the eve of trial, the Defendant ultimately agreed to settle the case for \$492,500.

LATEST BLOG POSTS

GUARDRAILS NATIONWIDE HAVE "SAFETY PERFORMANCE ISSUES," ACCORDING TO FDA



The two most popular guardrails used along the U.S. highways are made by Trinity Industries and Road Systems, Inc. Recently, the Federal Highway Administration announced that guardrails made by these companies have "safety performance issues" in real-world crash scenarios. It's a scary reality.

Read our **latest blog post** to learn about these companies' cost-cutting measures and what happens when they put profits in front of safety. Clark Fountain has handled multiple guardrail failure and defective roadway cases.

LEGAL INSIGHTS

CAB COMPANIES LAUNCH INSURANCE CHALLENGE IN UBER WAR

According to the **Daily Business Review**, taxicab companies in Broward County and Tallahassee filed a second lawsuit against the state, accusing app-based transportation services such as Uber and Lyft of operating without proper insurance in Florida. The cab companies' lawsuit stated that the Florida Department of Highway Safety and Motor Vehicles is allowing drivers for the transportation services, the taxis' main competitors in an increasingly fierce ride-hailing war, to operate without the kind of insurance required by law for commercial drivers.

FLORIDA ATTORNEYS ALLOWED TO SEND TEXT MESSAGE SOLICITATIONS



A recent decision by The Florida Bar allows attorneys to send text messages to promote themselves for hire, stated the **Orlando Sentinel**. In-person solicitations by attorneys are forbidden because, as the American Bar Association says, "The situation is fraught with the possibility of undue influence, intimidation and over-reaching." The Florida Bar's Board Of Governors is saying this ruling is an "adaptation to reality", and that a text message is just like an email. The message must state "advertisement", include the lawyer's

qualifications and how the recipient's information was obtained. There must also be instructions on how to disregard the message.

SHIFT OF PUBLIC VIEW OF POT MAY HELP PUSH FOR MEDICAL MARIJUANA IN FLORIDA

According to the **South Florida Business Journal**, for the first time in U.S. history, the majority of the people favor legalizing the use of marijuana. This shift in opinion may help push to legalize medical marijuana in Florida, which has until January 2016 to get more than 609,000 petitions to be placed on the 2016 election ballot. The Florida Supreme Court will review the first 73,713 petitions submitted by advocacy group United for Care. If medical marijuana becomes legal in Florida, it could create an industry in Orlando estimated to be worth 140.1 million dollars.

RECALLS

KRAFT HEINZ COMPANY RECALLS CHEESE SLICES

The Kraft Heinz Company is expanding their voluntary recalls of

select individually-wrapped American and White American cheese slices due to the possibility that the thin strip of individual packaging film may remain stuck to the slice after

KraftHeinz

the wrapper has been removed, potentially causing an individual to choke, stated the **US Food and Drug Administration**. Only products with S54 and S55 codes are included in this recall. Consumers are asked to return the product to the store for an exchange or refund.

CHRYSLER RECALLS NEARLY 200,000 TRUCKS



According to the **National Highway Traffic Safety Association**, Chrysler (FCA US LLC) is recalling certain model year 2014-2015 Ram 1500 Quad trucks manufactured from August 2013, to August 2015. The vehicles are equipped with side air bag inflated curtains that may not fully overlap the C-pillars in the event of a crash,

increasing the risk of injury to the rear seat occupants. The remedy for this recall is still under development.

PHILIPS RECALLS HALOGEN BULBS

Philips Lighting North America Corporation is recalling about 370,000 halogen light bulbs stated the **US Consumer Product**

Safety Commission. The lens of the bulb can shatter in the lamp or the lens can fall and shatter, posing a laceration and burn hazard. This recall involves Philips 60W PAR 16 120V halogen bulbs manufactured from November 2013 to March 2015.

MINI BIKES RECALED BY BAJA MOTORSPORTS

According to the **US Consumer Product Safety Commission**, Baja Motorsports has recalled its gas-powered mini bikes manufactured during the months of November and December



2014. The front fork can separate from the wheel, posing fall and crash hazards to riders. The recalled mini bikes have a black frame with a black padded seat, a storage tank and fenders that are camouflage, side reflectors, a headlight and a tail light. Consumers should stop using the mini bikes and contact Baja Motorsports to schedule a free repair.

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