

# Of Counsel

A REPORT TO CLIENTS & ATTORNEYS VOLUME 14, NUMBER 2

## \$20 million verdict won by SDSBS against Big Tobacco

**This marks the twelfth plaintiff's verdict for SDSBS against Big Tobacco.**

On June 23, 2014, a Palm Beach County Circuit Court jury returned a verdict in favor of Gwendolyn Odom, daughter of Juanita Thurston who died of lung cancer as a result of her life-long addiction to cigarettes. The SDSBS trial team consisted of attorneys **Sia Baker-Barnes, Hardee Bass** and **Mariano Garcia**. The trial itself took nearly four weeks, including jury selection over six days from a pool of over 260 people. The jury deliberated a total of three hours, and then rendered a unanimous decision to award a total of just over \$20 million to Ms. Odom and the estate of Ms. Thurston. The award included \$6 million in compensatory damages to Ms. Odom for the loss of her mother, \$4,209 in funeral expenses to the estate, and \$14 million in punitive damages. This verdict marks the twelfth plaintiff's verdict for SDSBS against Big Tobacco.

Ms. Thurston began smoking as a teenager, before cigarette package warnings of health hazards and potential addiction. In April 1993, Ms. Thurston died of lung cancer at the age of 58 years. She had mainly smoked cigarettes manufactured by R.J. Reynolds



(l-r), Mariano Garcia, Sia Baker-Barnes, client Gwen Odom and Hardee Bass.

Tobacco Company, the defendant in this case. The case was vigorously defended by a large team of tobacco industry lawyers who contended that Ms. Thurston was not addicted and that she bore personal responsibility for her choice to smoke cigarettes. The jury, however, found that Ms. Thurston had relied, to her detriment, on the tobacco industry's efforts to conceal information regarding the effects of tobacco on health and addiction. The concealment of this information led to false and misleading representations that enabled the company to attract and keep more smokers using its products.

This case, and numerous other cases represented by SDSBS, stemmed from the 2000 Florida state class-action case, *Engle v. R.J. Reynolds Tobacco Company*. In the 2000 ruling, a jury rendered a \$145 billion punitive damages verdict in favor of a class of Florida smokers. In 2006, the Florida Supreme Court reversed that award and decertified the class action. However, it allowed potentially thousands of lawsuits to be filed separately. SDSBS continues to seek justice and accountability on behalf of these plaintiffs. ♦

## Over \$2 million award for injuries in truck-motorcycle accident

**The company knew that the dump truck driver had a history of unsafe driving: five accidents and eight citations.**

On a clear and sunny morning in March 2011, 27-year-old Navy Lieutenant John Smith (not his real name) was riding his motorcycle on the roads within Joint Base Charleston, South Carolina. While South Carolina has no "helmet law" requiring

motorcyclists to wear helmets, the U. S. Department of Defense requires personnel riding motorcycles on military installations to wear protective gear. Lieutenant Smith was wearing his helmet, a leather jacket, gloves, pants, hard-soled shoes, and a reflective vest as he drove toward a base office to deliver assignment transfer papers. As he drove down the base street, a dump truck heading toward him swerved across the center line of the road and literally ran over Lieutenant Smith, stopping only after hitting a tree in the woods bordering the road.

John's motorcycle was damaged beyond repair. Lying in the road immediately **(Continued on page two.)**

**Chris Searcy** ranked number one in 'Florida Super Lawyers' for third time.  
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**SEARCY DENNEY SCAROLA BARNHART & SHIPLEY PA**  
ATTORNEYS AT LAW



**Over \$2 million award for injuries in truck-motorcycle accident**  
*(Continued from page one.)*

after the accident, John's body was severely damaged as well. He suffered numerous fractures and other injuries along the entire left side of his body. Amazingly, he never lost consciousness despite the severity of his injuries. He was rushed by ambulance to the Medical University of South Carolina for emergency surgery in an effort to save his shattered left leg. Diagnosis had indicated a grade III left open tibia fracture, a mid-shaft transverse left femur fracture, a grade I open ulnar fracture with radial head dislocation, a closed transverse humeral shaft fracture, and a traumatic laceration to the posterior ankle. The emergency personnel and plastic surgeon at MUSC did not expect to be able to salvage John's left leg because of the very complicated fractures, severed nerves, veins, and arteries.

After multiple surgeries to insert plates, rods, and screws, and repair of other injuries, he was left with no nerve conduction in his left leg below the thigh. After discharge from the hospital, his mother arrived to care for him for several months while he learned how to walk and how to use his left arm again. Eventually, John received a discharge from the Navy with a 70 percent disability rating. His life had been changed forever.

Before the accident, John had been an extremely active young man, with few limitations on his physical activities. He held a Bachelor of Science degree in mechanical engineering from the U. S. Naval Academy in Annapolis. He had been a finalist for a Rhodes scholarship. And he had earned an additional bachelor's degree in computer science at St. Edmunds College at Cambridge University in England. He had just completed the Navy's Nuclear Power Training and was about to ship out on his first submarine from his new assignment in Guam.

The dump truck driver had a history of unsafe driving. He had five accidents while operating a commercial motor vehicle, and had been cited eight times for driving violations. The owner of the trucking company who had employed him knew about his dismal driving record. While the trucking company had stringent policies requiring thorough screening of employees with respect to safety issues, the company had failed to follow their own policy, and thereby failed to ensure the safety of others on the road.

Immediately following the accident, Lieutenant Smith retained SDSBS attorney **Laurie Briggs** to represent him in an effort to hold the trucking company accountable for their failure to provide safe operation of their vehicles. Ms. Briggs worked with Charleston attorney D. Nathan Hughey on the case. After more than three years of litigation, including the use of experts to support determining the substantial value of physical damages, the parties reached a settlement for policy limits amounting to \$2,025,000. ♦

**SEARCY  
DENNEY  
SCAROLA  
BARNHART  
& SHIPLEY PA**  
ATTORNEYS AT LAW



2139 PALM BEACH LAKES BLVD.  
WEST PALM BEACH, FL 33409  
TOLL FREE: 800-780-8607  
LOCAL: 561-686-6300  
FAX: 561-478-0754



THE TOWLE HOUSE  
517 NORTH CALHOUN ST.  
TALLAHASSEE, FL 32301  
TOLL FREE: 888-549-7011  
LOCAL: 850-224-7600  
FAX: 850-224-7602

**ATTORNEYS AT LAW:**

- ROSALYN SIA BAKER-BARNES
- F. GREGORY BARNHART
- T. HARDEE BASS III
- LAURIE J. BRIGGS
- BRIAN R. DENNEY
- EARL L. DENNEY, JR.
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- DONALD J. WARD III
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**PARALEGALS:**

- VIVIAN AYAN-TEJEDA
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- JOHN C. HOPKINS
- DEBORAH M. KNAPP
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- J. PETER LOVE
- ROBERT W. PITCHER
- KATHLEEN SIMON
- STEVE M. SMITH
- BONNIE STARK
- WALTER STEIN



**WEBSITES:**

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A REPORT TO CLIENTS & ATTORNEYS VOLUME 14, NUMBER 2

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NOTE: The accounts of recent trials, verdicts and settlements contained in this newsletter are intended to illustrate the experience of the firm in a variety of litigation areas. Each case is unique, and the results in one case do not necessarily indicate the quality or value of any other case. Omitting clients' names and/or defendants' names are the result of requests for anonymity.

## Aide's refusal to help woman results in fall and serious injury

### Assisted-living facility failed to provide proper care for disabled resident.

Ninety-six-year-old Elizabeth Williams (not her real name) suffered from a disability which required her to have assistance in performing various household and personal tasks, including bathing. Because of her needs, she resided in an assisted-living facility in Florida. One morning in April 2013, Elizabeth asked one of the facility's aides to assist her in taking a shower. The aide told Elizabeth that she should do that herself, and the aide refused to assist. The aide remained close by, but still refused to physically assist Elizabeth. Because of the refusal, Elizabeth used her walker to enter the bathroom, and then attempted on her own to transfer from the walker into the shower stall. Her foot caught the edge of the shower's entrance and she tripped and fell.

Elizabeth was immediately taken to a nearby hospital where she was diagnosed with a distal fracture to her femur. She underwent open reduction and internal fixation surgery. As a result of the surgery, she endured tremendous pain. The femur never fully healed. A few months later, she died. Her death was determined to be unrelated to the facility's negligence. Elizabeth's estate requested SDSBS attorneys **Karen Terry** and **Matt Schwencke** to represent them in an effort to seek justice for the facility's negligence in caring for Elizabeth. Shortly after the attorneys threatened to sue and to seek punitive damages, the parties reached a settlement of \$500,000. ♦



## Death of 17-year-old impaired driver leaves parents devastated

### Florida law brings accountability to those who would ignore their obligation to protect minors from the dangers of alcohol and drugs.

Lynnae was a 17-year-old high school senior, busy with school and a part-time job at a local health food store. Like many teenagers, she was excitedly making plans to spend New Year's Eve with her boyfriend, John (not his real name), and their friends. She had not seen John in several weeks, so she planned to drive to his house (John lived with his parents) and then, later, the two of them would go to a New Year's Eve party at someone else's home. It is believed that Lynnae and John spent some time together at John's house drinking alcohol furnished by John or his parents. John drove them both to the party. There was also alcohol served at the party, provided by the party's host and/or by the party-goers themselves, and Lynnae and John were served numerous drinks.

About 12:30 a.m., Lynnae told John that she wanted to go home, so he drove her back to his parents' house and he then returned to the party without her. Lynnae fell asleep almost immediately. A few hours later, she awakened. John was nowhere to be found. Anxious about being left alone, Lynnae decided to drive herself to her own home. Tragically, she was still legally impaired and in no condition to drive. Just miles from her home, Lynnae took a turn too quickly and crashed into a light pole. She died at the scene.



Lynnae's mother and father asked SDSBS attorney **Karen Terry** to represent them in pursuing responsibility for the sudden and violent death of their beloved daughter. Florida Statute 856.015, "Open House Parties," seeks to protect minor children who drink or are provided alcohol in a home where a person over the age of 18 years knows that a minor is in possession of, or is consuming, alcohol, and who fails to take reasonable steps to prevent consumption of alcohol by the minor. The same law applies to drugs. The law also imposes criminal penalties against the homeowner(s), including misdemeanors of the first or second degree.

Ms. Terry demanded that the insurance carrier for John's parents, and the insurance carrier for the house that hosted the New Year's Eve party, tender the policy limits totaling \$1.7 million. In less than 30 days from the demand, the limits were tendered. Suit did not have to be filed, and the case was settled.

While Lynnae's parents mourn the loss of their beautiful daughter every day, they are grateful to be relieved of a potentially lengthy and painful legal process. Nonetheless, Lynnae's parents will never see their daughter mature, attend college, marry, and have children. Their loss is huge. The Florida law, however, clearly worked to bring accountability to the doorstep of those who would ignore their obligation to protect minors from the dangers of alcohol and drugs. ♦



## Accolades



**Chris Searcy** was recently elected to the International Academy of Trial Lawyers Foundation's Board of Trustees. Mr. Searcy will serve a three-year term beginning in 2014. The purpose of the Foundation is to promote reform in law, facilitate the administration of justice, and cultivate the science of jurisprudence. Mr. Searcy has also received an invitation from U. S. Senators Bill Nelson and Marco Rubio to serve on the Judicial Nominating Commission. Mr. Searcy will serve on JNC's Southern District Conference through the remainder of the 113th Congressional Term. The JNC recommends the most qualified candidates to serve as U. S. District Court Judges, U. S. Attorneys, and U. S. Marshalls. Prospective nominees are then forwarded to the President for consideration. ♦



**Karen Terry** was featured in the Palm Beach County, Florida, edition of *Attorney at Law Magazine* in an article titled "Attorneys to Watch in 2014." In an interview for the article, Ms. Terry, who practices personal injury law, stated, "I am in a unique practice area. All I do, 100 percent of the time, is to help catastrophically injured folks who are trying to overcome tragedies. It is my sole focus." In June 2014, the Palm Beach County Bar Association appointed Ms. Terry to serve on its Continuing Legal Education Committee and on the Judicial Relations Committee. On the CLE Committee, she will interact with attorneys practicing in the areas of personal injury and wrongful death law. She will serve as a liaison between the Bar Association and courts and help develop strategies for better relations. ♦

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**Searcy Denney**



The Cornell Law Forum featured SDSBS attorney and Cornell alumnus (1976) **Greg Barnhart** in its "Profiles" published in the spring of 2014. The subject of the profile was "Taking on Corporate Defendants in the Ultimate Game." Mr. Barnhart joined SDSBS in 1978, shortly after graduation from Cornell Law School. In over 36 years, Mr. Barnhart has won 77 verdicts worth over \$1 million each. Aside from his work at SDSBS, Mr. Barnhart, an active outdoorsman, goes to court pro-bono for "1000 Friends of Florida," a nonpartisan group promoting environmentally responsible growth. "Compared to other law schools," said Mr. Barnhart, "the ability to delve into the theory and the fabric of the law is explored more deeply at schools like Cornell." He advised aspiring trial lawyers to rack up as much time in court as possible. ♦



**Sia Baker-Barnes** was appointed Palm Beach County Chapter Representative for the Florida Association for Women Lawyers. Ms. Baker-Barnes will represent the chapter on a statewide level. Ms. Baker-Barnes was also nominated for Florida's 15th Judicial Circuit's Judicial Nominating Committee. ♦



**Andrea Robinson** was named "2014 Young Lawyer of the Year" by the Palm Beach County Bar Association's Young Lawyers Section at its annual banquet held in May 2014. ♦



**D. J. Ward** and **Matt Schwencke** were recently selected for membership in the *National Trial Lawyers'* "Top 40 Under 40." The organization within NTL is composed of the top trial lawyers who are practicing civil plaintiff and/or criminal defense law. Membership is by invitation only, and invitees must exemplify superior qualifications, trial results, and leadership as young lawyers under the age of 40 years. ♦



## Serious injury caused by fall on improperly constructed handicapped parking space and ramp

### Construction was performed by an unlicensed contractor who violated building codes and specifications

Stella “Jeanette” Ogletree, 74 years of age, and her husband, Donald Ogletree, 79 years of age, loved to travel from their home in Gainesville, Georgia, to the beaches of Florida’s Panhandle. In October 2010, Jeanette and Donald were coming to the end of their vacation stay at The Summit Condominium in Panama City Beach. Donald suffered from several medical conditions that had left him disabled. As a result, the couple had a state-issued handicapped placard which they utilized when they parked their car in one of the condominium’s designated handicapped parking spaces.

On October 21, 2010, the couple prepared to leave the condominium and return to their home in Georgia. The car was packed and ready to go. Jeanette walked around the car to the passenger rear door to get a bottle of water for the trip. After closing the door, she turned and walked to the rear of the car to check the trunk. Unfortunately, she tripped over the handicapped ramp which extended into the parking space. She fell hard, seriously fracturing her left shoulder. Someone called the emergency service and an ambulance arrived. Following an examination, Jeanette declined to go to the local hospital for treatment. Fearing that she would be admitted to the hospital far from home with no one to care for her disabled husband, and in spite of being in terrific pain, she and Donald returned to Georgia. At home, family members could assist Donald while Jeanette received medical care.

The doctors in Gainesville diagnosed Jeanette’s condition as a comminuted left humeral-head fracture which required surgery for a partial shoulder replacement. The surgical procedure did not relieve Jeanette’s pain, and she endured two more surgical procedures – neither of which proved successful in alleviating her pain. Ultimately, doctors recommended that she have a complete shoulder replacement. She has required intensive pain management treatment since the accident occurred.

Seeking accountability for Jeanette’s injuries, the Ogletrees contacted SDSBS attorney **Bill Norton** and asked him to investigate the case and to represent them. His investigation revealed that the condominium had built the handicapped ramp without use of a licensed contractor and without any permit. The regulations and design-criteria for

handicapped parking spaces are extremely strict – and for good reason. Regulations require that any vehicle parked in a handicapped space must be afforded an area without obstruction to allow for the handicapped person, and their aides, to enter and exit the vehicle without worrying about trip hazards. Construction of the ramp, in this case, violated virtually every written code and specification. Parking in the condominium’s handicapped space actually required driving over the ramp in order to place the car in the space.

Suit was filed, and the case went to trial in Bay County, Florida. Over Mr. Norton’s objection, the defense was allowed to present evidence that, prior to Jeanette’s fall, there had never been a fall on the premises. In addition, and also over Mr. Norton’s objection, the defense presented evidence that Jeanette had tripped and fallen about six times, before and after the accident at the condominium. The defense also asserted that Jeanette should have seen the ramp and that her injuries were largely her own fault because of her inattention. They further argued that the plaintiff could not project the necessity for future surgery, and that some of Jeanette’s injuries were a result of the normal aging process. Mr. Norton presented expert witnesses who testified on liability, including the treating physician whose testimony contradicted defense arguments concerning lack of damage. On June 26, 2014, the jury returned a total verdict of \$405,000, attributing 100% of the liability to The Summit Condominium, and no liability to the plaintiff. ♦



*Donald and Sheila Ogletree in 2009.*

## Meeting Corner:



**Andrea Robinson**

SDSBS is pleased to announce the addition of attorney **Andrea Robinson**. Ms. Robinson will represent clients suffering damage and/or injury caused by careless drivers, defective products, harmful prescription drugs, or negligent healthcare providers. Before joining the firm, Ms. Robinson was a prosecutor with the Palm Beach County State Attorney's office, prosecuting numerous felony cases. She also served as Deputy Chief of the Palm Beach County Court where she trained and supervised over 35 attorneys. She has been very active in numerous legal and professional associations in both the county and state, frequently serving as a speaker or panelist. Ms. Robinson received two undergraduate degrees from Florida State University (finance and real estate), graduating with honors. In May 2010, she received her Juris Doctor from FSU's College of Law. ♦



**Pablo Perhacs**

SDSBS is pleased to announce that **Dr. Pablo Perhacs** has become an associate attorney for the firm. Dr. Perhacs has been a member of The Florida Bar since 1973. He is also admitted to practice law in Montana and New York, and in various federal courts. He holds a doctoral degree in molecular biophysics and is a registered patent attorney. Combining his expertise as scientist and attorney, Dr. Perhacs litigated patent infringement cases involving molecular biology and biotechnology. Earlier in his career, Dr. Perhacs prosecuted numerous criminal cases. He also worked as a defense attorney. His area of practice at SDSBS will include commercial litigation and product liability. ♦

## SDSBS Websites:



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**[www.SearcyMassTort.com](http://www.SearcyMassTort.com)**

for the latest news and information on Mass Torts (such torts involve many people who have been harmed in a similar way, usually by a drug, medical device or a product).



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for the latest news and information about our firm in Spanish.



# Patient just out of surgery, left alone and clearly at risk, falls and breaks her hip

## Patient's risk was greater than usual because she had just awoken from anesthesia.

On July 6, 2012, Sheila Levinson, age 84, was scheduled to undergo a surgical procedure in a surgery center in south Palm Beach County, Florida. Although the surgery would last only 15 minutes, it required that she be placed under general anesthesia. Shortly after waking up from the surgery, Sheila was wheeled in a hospital bed to a bathroom and instructed by a nurse assistant to get dressed. Alone in the bathroom, Sheila fell, suffering an intertrochanteric hip fracture.

Her injury required immediate, same-day surgery, followed by in-patient rehabilitation. Sheila's husband, Sidney, was a retired small business owner and World War II veteran. At age 91, he now became his wife's primary caregiver. The couple asked SDSBS attorneys **Greg Barnhart** and **D. J. Ward** to represent them in a legal action to hold the surgery center accountable for its failure to protect its patients.

Mr. Barnhart and Mr. Ward were able to secure testimony from the surgery center's registered nurses that Sheila Levinson was clearly a fall risk. She used a walker, had a history of previous falls, and suffered from anemia. These nurses, each of whom were employees of the surgery center, testified that Sheila should have been accompanied in the bathroom while dressing.

In defending the nurse assistant, attorneys for the surgery center acknowledged that Sheila had been correctly identified as a fall risk, but they argued that Sheila had said she would be okay changing her clothes alone in the bathroom. Further, they argued, the fall could not have been prevented even if the nurse assistant had been in the bath-

room with Sheila. Mr. Barnhart and Mr. Ward argued that Sheila's risk factors were even greater than usual because she had just awoken from anesthesia. She was not given any opportunity to assess her own capability of getting dressed without assistance.

Despite the serious nature of Sheila Levinson's hip fracture, she was able to make a good recovery. It was, however, complicated by a subsequent fall that was unrelated to the hip fracture. Medical liens totaled \$21,153. Attorneys Barnhart and Ward were eventually able to reach a settlement of \$350,000 on behalf of the Levinsons. ♦



*Sidney and Sheila Levinson*



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## Mass Tort Projects of Interest

### **ACTOS, ACTOplus met, ACTOplus Met XR, and Duetact**

Bladder Cancer

### **Bard IVC Filter**

Heart and Lung Perforation  
Hemorrhagic Pericardial Effusion

### **Benicar**

Chronic Diarrhea  
Nausea and Vomiting  
Sprue-like Enteropathy

### **Bisphosphonates (Boniva, Fosamax, Zometa, Aredia, and others)**

Jaw Osteonecrosis  
Femur Fractures  
Esophageal Cancer

### **GranuFlo and NaturalLyte Dialysis Products**

Cardiac Arrest  
Death  
Cardiac Arrhythmia  
Metabolic Alkalosis  
Stroke  
Sudden Cardiac Death

### **Januvia, Janumet, and Byetta**

Pancreatic Cancer  
Thyroid Cancer

### **Laparoscopic Power Morcellator**

Uterine Cancer

### **Lipitor**

Diabetes

### **Medtronic Infuse Bone Graft**

Ectopic Bone Growth  
Respiratory Failure  
Nerve Damage  
Death

### **Metal-on-Metal Hip Implants (DePuy, Zimmer, Biomet, Wright Medical, and Smith & Nephew)**

Device Failure and Loosening  
Inflammatory Response  
Metallosis

### **Modular Hip Implants (Zimmer Kinectiv, Wright Medical Profemur, and Smith & Nephew Emperion)**

Implant Breakage

### **Mirena IUD**

Device Migration  
Organ Obstruction  
Organ Perforation  
Peritonitis  
Device Erosion

### **Post-Operative Disposable Pain Pumps**

Chondrolysis  
Cartilage Destruction

### **Pradaxa**

Uncontrollable Bleeding  
Death

### **Propecia and Proscar**

Sexual Dysfunction  
Male Breast Cancer

### **Risperdal**

Gynecomastia

### **SSRI Antidepressants (Paxil, Celexa, Effexor, Lexapro, Pristiq, Prozac, and Zoloft)**

Birth Defects  
Pulmonary Hypertension

### **Stryker Rejuvenate, ABG II, and Accolade Hip Implants**

Premature Device Failure  
Metallosis  
Inflammatory Response

### **Stryker ShapeMatch Knee Implant Cutting Guide**

Revision Surgery

### **St. Jude Riata Defibrillator Leads**

Lead Fracture

### **Testosterone**

Blood Clots  
Heart Attacks  
Stroke

### **Transvaginal Mesh, Bladder Slings, and TVT Tape (Bard, Johnson & Johnson, Mentor, Boston Scientific, AMS, and others)**

Tissue Erosion  
Device Failure

### **Viagra**

Melanoma

### **Yaz, Yasmin, Beyaz, Gianvi, and Ocella**

Heart Attack  
Deep Vein Thrombosis  
Pulmonary Emboli  
Stroke  
Sudden Cardiac Death

### **Zimmer NexGen and CR-Flex Knee Implants**

Device Failure and Loosening

If you have been harmed by a drug or medical device, please call our Mass Tort Unit.

**CAL WARRINER**  
Attorney at Law  
CCW@SearcyLaw.com

**BRENDA FULMER**  
Attorney at Law  
BSF@SearcyLaw.com

**KELLY HYMAN**  
Attorney at Law  
KAH@SearcyLaw.com

**SEARCY DENNEY**

SEARCY DENNEY SCAROLA BARNHART & SHIPLEY, P.A.





## ACTOS

**USE:** Lowers blood sugar levels and helps diabetics use insulin more efficiently.

**HARM:** Failure to warn of risks of bladder cancer.



## Pradaxa

**USE:** Treatment for atrial fibrillation.

**HARM:** Failure to warn of inability to reverse impairment of blood clotting, which causes uncontrollable GI bleeding, intracranial hemorrhaging, and death.



## Stryker Rejuvenate Hip Implant

**USE:** Modular, non-metal on metal hip implant

**HARM:** Modular components corrode leading to metallosis, premature device failure, elevated cobalt levels, pseudotumor formation, and osteolysis.



## Yaz, Yasmin, Beyaz, Gianvi and Ocella

**USE:** Birth control pills for contraception and PMDD (premenstrual dysphoric disorder).

**HARM:** Failure to warn of increased risks due to unique progestin leading to blood clots, DVT, strokes, heart attacks, pulmonary emboli, and sudden cardiac death.



## Metal-On-Metal Hip and Knee Implants

**USE:** Hip and knee implant devices used in joint reconstruction and manufactured by DePuy, Zimmer, Biomet, Wright Medical, and others.

**HARM:** Failure to warn of breakdown of metallic surfaces and abnormal wear, premature device failure, and elevated cobalt and chromium in blood causing metallosis and pseudotumor formation.



## Osteoporosis Drugs

**USE:** Strengthen bones that are weakened due to osteoporosis, osteopenia, Paget's disease, or bone metastases.

**HARM:** Failure to warn of impairment of body's ability to repair damage to bones, leading to femur fractures, jaw osteonecrosis, and possible link to esophageal cancer.



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## SDSBS receives recognition and awards at Florida Justice Association's annual convention in June 2014



**Jim Gustafson (left) is sworn in as FJA Treasurer by Chief Justice Labarga.**

In June 2014, at the Florida Justice Association conference on Advanced Judicial Studies, SDSBS attorney **Jim Gustafson** was sworn in as treasurer of FJA by Chief Justice of the Florida Supreme Court, Jorge Labarga. During the conference, Mr. Gustafson spoke to circuit court judges about trying tobacco cases. Also, The Florida Bar Association announced that Mr. Gustafson has met its standards of certification and is now a Board Certified Specialist in civil trial law, having met the Bar's high standards for special knowledge, skills, and proficiency. Certification recognizes that an attorney has met the highest levels of professionalism and ethics. ♦



At the Florida Justice Association's annual convention held in June 2014 at The Breakers Hotel in Palm Beach, Florida, **Chris Searcy** received the coveted Gold EAGLE Award, presented each year to members who set the standard for leadership in their region by giving time, money, and energy to further FJA's goal of protecting the rights and safety of Floridians.



The Florida Justice Association's Board of Governors recently reappointed **Brenda Fulmer** as a delegate to the American Association for Justice's Board of Governors. Ms. Fulmer was featured in AAJ's Trial magazine's March 2014 edition. The article was entitled "SideBar: Brenda Fulmer Working Hard and Staying True." The Florida Bar appointed Ms. Fulmer to its Continuing Legal Education Committee for a three-year term beginning July 2014. ♦



### **Brenda Fulmer and Laurie Briggs**

each received FJA's new Cornerstone Award, presented to individuals who recruit the most new members to FJA in a given year. Ms. Briggs received two additional awards. The FJA Women's Caucus Appreciation Award recognized Ms. Briggs' leadership contributions to the efforts of the Caucus Section. FJA's Young Lawyer's Section awarded Ms. Briggs the Mickey Smiley Award in recognition of dedicated leadership and service. The FJA's Board of Directors appointed Ms. Briggs to be a member of FJA's Executive Committee. **Cameron Kennedy** was re-elected to FJA's Board of Directors. ♦



**D. J. Ward's** article, "Is the Irreversible TRULY Unforeseeable? The Law of Suicide Prevention," was published by the Florida Justice Association in its March 2014 *Journal*. ♦



Chris Searcy



Brenda Fulmer



Jim Gustafson



Laurie Briggs



Cameron Kennedy



Ed Ricci



Matt Schwencke



**Florida Trend magazine names seven SDSBS attorneys in their 2014 'Legal Elite'**

Florida Trend magazine recently announced its "Legal Elite 2014," which included SDSBS attorneys **Chris Searcy, Brenda Fulmer, Jim Gustafson,** and **Laurie Briggs.** Selected as "Legal Elite 2014 Up and Comers" were **Cameron Kennedy, Ed Ricci,** and **Matt Schwencke.** Now in its eleventh edition, "Florida Legal Elite" presents a prestigious roster of attorneys chosen for these honors by their peers. ♦



*(l-r) David Deehl, leader within the Tort Trial and Insurance Practice Section, and TIPS Chair, Eugene Beckham, present SDSBS attorney Chris Searcy with the ABA "Pursuit of Justice Award."*

In May 2014, Mr. Searcy received the American Bar Association's "Pursuit of Justice Award" at the TIPS Spring Leadership Meeting held at the Boca Raton Resort & Club in Boca Raton, Florida. The award recognizes lawyers and judges who have shown outstanding merit and who excel in providing access to justice for all Americans. ♦



*Jared Deluca of FJA's Young Lawyer's Section presents Laurie Briggs with the Mickey Smiley Award in recognition of dedicated leadership and service. It marked the first time that a woman has received this prestigious award. ♦*



## Speaking opportunities



**Chris Searcy** gave a presentation entitled “Last in Line, First to Die” at the National Interstate Trucking Conference, “Super Summit III – Top Guns,” held in June 2014 at the St. Louis Union Station Hilton-Doubletree, St. Louis, Missouri. The conference was hosted by the Association of Plaintiff Interstate Trucking Lawyers of America. ♦



**Sia Baker-Barnes** was the keynote speaker at The Ladies of Futurity Scholarship Gala held May 31, 2014, in West Palm Beach, Florida. The theme of the event was “The Evolving Role of a Lady.” The Gala provided an opportunity to celebrate the scholastic achievements and civic efforts of local ninth through twelfth grade girls. The LOF organization provides the support necessary for the continued academic success of young ladies within its programs. Ms. Baker-Barnes’ presentation was “Don’t Just Survive, Thrive!” ♦

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third time



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**Jack Scarola**



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**Sia Baker-Barnes**



**Brian Denney**



**Brenda Fulmer**



**Jim Gustafson**



**Jack Hill**



**Darryl Lewis**



**Karen Terry**



**Cal Warriner**



**Mariano Garcia**



**Hardee Bass**



**Cameron Kennedy**



**Ed Ricci**



**Matt Schwencke**



**Brian Sullivan**



**D. J. Ward**



## **Florida Super Lawyers magazine 2014 Edition selects 20 SDSBS attorneys for high awards**

*Florida Super Lawyers* magazine recently announced its 2014 selection of Florida Super Lawyers. SDSBS attorney **Chris Searcy** was, for the third time, ranked number one in the publication's selection of "Top 10 Florida Super Lawyers." Included in the "Top 100 Florida Super Lawyers" were SDSBS attorneys **Jack Scarola** and **Greg Barnhart**.

Selected as "Florida Super Lawyers 2014" were **Earl Denney, John Shipley, Sia Baker-Barnes, Brian Denney, Brenda Fulmer, Jim Gustafson, Jack Hill, Darryl Lewis, Karen Terry, Cal Warriner, and Mariano Garcia.**

**Hardee Bass, Cameron Kennedy, Ed Ricci, Matt Schwencke, Brian Sullivan, and D. J. Ward** were selected by *Super Lawyers* as "2014 Florida Rising Stars." Selection for this category requires the

candidate to not only meet the *Super Lawyers* selection criteria, but who must be either 40 years of age or younger, or in practice for 10 years or less.

*Super Lawyers* is a rating service of outstanding lawyers from more than 70 areas of practice who have each attained a high degree of peer recognition and professional achievement. The comprehensive selection process utilized by *Super Lawyers* – requiring nomination, research, and peer review – was awarded a patent in 2013. It is one of few lawyer rating services to be granted this distinction. Only five percent of lawyers in the state are selected as "Super Lawyers," and no more than two and one-half percent are selected as "Rising Stars." The *Super Lawyers'* process ensures a credible, comprehensive, and diverse listing of exceptional attorneys, such as these noted SDSBS attorneys. ♦





**Pinwheels for Prevention of Child Abuse in nationwide effort supported by SDSBS members in creating pinwheel gardens for awareness and prevention**

In April 2014, SDSBS participated, along with the Palm Beach County United for Children, in a nationwide effort sponsored by Pinwheels for Prevention of Child Abuse to raise awareness of and support for efforts to prevent child neglect and abuse. The pinwheel was selected as the symbol that every child in America deserves to live a healthy, happy, and full life. SDSBS and PBCUC, and numerous other organizations throughout the United States, marked Child Abuse Prevention Month by creating pinwheel gardens to help transform awareness into action and to prevent child neglect and abuse. ♦

**Taking...**

*Time to Care*



**13th annual Tails and Trails 5K Race has SDSBS sponsor and team to support the Animal Shelter Foundation**

SDSBS was a sponsor of the 13th Annual Tails and Trails 5K Race held May 3, 2014, to raise funds to support the Animal Shelter Foundation in Tallahassee. A team of six staff members from SDSBS' Tallahassee office participated in the race. This year, over 1,000 people participated in the event raising almost \$25,000 to support ASF programs such as community spay/neuter vouchers, supplemental veterinary care for shelter animals, and community education on responsible pet ownership. ♦



**SDSBS Tallahassee office support Second Harvest of the Big Bend to prevent hunger**

In June 2014, SDSBS staff from the Tallahassee office participated as volunteers to provide support for America's Second Harvest of the Big Bend. Almost 300 volunteers got together to raise funds, receive food donations, and educate and engage the community in its fight against hunger. Almost 115,000 people live in poverty in the 11 counties served by Second Harvest. Through networking with partner agencies and other organizations, Second Harvest has been able to obtain and distribute non-perishable food items to relieve hunger in north Florida. ♦





**Jack Scarola and his family named ‘honorary family’ at the annual SleepOut event to benefit The Lord’s Place**

SDSBS was a sponsor of the annual SleepOut to raise awareness about homelessness, and to provide support for The Lord’s Place. The event, held April 11, 2014, at the Meyer Amphitheatre in West Palm Beach, Florida, attracted a record-breaking 500 participants. The crowd enjoyed festive music, a silent auction, kids’ activities, and food from TLP’s Café Joshua Catering Company. Jack Scarola and his family were named “honorary family” for the event. TLP is a non-profit, non-sectarian organization that has been changing the lives of homeless families and individuals in Palm Beach County for over 30 years. They are committed to breaking the cycle of homelessness with programs that include safe, supportive housing and job training and placement. ♦



**SDSBS Tallahassee office sponsors ‘Bowl for Kids’ Sake’ event hosted by Big Brothers Big Sisters to raise funds and celebrate achievements**

SDSBS was a proud sponsor of the “Bowl for Kids’ Sake” event hosted by the Big Brothers Big Sisters of the Big Bend, May 17, 2014, at Crenshaw Lanes (FSU Student Union), Tallahassee, Florida. Staff from SDSBS offices in Tallahassee participated in the event which involved over 300 bowlers and volunteers. The event celebrated successful achievements by youths within the programs, and raised over \$40,000 to support the organization. ♦



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-- THOMAS PAINE

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