

Searcy Denney Attorneys Tackle Defective Products That Cause Serious Injury or Death

Florida Bar recognizes four SDSBS attorneys for being Board Certified Civil Trial Lawyers for 25 years



Chris Searcy Earl Denney



Greg Barnhart Jack Scarola

Chris Searcy, Earl Denney, Greg Barnhart, and Jack Scarola have been recognized by The Florida Bar's Legal Board Certification program for earning and maintaining the status of Florida board certified civil trial attorney for 25 years. "Florida's board certification program is predicated on experience and integrity, the foundations that are inseparable from our work as lawyers to advance the administration of justice," said Florida Bar president John G. "Jay" White, III. Board certification is the highest level of evaluation by The Florida Bar for competency, experience, professionalism, and ethics in practice within a specific area of law. ■

SERIOUS DEFECTS IN SUZUKI GSX R1000 MOTORCYCLE FRAME CAUSE DEATHS AND INJURIES IN CATASTROPHIC CRASHES

On January 9, 2009, American Suzuki Motor Corporation advised the National Highway Traffic Safety Administration of a serious safety defect in their 2005 and 2006 GSX-R1000 sport bikes: the frames are susceptible to cracking and breakage behind and below the steering neck.

A frame fracture can destabilize and compromise the handling characteristics of the bike, resulting in serious injury or death to even the most experienced riders. In fact, the frame defect has caused front steering assemblies to completely separate from the body of the bike during operation.

Where does Suzuki assign blame? Instead of taking responsibility for manufacturing and selling a defective and deadly sport bike, Suzuki blames the riders who purchase their product.

Nonetheless, the company initiated a recall campaign beginning January 21, 2009, in order to retrofit affected bikes with a brace to minimize the potential for frame cracking or breakage, or to replace broken frames.

If you own or ride one of these Suzuki models, you should have received a notification letter from Suzuki explaining the possible defects and asking you to return your motorcycle to a Suzuki dealership. You should trailer your GSX-R1000 motorcycle to a Suzuki retailer as soon as possible. Suzuki's Service Bulletin authorizes dealerships to inspect the relevant area of the frame, and to retrofit a brace or replace the frame as warranted.

If you or a loved one has been injured as a result of this product defect, contact our office and speak with our mass tort unit. For additional information, go to our dedicated website at: www.suzukimotorcycleattorney.com. ■



If a loved one has died, or you or a family member has been injured, in an accident involving a Suzuki Motorcycle or a Rhino® All-Terrain Vehicle, please contact our mass tort unit or go to our dedicated site for more information at:
<http://www.suzukimotorcycleattorney.com/>
 or
<http://www.rhinoinjuryattorney.com/>

ROLLOVERS BY RHINO® ALL-TERRAIN VEHICLES CAUSE DEATHS, SERIOUS INJURIES

Warnings and Retrofits Too Late For Victims

The image of all-terrain vehicles is one of freedom and adventure: off-road exploration through muddy ruts, over rough and rocky hills, up and down steep terrain. What could be more exciting, especially to teenagers and even younger children whose parents assume these vehicles are safe? As it turns out, instead of the adventure of a lifetime, many drivers and passengers in Yamaha's Rhino® Utility Terrain Vehicles have suffered severe injuries or even death.

In a sleight-of-hand maneuver, Yamaha classified the Rhino® as a "utility terrain vehicle" and, therefore, it was not subject to the same safety standards as other ATVs. Although Rhino® has a history of rollover and handling problems because of its poor design, Yamaha managed to work around federal regulations.

When the Rhino® was first introduced to the market in 2003, it was widely reported that ATV deaths and injuries had risen steadily since the mid-1980s. Statistics at that time indicated that 30% of the injuries and deaths were to children under the age of 16, of which 19% involved children under the age of 12.

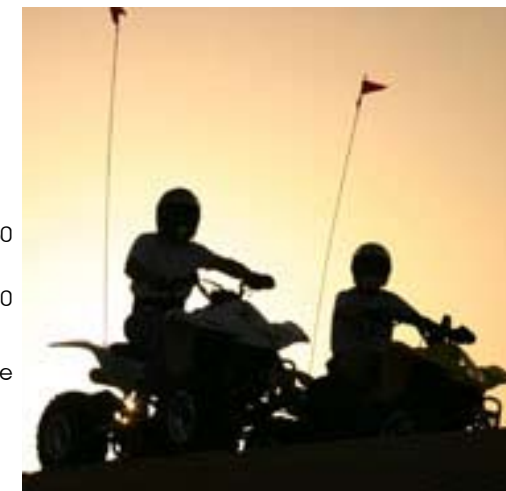
Perhaps recognizing the black marks on the safety record of what competitors called "all-terrain vehicles," Yamaha decided to give the Rhino® a different characterization: "utility terrain vehicle." In effect, the manufacturer "re-labeled" the Rhino and may have camouflaged the potential hazards, which included:

- High profile design
- Narrow wheel base
- Too-narrow tires
- High center of gravity
- Absence of doors or side guards
- Too much steering range

The models affected included:

- All 2004 YXR660
- All 2005 YXR660 without doors
- All 2006 YXR660
- All 2007 YXR660
- All 2006 YXR450 without doors
- All 2007 YXR450

Federal statistics now indicate that the unregulated Rhino® is responsible for more than 30 deaths and hundreds of serious injuries. ■



Meeting Corner



Mark P. Poncy

Mark Poncy recently joined SDSBS as a paralegal to work with Jack Scarola's team. After completing graduate degrees in physiology and neurophysiology, Mr. Poncy founded Steridyne Corporation, a medical device firm which he ran for 22 years. An avid student and contributor to the field of intellectual property, Mr. Poncy holds 13 United States and foreign patents, over a dozen trademarks, and ten copyrights. His original scientific research on mechanisms of pain was published in the *Journal of Neuropharmacology*, and he also developed the original curriculum, "Understanding and Participating in the Creative Process," which he introduced for accreditation at a local preparatory school. He remains active in the fields of creative writing and musical composition, having composed three novels, a humor column, the publication of the humor work "Menopause," two musical plays, and numerous songs. ■