SEARCY DENNEY SCAROLA BARNHART & SHIPLEY P.A.
Attorneys at Law

OF COUNSEL

QUARTERLY REPORT TO CLIENTS AND ATTORNEYS - VOL. 99, NO. 3

2139 PALM BEACH LAKES BLVD.
WEST PALM BEACH
FLORIDA 33409

800-780-8607
(561) 686-6300
FAX: (561) 478-0754
www.searcylaw.com

P.O. DRAWER 3626
WEST PALM BEACH
FLORIDA 33402

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.

HMO's Practices Cause Suffering for Entire Family

Richard Helmuth, age 60, and his wife, Amparo, age 68, were enjoying one of the happiest periods of their lives in 1994. Mr. Helmuth worked for the City of St. Petersburg and Mrs. Helmuth spent her days caring for their 23-year-old autistic son, Robert.

Mrs. Helmuth relished spending time with her mentally and physically handicapped son. From the day Robert was born, the Helmuths dedicated themselves to caring for him. The Helmuths learned sign language and taught Robert how to communicate with the world around him. With Mr. Helmuth approaching retirement, the couple looked forward to spending more time with Robert, their other children, and grandchildren. However, the Helmuths' vision of a happy retirement was never realized.

The Helmuths' health insurance coverage was provided by an HMO. The plan required that all medical treatment be approved by a "gatekeeper" physician. Under the terms of the HMO, a gatekeeper physician determined if the patient's medical condition warranted medical or diagnostic treatment by a specialist. The patient had no ability to choose the specialist physician. The gatekeeper referred all patients, and was encouraged to refer only to specialists under contract with the HMO. Additionally, the gatekeeper was provided financial incentives for not referring patients to specialists or for diagnostic testing in order to save money. The system essentially rewarded the gatekeeper physician for withholding treatment.

Amparo, Robert and Richard Helmuth in 1991.

Many years ago, in her native country of Spain, Mrs. Helmuth had a lesion surgically removed from her left femur. The lesion was found to be benign. In 1994, Mrs. Helmuth developed pain and swelling again in the same region. On Nov. 2, 1994, Mrs. Helmuth went to Sonal Shah, M.D., a "gatekeeper" physician, complaining of pain and swelling in her left knee. Dr. Shah knew that Mrs. Helmuth had a tumor in that area and referred her to an HMO radiologist, Stephen H. Greenberg, M.D. An x-ray was ordered on Nov. 10. Dr. Greenberg recognized a mass on the distal femur, but diagnosed it as benign. ***continued on page seven***

Enclosed is a reprint from the November 1999 issue of *Florida Trend Magazine.*

Chris Searcy was featured as one of the most respected trial lawyers in the state of Florida.

The Meeting Corner:

Samantha M. Johansen

Samantha M. Johansen is originally from Mt. Holly, N.J. She attended Rutgers University in Camden, N.J., from 1989 to 1995. Mrs. Johansen moved to Florida in 1995, and earned a Bachelor of Arts degree in Political Science from Florida Atlantic University in Boca Raton.

That same year, Mrs. Johansen obtained an Independent Adjuster's License. She has worked at Crawford & Co./Alamo Division and Progressive Insurance Company. Mrs. Johansen will work primarily with Sean C. Domnick, assisting with medical malpractice, product liability, personal injury and commercial litigation cases.

Mrs. Johansen and her husband, Timothy, were married on March 9, 1996. Mrs. Johansen is an active member at Spanish River Presbyterian Church and volunteers at the First Care Pregnancy Center, both in Boca Raton. ■

Scott W. Whitehead

Scott W. Whitehead is originally from Cleveland, Ohio. He graduated from Kent State University in 1984 with a Bachelor of Arts degree in Business Marketing. That same year, Mr. Whitehead moved to Florida and began his career in the transportation industry and then the insurance industry.

In August 1999, Mr. Whitehead received his Senior Claims Law Associate Certification from the American Educational Institution in Orlando. He presently holds a Florida 620 Adjuster License and is a member of the Central Florida Claims Association. Mr. Whitehead will work primarily with David K. Kelley, assisting with medical malpractice and personal injury cases.

Mr. Whitehead and his wife, Patricia, have been married since 1990. They have two children, Lindsay, age 6, and Lauren, age 3. Mr. Whitehead's hobbies include playing softball and golf, and chasing his kids. ■

Accolades:

10-Year Anniversary Celebration

On Oct. 14, **Joey K. Cain** celebrated his 32nd birthday and his 10-year anniversary with Searcy Denney Scarola Barnhart & Shipley, P.A. All employees attended a luncheon to honor Mr. Cain's birthday and dedicated service. He was presented with some very special gifts including theater tickets, t-shirts and gift certificates from area restaurants.

Mr. Cain is responsible for stocking the supply rooms and delivering supplies to personnel. He works primarily with Phoebe Harris, Roland Guay and his guidance counselor from The Association of Retarded Citizens, Marcy Murphy. Mr. Cain also recently celebrated another important milestone in life: He purchased his own home in Palm Beach Gardens. ■

Florida Trend

THE MAGAZINE OF FLORIDA BUSINESS

NOVEMBER 1999

FLORIDA'S MOST FEARED LAWYERS

When they say 'See you in court,' these guys aren't bluffing.

www.FloridaTrend.com

Christian Searcy, Trial Lawyer

Making Personal Connections

HIS OFFICE IS DECORATED WITH SCENES OF BATTLE AND A SWORD FROM THE CRUSADES, BUT HIS COURTROOM STYLE IS FAR FROM COMBATIVE.

Christian Searcy's first big break was his own inexperience. Only four years out of law school, he was approached by Bob Montgomery with a case: A young man had lost his legs to a passing train after he ended up on the tracks at 3 a.m. following a night of drinking. Just about every decent trial lawyer in south Florida had already passed on it. "It's a dog, but it's yours if you want it," Montgomery told him.

With a few more years of experience, Searcy probably would have smelled a dog, too. Instead, he pulled the accident report, and was intrigued that an engineer had reported seeing something on the tracks. He did some more research and discovered the engine's spotlight threw a beam of light 800 feet down the tracks. The speed limit was 25 miles per hour — slow enough, Searcy calculated, for the train to stop in 800 feet. If the train wasn't speeding, the accident could have been avoided.

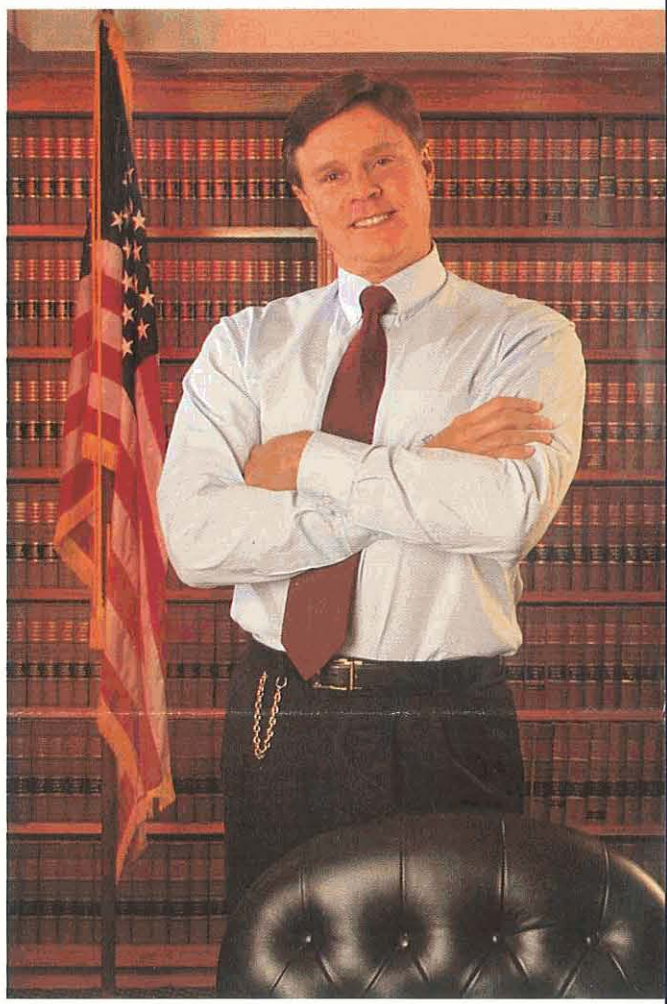
Further review of the medical records revealed a bump on the back of the victim's head not related to the accident. And his wallet, stuffed with bills from a just-cashed paycheck, was nowhere to be found. What had looked like an accident induced by alcohol and stupidity was starting to look like a bankable tragedy — a twice-victimized young man, mugged, then run down by a careless engineer. The railroad settled for $1 million, making Searcy, 30 at the time, the youngest lawyer in the U.S. to obtain a million-dollar recovery.

Today Searcy is the senior lawyer at the law firm built by Montgomery, who left in 1989 after a bitter dispute over money and management. Though Searcy says Montgomery was both his mentor and his closest friend, the two have never reconciled.

The meticulous research that earned him his first victory is still a trademark. A one-time college boxing champion, he says a good courtroom battle is his "fix."

Searcy has decorated his office with scenes of battle and a sword from the Crusades, but his courtroom style is far from combative. His voice, a soft Virginia drawl, is on occasion accompanied by tears. He comes by them honestly, he says, because of a strong personal connection to the kind of tragedies he's hired to present. When he was 13, he was in a car accident that killed his 6-year-old brother. And a delivery-room mistake 25 years ago left his son permanently brain-damaged.

Both events, he says, guided his choice of specialty, though he is also the son of a plaintiffs lawyer. "I think one of the reasons I have the success that I have is a very real sense of what (victims) are going through." ❑



Matthew Pace

CHRISTIAN SEARCY

Age: 51

Law School: Stetson University, 1973

Law Firm: Searcy, Denney, Scarola, Barnhart & Shipley, 19 lawyers

Law Office: West Palm Beach

Biggest Verdict: $50 million — wrongful death, CSX Transportation, 1997

Production Shortcuts Cause Increase In Latex Allergies

In late 1996, a health care worker from South Florida began to suffer from congestion, labored breathing and skin rashes. Shortly thereafter, she went into anaphylactic shock, a sometimes fatal condition in which organs abruptly fail. This health care worker, who had devoted her life to helping others, now lived in constant fear of suffering more anaphylactic shock episodes.

It was determined that the health care worker suffered from an allergic reaction to the latex gloves which she was required to wear on the job. The allergies became so severe that it ended her career. After a person becomes sensitized to latex, any exposure to latex is potentially fatal.

Latex allergies affect between eight and 12 percent of health care workers in the United States. Between 1989 and 1995, latex glove usage increased sevenfold. The sharp increase came from the Centers for Disease Control and Prevention which recommended that health care workers wear latex gloves to prevent HIV infection.

In an effort to speed up production and meet increased demands, some glove manufacturers took production shortcuts. As a result, the gloves being used by health care workers contained dangerously high levels of natural proteins which are responsible for the allergic reactions. Manufacturers were not allowing enough time for a produc-tion technique known as "leaching" to occur, therefore leaving caustic proteins.

Analysis of medical literature suggests that in the mid-1980s, the overall sensitization data for health care workers was 2.9 percent. In 1992, reports showed an increase to 10 percent, and in one hospital as high as 17 percent. This suggests that close to one million health care workers are developing an antibody directed against latex protein. Alarmingly, the propensity of these individuals to experience life-threatening anaphylaxis and persistent respiratory symptoms is unprecedented.

In March 1991, the FDA issued a medical alert concerning the hazards of latex protein allergies. This was followed two months later by an FDA letter to manufacturers of latex gloves, in which they recommended steps to reduce the amount of latex protein in gloves. Later, the FDA recommended that the latex glove industry voluntarily label gloves with a warning concerning the possibility of allergic reactions. Documents obtained from an industry trade group, the Health Industry Manufacturers' Association, suggest that upon considering the FDA's recommendation, various glove manufacturers decided to state that the gloves contained natural rubber latex, omitting any reference to an allergy. Some latex glove manufacturers even went so far as to label their gloves misleadingly as "hypo-allergenic," when only the powder content (and not the protein allergen content) of the gloves had been reduced.

The magnitude of this problem cannot be overstated. In July 1995, the American College of Allergy and Immunology issued its second position paper on latex allergy, recognizing latex protein toxic syndrome as "an epidemic." In December 1995, the federal Occupational Safety and Health Administration (OSHA) declared occupational asthma -- including latex allergies -- to be one of the top 18 preventable, yet underpublicized, workplace problems.

From 1988 through early 1995, the FDA received more than 1,100 reports from patients and health care workers who described allergic reactions associated with use of latex-containing medical devices. Of those more than 1,100 people, 16 died from anaphylactic shock. The estimated number of health care workers actually afflicted with latex allergies is up 10 percent.

Increasing the risk of allergies caused by these poorly manufactured gloves is the use of powder. Manufacturers sprinkle powder inside the gloves to make them slip on and off easily. The power absorbs the latex proteins, and when the gloves are snapped on or off, the proteins are carried into the air, and inhaled.

Chris Searcy and Sean Domnick recently filed suits on behalf of several health care workers whose lives are devastated as a result of their latex allergies. These suits seek to hold the companies who negligently made these dangerous and poorly manufactured gloves responsible for the injuries they have caused. ■

Decisions...Decisions...Decisions...

WEAK SUPPORTS ON PLATFORM CAUSE SERIOUS INJURY TO ELECTRICIAN

On February 18, 1998, John Doe, a 41-year-old electrician, was installing a satellite dish on the roof of a home. The home was being built at the time for ABC Contractor in Key Largo, Fla. The only access to the roof was to use a two-by-six platform that went across the second floor balcony. The platform had been installed by ABC Contractor.

Mr. Doe visited the home one week earlier and observed many employees, including the president of ABC Contractor, utilizing the platform and gaining access to the roof by using a ladder. Mr. Doe then went to the job site and used a ladder on the platform. Unfortunately the platform broke and Mr. Doe fell 25-feet into a rocky pit.

Mr. Doe suffered a lumbar vertebrae burst fracture and he severely fractured his elbow. At the time of the fall, Mr. Doe was numb below the waist, and was flown by helicopter to Jackson Memorial Hospital in Miami. While at the hospital, an emergency fusion of the lumbar vertebrae was performed. Prior to the accident, Mr. Doe was an extremely gifted athlete and a star soccer player. Doctors concluded that but for his tremendous strength, such a fall probably would have killed him.

Mr. Doe now suffers from cauda equina syndrome, a neurological condition which causes him to lose all sensation and control of his bowels and genitals. The injury is devastating because Mr. Doe, who is single and does not have any children, had hoped to settle down and have a family. Because of his injuries, he now fears that he will never be able to develop a familial relationship.

Attorney Harry Shevin represented Mr. Doe. Although Mr. Doe's fall was not witnessed by anyone, Mr. Shevin's investigation revealed that ABC Contractor's employees had days earlier removed more than 50 percent of the supports for the platform. This removal was done so that plasterers, also on the job site, could work on the balcony on the floor below. However, Mr. Shevin showed that rather than put the supports back or remove the platform altogether, ABC Contractor created a hidden trap and subjected Mr. Doe to catastrophic danger.

While most job related incidents are limited to workers' compensation, Mr. Doe qualified for an exemption. Mr. Shevin demanded that the ABC Contractor pay its entire $500,000 insurance policy limit within 14 days. The amount was delivered within the two week period, thus avoiding the costs and delays of litigation.

Mr. Doe was very pleased with the outcome of the settlement. Mr. Doe remains active and dedicates several hours a week to coaching youth soccer. He is also determined to use his monetary recovery to overcome his neurological condition. ■

OMITTING CLIENTS' AND/OR DEFENDANTS' NAMES ARE RESULTS OF REQUESTS FOR ANONYMITY.

JANE DOE AND HER 14-YEAR-OLD DAUGHTER

Jane Doe and her 14-year-old daughter enjoyed a unique relationship. Mrs. Doe's daughter was autistic and unable to communicate verbally. Mrs. Doe raised her daughter on her own and was her main channel to the rest of the world.

In mid-February 1994, Mrs. Doe began to notice that her daughter was not eating. She took her daughter to her regular pediatricians at Pediatrics of Brevard in Cocoa Beach. Over the next few months, Mrs. Doe's daughter was brought to the pediatricians repeatedly with symptoms of vomiting and refusing to eat. Mrs. Doe's daughter was robust, but had now lost more than 30 pounds. Finally on March 14, 1994, Mrs. Doe's daughter was admitted to Cape Canaveral Hospital.

Like many autistic children, Mrs. Doe's daughter had a habit of chewing on small inorganic objects, a behavior known as pica. Mrs. Doe reported to her pediatricians that she discovered her daughter had ingested some pillow batting before the problems began. The physicians were well aware of the daughter's pica behavior and they told Mrs. Doe they did not believe that to be the cause of her daughter's problems. During her four day hospital stay, Mrs. Doe's daughter was unable to eat and was grabbing at her abdomen and screaming out in pain. A number of tests were ordered, but all were negative. A radiographic study of the upper gastrointestinal tract was ordered, but then canceled. Ultimately, Mrs. Doe was told her daughter was "acting out" and needed to be force-fed.

During this time period, Mrs. Doe watched as her daughter was placed in restraints and ordered to have medical tests administered for hours at a time. Mrs. Doe told the pediatricians involved that she wanted to take her daughter home and try to introduce food to her in familiar surroundings. Mrs. Doe and her daughter were therefore discharged on March 18, 1994.

Initially, Mrs. Doe's daughter's condition appeared to improve, as she ate small amounts of food. However, she began crying again in pain and was obviously quite ill. Mrs. Doe called the pediatricians' office and got the first appointment possible.

When Mrs. Doe met with the pediatrician on March 21, ***continued on page six.***

FIRM FIGHTS FOR NATIVE AMERICAN'S RELIGIOUS FREEDOM

In 1931, Harvey Gibson was a Creek Indian growing up in Poarch, Ala. His father taught him to revere the god of the Creek Indians known as the Great Spirit. The time was before the Great Depression and there was little to distinguish the way Creek Indians had been living in Alabama for nearly one hundred years. They farmed the land and they hunted. A tribal elder gave Mr. Gibson the name "Fire Bird." When Mr. Gibson and his father hunted together, they prayed to the Great Spirit for the souls of the animals they killed. Rituals were well established in Poarch, and Mr. Gibson's boyhood included a rich, religious life, filled with traditional ceremonies conducted by Native American Indians all over North America.

During the Depression, a run-in with the Ku Klux Klan caused Mr. Gibson's father to move his family from Alabama to Florida. While Mr. Gibson always remained a Creek Indian, his ritual life diminished. He became involved in the Catholic Church and received a Catholic education.

Before the Korean conflict, Mr. Gibson enlisted in the United States Army. He served as a combat medic and was awarded the Bronze Star, two Purple Hearts, the Korean Campaign Medal (with three major battle stars), the American Defense Service Medal, and the National Defense Service Medal. He served in Vietnam and was awarded the Vietnam Service Medal. After serving 20 years in the Army, Mr. Gibson became an assistant to a Dayton, Ohio coroner, a career he pursued until retirement.

Mr. Gibson always identified himself as a Creek Indian, although he was physically removed from the lifestyle. He respected the Catholic Church, but as he neared retirement, he felt something was missing from his spiritual life. Some soul-searching made it plain that traditional Creek Indian ways, including Creek religious life, were what Mr. Gibson was missing. He began a concerted effort to restore much of the way of life he had known during childhood. But most of all, he sought to commune with his god, the Great Spirit.

In many Native American tribes around North America, the eagle is revered. Parts of dead eagles, including the feathers and the talons, are sacraments in Indians' religions and are used in a variety of religious ceremonies. Creek Indians, for example, use the feathers for personal prayer to the Great Spirit. The eagle flies higher than other birds, according to Creek beliefs, so eagle feathers are necessary to ensure that a prayer is actually heard by the Great Spirit.

Gold and bald eagles are protected species under federal law. To accommodate the needs of Native American Indians' religious beliefs, however, the federal government has adopted an elaborate system of supplying eagle "parts" to Indians. Eagle parts are housed at a repository in Colorado and distributed on a first-come, first-served basis to those who apply. As Mr. Gibson sought to return to his traditional way of life, however, he discovered that the federal government would not supply him with eagle feathers. The government said Mr. Gibson was not a member of a "federally recognized" Indian tribe. Mr. Gibson, who was 68-years-old at the time, feared that he would not be able to make peace with his god before he died.

Mr. Gibson brought suit against the United States, alleging that his rights to free exercise of religion were being impaired. Following a trial in federal court--which attorney David Sales conducted as co-counsel to Arthur Schofield--the court found that Mr. Gibson was "truly deserving" of eagle feathers. Noting Mr. Gibson's current practice of using turkey feathers as a unfortunate substitute for eagle feathers, the court said it was "akin to using colored water for sacramental wine."

Despite the court's finding that Mr. Gibson's religious beliefs were sincere--and that he was unable to exercise them without eagle feathers--the court concluded that the government had the right to deny him access to eagle feathers. The government did not wrongfully abridge Mr. Gibsons' religious freedom, the court ruled, because the government has the right to preserve the stock of available eagle feathers for federally recognized Indian tribes. Moreover, the government has the duty to protect the integrity of Indian tribes, which have the status of sovereign nations under federal law.

Mr. Gibson was disappointed and disagrees with the court's conclusions. As he explained, "They can write all the laws in the world, but they can't change my blood." An appeal before the United States Court of Appeals is under way. ■

Decisions...Decisions...Decisions...

(Continued from page four.)

her daughter had to be carried into the office because she was too weak to ambulate. It was clear to Mrs. Doe that her daughter needed immediate hospitalization. The main treating pediatrician, Dr. Knappenberger, told her that her daughter could be admitted to Arnold Palmer Hospital for Women and Children in Orlando the next day. After voicing her objections, Mrs. Doe got the doctor to agree to have her daughter admitted that day. Dr. Knappenberger did not feel an ambulance was necessary and told Jane Doe that she could drive her daughter to Orlando, a two hour drive, to see a pediatric gastroenterologist. Dr. Knappenberger also told her to retrieve her daughter's x-rays from Cape Canaveral Hospital. He faxed the admission information on her daughter to Arnold Palmer Hospital without indicating the emergent nature of her condition. Dr. Milov, the pediatric gastroenterologist at Arnold Palmer, spoke to Dr. Knappenberger and later testified that Dr. Knappenberger never imparted any sense of emergency. When Mrs. Doe and her daughter finally arrived at Arnold Palmer Hospital, Dr. Milov had gone home.

Mrs. Doe and her daughter were now left in the care of a resident and intern at Arnold Palmer Hospital. They medicated her daughter heavily and arranged for testing to start the next day. Mrs. Doe was physically and mentally exhausted. On March 21, 1994, she went to sleep with her daughter in the hospital bed. The next morning, Mrs. Doe awoke to find her daughter dead lying next to her.

Autopsy results showed that Mrs. Doe's daughter died of complications from a bowel obstruction consisting of inorganic material called a bezoar. The bezoar was approximately eight inches long and caused a perforation in her daughter's bowel. Medical literature documents that bezoars are most commonly found in autistic patients who exhibit pica behavior. Arnold Palmer Hospital admitted liability and took advantage of Florida statutes which effectively cap damages against a hospital at $350,000. The pediatricians and Cape Canaveral Hospital alleged that Mrs. Doe insisted that her daughter be discharged against the doctor's medical advice. They further testified that her actions in taking her daughter out of the hospital against medical advice contributed to her death.

Attorneys Chris Searcy and Bill Norton were able to elicit testimony from the physicians at Arnold Palmer Hospital that they were not provided with the full history of Mrs. Doe's daughter's medical problems. Furthermore they showed that a bowel obstruction was never ruled out during her hospital stay at Cape Canaveral Hospital. The case was settled with all the defendants shortly before trial for $1.025 million. ■

Taking...Time to Care

Pictured from left to right: Marc Collins, Sean Collins, Cory Rubal, Travis Gallagher, Summer Moore, Andrew Brown, Linda Calhoun, Kevin Walsh and Novik Stubbs.

UNITED CEREBRAL PALSY GRAND PRIX RACE

Employees and friends of Searcy Denney Scarola Barnhart & Shipley, P.A., raced into action in support of the Jon Smith Subs/United Cerebral Palsy Grand Prix. The race was held on Nov. 20-21 at the South Florida Fairgrounds. Employees raced in two mini-grand prix style cars to help raise money for United Cerebral Palsy.

United Cerebral Palsy is dedicated to assisting people with developmental disabilities, helping them use their abilities so they can lead independent and productive lives. ■

Anita and Jack Scarola

THE LEGAL AID SOCIETY

Anita and Jack Scarola hosted a Holiday Party at their home on Friday, Dec. 17. The party was given to assist The Legal Aid Society of the Palm Beaches. Invited guests were asked to bring a gift suitable for the Legal Aid Society's Pro-Bono Recognition Silent Auction, scheduled for May 21, 2000.

The Legal Aid Society provides free legal services for disadvantaged children, families and individuals who reside in Palm Beach County. ■

HMO Practices Cause Suffering...

(Continued from Page One.)

He suggested comparing it with previous x-rays, but made no recommendations for further diagnostic testing. When Dr. Shah received the report, she also took no action to order further diagnostic testing. She instead referred Mrs. Helmuth to Eduardo Raheb, M.D., an HMO orthopedist.

Over the next eight months, Dr. Raheb provided only the most cursory medical treatment. As did Drs. Shah and Greenberg, Dr. Raheb reviewed the x-rays of Mrs. Helmuth's left leg and determined the mass to be benign. And like the other doctors, Dr. Raheb also failed to order diagnostic tests. The pain and swelling in Mrs. Helmuth's left leg grew worse.

On Aug. 16, 1995, Dr. Raheb finally ordered an MRI. The test showed that the relatively small mass had grown to an enormous size, and in fact was a malignant tumor. Mrs. Helmuth was referred to one of the leading oncologic limb salvage surgeons in the southeast, Arthur Walling, M.D. Unfortunately, because the cancer had become so advanced, Dr. Walling was left with no option but to amputate Mrs. Helmuth's left leg just below the hip joint.

Mrs. Helmuth's left leg was amputated less than two weeks after the diagnosis of cancer. In addition to the tremendous physical and psychological impact of the amputation, Mrs. Helmuth was unable to care for Robert. The Helmuths were forced to move Robert into a group home and away from his family for the first time in his life.

During litigation, the three doctors and the HMO argued that Mrs. Helmuth had a particularly virulent form of cancer which would have required amputation whenever it was diagnosed. They also argued that Mr. and Mrs. Helmuth failed to follow up on an alleged recommendation that Mrs. Helmuth undergo a biopsy of her leg. The defendants also retained well known medical experts who had published extensively on the subject. In addition, Dr. Raheb, one of the more culpable of all defendants, carried only $250,000 in insurance coverage. He tendered it shortly after litigation began.

Attorneys Chris Searcy and Bill Norton were able to elicit testimony from each of the three doctors implicating the others. They also showed through testimony that the alleged surgical recommendation for the leg biopsy actually related to hand surgery. Additionally, the doctors' testimony illustrated the inherent conflict of interest the HMO presented to its participating physicians. As the gatekeeper physician, Dr. Shah was rewarded with bonuses for not referring Mrs. Helmuth to a qualified oncological surgeon in a timely fashion. Dr. Shah referred Mrs. Helmuth to Dr. Raheb, who was a non-board certified orthopedist specializing in hand surgery. In addition to the negligence of each of the individual physicians, the HMO failed to provide Mrs. Helmuth with competent physicians to treat her serious condition.

Shortly after mediation, the three doctors and the HMO settled the case for $2.425 million, which is one of the largest settlements for this type of injury in the state of Florida. For Mr. and Mrs. Helmuth, the proceeds will be used to provide for their son Robert, now and into the future. ■

Senator Bob Graham was the guest of honor at an event hosted by the law firm of Searcy Denney Scarola Barnhart & Shipley, P.A.. The event was held on Friday, Oct.22, at the Searcy residence.

Pictured from left to right: Senator Bob Graham, Priscilla Searcy, Adele Graham and Chris Searcy.

SEARCY DENNEY SCAROLA BARNHART & SHIPLEY P.A.
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ADDRESS SERVICE REQUESTED

P. O. DRAWER 3626
WEST PALM BEACH
FLORIDA 33402-3626

SEARCY DENNEY SCAROLA BARNHART & SHIPLEY PA

COUNSEL

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