

OF COUNSEL

A quarterly report to clients and attorneys.
**VOLUME 05
 NUMBER 2**

\$31 Million For Post-Surgery Infection Cases

Tenet Healthcare Corp. issued the following press release after the settlement of these cases.

Dec. 23, 2004—Tenet Healthcare Corporation—a subsidiary which operates Palm Beach Gardens Medical Center in Palm Beach, Fla., has agreed in principle to settle 106 individual lawsuits filed against the hospital that alleged the plaintiff's had suffered post-surgical infections after having cardiac surgeries at the facility.

Under the agreement, Tenet will pay \$31 million to the plaintiffs and their counsel. The civil lawsuits were filed against Palm Beach Gardens Medical Center over an extended period between 1997 and 2002.

Tenet anticipates that individual settlement agreements will be signed by the plaintiffs within 30 days, and all the suits will be dismissed.



"This week, we have reached an equitable resolution of the two highest profile patient care legal issues that have confronted us for more than two years," said E. Peter Urbanowicz, Tenet's general counsel. "Together with the agreement we announced Tuesday to resolve the Redding Medical Center litigation, this Palm Beach Gardens settlement demonstrates the real progress we are making to put our legal challenges related to past events behind us. It is consistent with our stated goal of seeking a reasonable settlement of Tenet's issues from the past whenever possible, instead of engaging in protracted litigation that could take years."

Continued on page three.

Crash Death Results in \$12.5 Million Verdict

On June 26, 2001, Julia Kraus was driving her station wagon south on the Florida Turnpike near Southern Boulevard, West Palm Beach, Florida. Some debris on the highway brought traffic to a stop. Also driving south on the Turnpike was Junior Shirley, hauling sod for Agricultural Land Services to a Highway 441 construction project. Shirley was driving an 18-wheel tractor-trailer truck. Whether due to long work hours and exhaustion, inattention, or distraction, Shirley did not see the traffic back up and he plowed the 18-wheeler directly into the

back of Julia's car. The impact crushed her car and damaged five other cars stopped in the traffic back up. Julia was trapped in her car, every rib in her chest broken and a tear in her aorta. The 39-year-old loving wife and mother of two boys, ages 6 and 9, died within 26 minutes.

Julia's husband, Robert Kraus, 45, a contractor/developer, filed a wrongful death suit on behalf of Julia's estate and their two sons, Adam and Robert, Jr., claiming Shirley was negligent and Agricultural Land Services

Continued on page two.

**SEARCY
DENNEY
SCAROLA
BARNHART
& SHIPLEY PA**
*Attorneys
at Law*

WEBSITE: www.searcylaw.com



2139 PALM BEACH LAKES BOULEVARD
WEST PALM BEACH, FLORIDA 33409
TOLL FREE: 800-780-8607 • LOCAL: 561-686-6300
FAX: 561-478-0754



THE TOWLE HOUSE, 517 NORTH CALHOUN STREET
TALLAHASSEE, FLORIDA 32301
TOLL FREE: 888-549-7011 • LOCAL: 850-224-7600
FAX: 850-224-7602

ATTORNEYS AT LAW:

ROSALYN SIA BAKER-BARNES
F. GREGORY BARNHART
LAWRENCE J. BLOCK, JR.
EARL L. DENNEY, JR.
SEAN C. DOMNICK
JAMES W. GUSTAFSON, JR.
JACK P. HILL
DAVID K. KELLEY, JR.
WILLIAM B. KING
DARRYL L. LEWIS
WILLIAM A. NORTON
DAVID J. SALES
JACK SCAROLA
CHRISTIAN D. SEARCY
HARRY A. SHEVIN
JOHN A. SHIPLEY
CHRISTOPHER K. SPEED
KAREN E. TERRY
C. CALVIN WARRINER III
DAVID J. WHITE

PARALEGALS:

VIVIAN AYAN-TEJEDA
LAURIE J. BRIGGS
DEANE L. CADY
DANIEL J. CALLOWAY
EMILIO DIAMANTIS
RANDY M. DUFRESNE
DAVID W. GILMORE
TED E. KULESA
VINCENT LEONARD
J. PETER LOVE
CHRISTOPHER J. PILATO
ROBERT W. PITCHER
KATHLEEN SIMON
STEVE M. SMITH
WALTER STEIN
BRIAN P. SULLIVAN
KEVIN J. WALSH

MANAGER: JOAN WILLIAMS

EDITOR: DIANE TRUMAN

ASSOCIATE EDITOR: ROBIN KRIBERNEY

CREATIVE DIRECTOR: DE CARTERBROWN

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.

**\$12.5 Million Verdict in
Woman's Death Caused
By Tractor-trailor Crash**

(Continued from page one.)

was vicariously liable. Shirley initially contended that Julia's vehicle had suddenly cut in front of him and he was unable to stop. The day before the trial, Shirley and Agricultural Land Services admitted their liability and the trial proceeded on damages. The Kraus family was represented by Chris Searcy and Darryl Lewis.

Julia had been a successful pharmaceutical sales representative for 12 years. Testimony from an economic expert established that Julia's death was a considerable economic loss to the family. An even greater loss to the family was the loss of it's most central figure - the doting, loving mother of two young boys, and the emotional and spiritual partner to Robert. The loss of companionship, support and services, the loss of parental guidance, and the mental pain and suffering were enormous. Julia's sudden and violent death continues to devastate this family.

On January 13, 2005, after only three hours of deliberation, the jury returned a verdict of \$12.5 million for the Kraus family. ■

**\$12.5 Million
Settlement:**

**CLAIM FOR
WRONGFUL DEATH
IN MOTOR VEHICLE
CRASH**



Julia Kraus

"An even greater loss to the family was the loss of it's most central figure, the doting, loving mother of two young boys, and the emotional and spiritual partner to Robert."

Log onto...

www.searcylaw.com



...for the
latest news and
information about
**Searcy Denney
Scarola Barnhart
& Shipley**