

# OF COUNSEL

A Quarterly Report  
to clients  
and attorneys.

**VOLUME 01  
NUMBER 1**

## Federal Express Driver Turns From Wrong Lane

### *Woman Suffers Severe Brain Injury After Collision*

**O**n June 15, 1999, at 10:30 a.m., Laura "Mac" McGrath, a 34-year-old single mother of two, was driving north on Congress Avenue in Delray Beach. She had just dropped off her son, Reece, at day care and was on her way home.

As she approached an intersection, the driver of a Federal Express delivery truck, waiting in a designated left turn lane, suddenly turned right. The Federal Express driver pulled directly in front of Ms. McGrath's vehicle, causing a catastrophic broadside collision. The impact was so severe that the front of Ms. McGrath's Isuzu Stylus was crushed and wedged underneath the Federal Express truck. Police, fire, and emergency medical personnel used the "jaws of life" to extricate Ms. McGrath from her car.

Ms. McGrath was rushed to Delray Medical Center. Her massive head and facial injuries were so severe that the police at the scene thought she would die at the hospital. She was placed on a ventilator. Family members rushed to the hospital, only to learn that Ms.



**Laura "Mac" McGrath in 1992.**

McGrath's prognosis was bleak. Although she stabilized, Ms. McGrath remained in critical condition and in a deep coma for several months. Doctors told Ms. McGrath's family that if she did survive, she would likely be in a vegetative state due to severe brain damage.

After weeks of little progress, the family was pressured by the hospital to agree to transfer Ms. McGrath to the County Home for custodial care. The family sought the assistance of attorneys Chris Searcy and David Kelley, who helped to place Ms. McGrath in the Coma Stimulation Program at St. Mary's Hospital in West Palm Beach.

Ms. McGrath made remarkable progress during the months which followed. She was weaned from the respirator and she regained consciousness. Little by little, she regained ***Continued on page four***

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

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

ATTORNEYS AT LAW:  
ROSALYN SIA BAKER  
F. GREGORY BARNHART  
LAWRENCE J. BLOCK, JR.  
ELLEN F. BRANDT  
EARL L. DENNEY, JR.  
SEAN C. DOMNICK  
DAVID K. KELLEY, JR.  
WILLIAM B. KING  
DARRYL L. LEWIS  
WILLIAM A. NORTON  
PATRICK E. QUINLAN  
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:  
LAURIE J. BRIGGS  
DEANE L. CADY  
DANIEL J. CALLOWAY  
EMILIO DIAMANTIS  
DAVID W. GILMORE  
SAMANTHA M. JOHANSEN  
TED E. KULESA  
J. PETER LOVE  
ROBERT W. PITCHER  
WILLIAM H. SEABOLD  
KATHLEEN SIMON  
STEVE M. SMITH  
WALTER STEIN  
BRIAN P. SULLIVAN  
KEVIN J. WALSH  
JUDSON WHITEHORN

MANAGER:  
CORY RUBAL  
EDITOR:  
JUD WHITEHORN  
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 result of requests for anonymity.

# High Speed Chase Ends in Tragedy

July 5, 1990, was a very memorable day in the life of Elizabeth Menendez. The 22-year-old psychology major at Florida Atlantic College was described by many of her friends as bright, beautiful, vivacious, and fun loving. She had just dropped her best friend off at home after an evening of dancing at a local nightclub. Ms. Menendez was in her Honda at a light at Southern Boulevard in West Palm Beach, waiting to enter the southbound ramp of 1-95. What Ms. Menendez did not know, and what would change her life forever, was that at least six Palm Beach County Sheriff's Office patrol cars were rapidly approaching in a high speed chase in excess of 100 miles per hour.

As the light turned green and Ms. Menendez made her left turn, a 1978 Oldsmobile driven by Anthony Lewis Marinucci, who was the subject of the police pursuit, struck her car head on. This collision caused near fatal traumatic injuries to Ms. Menendez.

While Mr. Marinucci was treated for minor injuries and released from the emergency room, Ms. Menendez began a gallant fight for life. Her surgeon, who had spent years treating Vietnam war trauma victims, would later describe her injuries as the most serious he had ever encountered in a patient who ultimately survived.

After a month-long series of complex surgeries, followed by four months of intensive inpatient rehabilitation, Ms. Menendez was permanently left with serious scars, a fracture of her eye socket, loss of her pancreas, traumatically induced insulin dependent diabetes, and, most importantly, the near total loss of any short term memory capacity.

At the request of Attorney Michael Celeste, then of the offices of Rosenthal and Weissman, attorneys Jack Scarola and David Sales began a long and arduous legal journey that would last nine years. During that time frame, the administration at the Palm Beach County Sheriff's Office had changed three times. Not until September of 1998 was a jury ready to hear the case. After days of testimony it became quite obvious that Mr. Scarola and Mr. Sales had proven that the

deputies involved in the chase had actually violated their own department's policy which prohibits high speed pursuits of drivers guilty of traffic infractions. At the time the chase began, Mr. Marinucci's only offense was that he had run a red light.

While the jury was out deliberating its verdict, attorneys for the Sheriff's Office made their first serious settlement proposal. The Sheriff's Office agreed to immediately pay the maximum amount permit-

ted by law to Ms. Menendez's parents to provide for her care. They also agreed to fully support the plaintiffs in obtaining legislative authority to permit a governmental entity to pay more than \$100,000 for a personal injury claim. The Florida Legislature unanimously approved the Elizabeth Menendez Claims Bill, and with the help of Millennium Settlements of Tallahassee, Fla., a structured settlement was customized for the life-long care of Ms. Menendez. After payment of all attorney's fees, costs, medical bills, and liens, Ms. Menendez is expected to receive in excess of \$8.5 million in tax free payments over the course of her lifetime. ■



*Elizabeth Menendez in January 1990.*

# Parents Decline \$22 Million Offer and Win Three Week Trial

**The Jenkins family in 1996.**  
**Front l. to r. Landon, Jasmine, and Jordan.**  
**Back l. to r. Kathy and Torrey**



**O**n May 6, 1997, at 10:40 p.m., Kathy Jenkins was driving her children home from her mother's house when she made a left turn from Blue Heron Boulevard to head southbound on Congress Avenue in West Palm Beach. While making her turn, she was broadsided by a car owned and operated at high speed by Andrew Cohan, a uniformed Riviera Beach Police Officer on his way to report for roll call. Though both drivers were paying careful attention to oncoming traffic, neither could see the other until it was too late to avoid the collision. Defective design of the roadway and intersection, which were under construction at the time, caused the mutual view impairment.

Kathy Jenkins, then 26, was rendered temporarily unconscious by the collision. When she awakened, her first thought was her three children. As she checked on them, each appeared lifeless within the car. Concerned that the car may burst into flames, she extricated her children from the car by placing them by the roadside one-by-one. By the time rescue vehicles had transported the children to the hospital, 6-year-old Jasmine Jenkins was dead. Her 3-year-old twin brothers, Landon and Jordan Jenkins, were catastrophically injured. Landon Jenkins was paralyzed from the bottom of the skull down (c-1/c-2 quadriplegia) with mild to moderate brain injury.

Jordan Jenkins was hemiplegic and was also mildly to moderately brain injured.

Kathy Jenkins spent the next 11 months of her life in intensive care units and rehabilitation facilities helping her sons fight for their lives. Torrey Jenkins, Kathy's husband and the children's father, kept his job during that time, but spent all his off-duty time in the hospital with his sons and his wife.

According to medical experts and an economist involved in the case, Landon will require future medical care at a present value cost of \$27 million. Medical care needed by Jordan in the future has a present value cost of \$6 million.

One of the defendants in the case is Ranger Construction Industries, Inc., a company which was in charge of road construction underway at the intersection where this collision occurred. Ranger was responsible for the "Maintenance of Traffic Plan," which was supposed to provide for the safe movement of traffic on Blue Heron Boulevard while it was under construction. Another defendant is Palm Beach County, which owned Blue Heron Boulevard and which hired Ranger Construction to widen it from a four-lane to a six-lane divided highway. Although Palm Beach County hired Ranger to develop and implement the Maintenance of Traffic Plan, the County retained the right to supervise and approve the design and implementation of the Maintenance of Traffic Plan. The third defendant in the case is Andrew Cohan, the off-duty Riviera Beach Police Officer who was **Continued on page ten**



## Woman Suffers Severe Brain Injury After Collision

*(Continued from page one)*

function sufficient to be transferred to the Florida Institute for Neurologic Rehabilitation in Wauchula, Fla. Over the next year, Ms. McGrath continued to make remarkable progress. Through extensive rehabilitative care and the support of her family and friends, Ms. McGrath progressed sufficiently to be moved to a highly specialized facility closer to her children.

Ms. McGrath's progress, despite terrible odds, is not surprising. Ms. McGrath has always been a fighter. As a teenager, she suffered from low self-esteem which led to alcohol abuse and eventually a failed marriage. However, Laura found strength and purpose in her life through raising her two children, Riley and Reece. As a single parent, she considered the raising of her kids to be her most important role in life. Balancing work and family, Ms. McGrath raised her children with patience, instruction, and love.

As a result of those difficult years, Ms. McGrath became a children's advocate and author. At first, she began speaking to small groups, but as her confidence and the significance of her message grew, it became her life's work. Using the power of positive thinking and realizing how a healthy attitude had made such a change in her own life, Ms. McGrath began speaking and publishing full-time. Her book,

*I Am*, is a simple yet sophisticated message for all. It is heartwarming and important reading, especially for young people. Her speeches to school children and their families were filled with messages of self-worth, openness, and love. But the brain that made Ms. McGrath a wonderfully unique person was severely damaged in this horrible collision.

*Her book, I Am, is a simple, yet sophisticated message of self-worth, openness and love.*

After a year of extensive rehabilitative care, Ms. McGrath was able to interact with her family and caregivers and participate in her own recovery. However, the cost associated with this type of care is astronomical, and Ms. McGrath will need constant care for the rest of her life. Mr. Searcy and Mr. Kelley filed suit on behalf of Ms. McGrath and her children against Federal Express Corporation and the driver. Prior to trial, the parties reached a confidential settlement which will be used for Ms. McGrath's continued lifetime care and for the care of her children. ■

VISIT OUR WEBSITE AT:

<http://www.searcylaw.com>

Information about

Searcy Denney Scarola Barnhart & Shipley, P.A.  
and breaking legal news is only a  
keystroke away on our website.



## Doctor Neglects Signs of Cancer

# *Large Settlement Procured Despite Insurer's Attempt to Cap Damages*

**G**loria and Russell Kaster met each other through their parents when they were respectively five and eight years old. They have practically spent their entire lives together. In 1996, they were enjoying their much deserved retirement when they decided to move from New York to Ocala, Fla. At that time, Mrs. Kaster was 70 years old and Mr. Kaster was 73.

When the Kasteters arrived in Florida, Mrs. Kaster sought the services of primary care physician, Dr. Mandranjan Singh. On Jan. 23, 1997, she went for a complete physical examination. Dr. Singh's examination included taking a stool sample and sending it to a laboratory for tests. On Jan. 24, 1997, the results revealed positive findings for blood in Mrs. Kaster's stool, yet Dr. Singh never followed up with Mrs. Kaster and never explained that such results could be indicative of colon cancer. Two years later, when seeing another doctor, Mrs. Kaster learned that she had colon cancer and that it had spread to her liver.

Attorneys Chris Searcy and Darryl Lewis represented Mr. and Mrs. Kaster against Dr. Singh for his negligence. A Notice of Intent to Initiate Litigation was filed, and at the conclusion of the pre-suit period Dr. Singh admitted liability and requested arbitration on the issue of damages. In Florida, if a physician or other health care entity admits liability and requests arbitration on the issue of damages, the claimants can either agree to arbitrate or reject arbitration and choose to file a lawsuit. If a claimant accepts arbitration, there is a \$250,000 cap on all of the claimant's non-economic damages, such as pain, suffering, and mental anguish. However, if the claimant rejects arbitration and chooses to file a lawsuit, there is a \$350,000 cap on all of the claimant's non-economic damages.

Because of Mrs. Kaster's age and the fact she was retired, her economic damages were very small. The cap on her non-economic damages would therefore have a severely negative impact on the value of her claim against the negligent physician.

Mr. Lewis successfully argued, despite the arguments made by counsel for the defendant, that the physician's demand for arbitration was defective because it was not made in strict compliance with Florida Law, and thus Mr. and Mrs. Kaster should not have any cap on their non-economic damages.

After defeating the insurer's attempts to cap the non-economic damages, Mr. Searcy and Mr. Lewis were able to negotiate a present value settlement of \$950,000 for the Kasteters. ■



***Russell and Gloria Kaster in 1996.***

## Man Dies of Cancer Despite X-ray Findings

Mr. and Mrs. G were a loving couple who had been married since 1956. Their lives had worked out just the way they had wanted. Mr. G had started a business with his sons and they were able to work with and see each other almost every day. Mr. G was a loving husband, father, and a well respected community leader.

In November 1996, a chest x-ray revealed that Mr. G had lung cancer. The tumor was over 4 cm in diameter, and doctors caring for Mr. G agreed that it had progressed to the point where it could not be successfully treated. Although he fought valiantly to survive, Mr. G succumbed to the cancer on Oct. 9, 1997, at the age of 62.

When Mr. and Mrs. G first learned of the cancer, they were shocked. Mr. G had undergone other chest x-rays over the previous two years which were all reported as normal. Consequently, the cancer finding, which was so sudden and so advanced, led Mrs. G to seek counsel to investigate the care rendered to her husband in the years prior to his death.

Mr. G's general treating doctor had been a physician named Dr. One. In November 1994, Mr. G reported to the doctor that he been coughing up blood and experiencing shortness of breath. Dr. One ordered a chest x-ray at that time and wrote, "Probable overlap of densities in the right ribs simulating a density. One might consider a follow-up to con-

firm this impression." Unfortunately, Dr. One never ordered a follow-up, and his office reported to Mr. G that the study was "negative."

Lightning struck twice in November 1995, when Mr. G had another chest x-ray while in the hospital for urological surgery, this time performed by Dr. Two. At that time, the x-ray report was highlighted with a section which stated, "Please read this report immediately." The impression from the x-ray stated, "There is an area of abnormal density along the right mid lung field peripherally which requires further work-up to exclude neoplasm." The report, however, never made it to Mr. G's hospital chart.

During the discovery of this case, it was learned that the 1995 x-ray report was supposed to have been automatically sent, by e-mail, from the hospital to Dr. Two. The hospital believed its system for handling such communication was foolproof, and that Dr. Two must have gotten the report. Nevertheless, the report never appeared in Dr. Two's records and he denied ever receiving it.

In defending the case, Dr. One claimed that he had actually reviewed the November 1994 x-rays with a radiologist at the hospital. He claimed he could not remember which radiologist he consulted, but that he was told there was nothing of concern on the films. In response to that assertion, radiologists at the hospital stated that an addendum to the initial x-ray report would have

been done had such opinions been rendered. No addendums were ever done.

In addition to disputing liability, experts hired by Dr. One opined that Mr. G's condition was beyond hope even if his cancer had been discovered, and treatment had been initiated, when the first films were taken in 1994. The experts for Dr.

Two rendered the same opinions about the x-rays taken in 1995.

*Continued on page seven*



# Decisions...Decisions...Decisions...



Expert physicians hired by the plaintiff had drastically different opinions. They opined Mr. G's form of cancer was curable had it been caught in time. They further stated that Mr. G would have survived his bout with cancer if his doctors had initiated care following his 1994 x-ray, and that he was curable even following the x-rays taken in 1995.

*The x-ray report was highlighted, "Please read this immediately."*

Attorneys Greg Barnhart and John Shipley represented Mrs. G, who was referred by attorney Jay M. Wasserman of Ft. Lauderdale. All of the defendants disputed liability and causation throughout the pendency of the case. On the morning of trial, however, the case was settled with all the defendants for a confidential sum. ■

## **Delivery Driver Ignores Signs, Strikes Pedestrian**

On Dec. 6, 1999, Arnold Doe got off work and rode a local bus home. He got off the bus at approximately 7:30 p.m., and walked down a residential street. While walking, Mr. Doe was struck from behind by a delivery truck. Local fire rescue found Mr. Doe had suffered multiple trauma, including fractures of both legs, deep abrasions to his chest and abdomen, and significant burns. Mr. Doe was transported by trauma hawk to a nearby hospital. The next morning, Mr. Doe passed away.

Near the residential street where Mr. Doe was struck down, is a delivery truck yard. The city had posted large "no through trucks" signs to discourage trucks from using this area. Apparently there were problems in the past with delivery trucks using the street to avoid traffic and save time.

The delivery truck driver failed to comply with the signs in an effort to save time. In addition to this violation, the driver failed to observe Mr. Doe, who in fact was a very large man. The truck had traveled 70 feet after impact with Mr. Doe. The accident was investigated by the Florida Highway Patrol.

Attorney Earl Denney represented Mr. Doe's only surviving, 20-year-old son, who lived in another state. Years earlier, Mr. Doe had sustained a head injury and was disabled. He worked in a protected area of Goodwill Industries. Under these circumstances, there were limited economic damages. Furthermore, under Florida's Wrongful Death Statute, family members can recover minimal damages due to mental pain and suffering, and loss of support of service.

Mr. Denney ultimately resolved the case on behalf of the surviving son, for \$400,000. This recovery was an outstanding amount, considering the economic loss and Florida's statute. ■

## *Attorneys Selected as Top Lawyers*



**Chris Searcy**



**Jack Scarola**

**Chris Searcy** and **Jack Scarola** were listed in *Miami Metro Magazine's Legal Guide* as Top Lawyers in South Florida.

Approximately 5,000 lawyers in the area were asked to recommend the top five lawyers in a particular field or area of practice. Of those attorneys recommended, 240 were selected for this first edition.

The purpose of the *Legal Guide* is to list the names of the area's highly recommended lawyers and law firms. This first edition was designed to help individuals who are faced with the difficult decision of hiring an attorney in a time of need. ■



## Hinge On Rear Wing Led to Instability

---

# *Plane Breaks Up Causing Death of Young Pilot*

**A**ttorneys Chris Searcy and Chris Speed recently achieved the partial resolution of a wrongful death case arising out of the crash of a single engine aircraft. This accident occurred several years ago in Palm Beach County. The firm represented the mother of a 26-year-old woman who was piloting the aircraft when it crashed. The decedent was a certified instructor and the plane was certified for aerobatic maneuvers.

According to witnesses, the aircraft was being flown in a straight and level manner on a clear day when it suddenly appeared to break apart in flight. Witnesses on the ground indicated that they saw pieces of the plane falling off for no apparent reason.

An in-depth investigation was done by the National Transportation Safety Board (NTSB) as part of its routine review of all aircraft accidents. The NTSB concluded that an inappropriate application of paint to the plane caused it to fly unbalanced, thus creating a significant vibration which affected the plane's structural integrity.

Mr. Searcy and Mr. Speed hired experts to look into the NTSB's theory and to analyze and review the wreckage recovered. Pieces of the aircraft were found covering an area almost a half mile long and four hundred feet wide. Expert analysis of the wreckage determined that there were problems with a hinge on the rear wing which probably led to the instability, thereby causing the plane to come apart.

Litigation was commenced against the manufacturer of the plane, as well as the company responsible for maintaining it. At issue was whether the original design of the plane was defective or whether subsequent repairs were done in a substandard manner. Obviously, planes are designed to stay together in flight, and the pilot of this plane was not flying it beyond recommended limits.

At a recent pre-trial mediation, Mr. Searcy and Mr. Speed negotiated a satisfactory partial settlement with the manufacturer of the airplane. The settlement amount was in excess of a million dollars, although specific terms of the settlement and the identity of the parties are to remain confidential. The lawsuit against the maintenance company is ongoing, and is presently set for trial in the spring of this year. Mr. Searcy and Mr. Speed hope to ultimately obtain full compensation for the decedent's surviving mother. ■



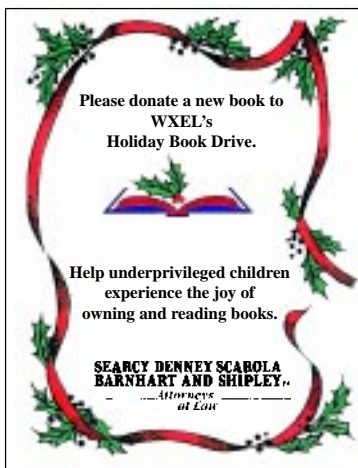


*Kari and John Shipley*

## Legal Aid Gift Gathering Gala

On Saturday, Feb. 24, Kari and John Shipley hosted a Mardi Gras Party at their home to support the Legal Aid Society. Guests were asked to bring a gift which will be auctioned at the Legal Aid's Pro-Bono Recognition Silent Auction on June 3. More than 200 guests attended the celebration and enjoyed the sights, sounds, and foods of New Orleans' Mardi Gras. ■

## WXEL Holiday Book Drive



During the month of December, the law firm of Searcy Denney Scarola Barnhart & Shipley teamed with WXEL TV (PBS) for a Holiday Book Drive. Employees and guests of the law firm were asked to donate a new book to an underprivileged child to help promote reading. More than 300 books were collected during the month-long drive, including 75 *I Am* books from the family of Laura McGrath. (See page 1.) ■

Taking...

# Time to Care



*Sir Lancelot*

## Festival Art Painting

Searcy Denney Scarola Barnhart & Shipley sponsored the 7th Annual Street Painting Festival. Held Feb. 24 and 25, area artists reproduced great works of art with chalk on the streets and sidewalks in downtown Lake Worth. 20-year-old Travis Shirley of Lake Worth, the artist representing the Searcy Denney firm, drew Sidney Lanier's *Sir Lancelot*. Proceeds from the festival will pay for art supplies and school scholarships. ■

## Parents Decline \$22 Million Offer and Win Three Week Trial

*(Continued from page two)*

speeding through the construction zone. The fourth and final defendant was the City of Riviera Beach itself, which would only be responsible for the actions of Officer Cohan if he was ultimately deemed to be in the course and scope of his employment at the time of the collision. Andrew Cohan never answered the Complaint, and was therefore in default throughout the case. Officer Cohan chose to file for bankruptcy protection rather than defend himself.

Ranger Construction carried a total of \$102 million in insurance coverage, with St. Paul Insurance Company having the first \$27 million in coverage. General Star Indemnity Company is responsible for the next \$25 million in coverage, and Cigna Insurance Company has the remaining \$50 million in excess coverage. Palm Beach County was insured under Ranger's policies pursuant to the construction contract signed with Ranger.

It became clear during settlement negotiations that Ranger and Palm Beach County believed they could convince the jury that Andrew Cohan, who was uninsured and bankrupt, was responsible for the majority of the negligence in this case for speeding through a construction zone. The defendants also intended to argue that Kathy Jenkins was comparatively negligent for failing to see the oncoming Cohan vehicle and for failing to yield the right-of-way. Ranger and Palm Beach County, believing the jury would find Officer Cohan and/or the plaintiff at least 90% responsible for the collision, felt their collective exposure would be limited to \$15 million, even if the damages of the three cases combined amounted to \$150 million. Accordingly, the Defendants' last offer prior to trial was \$15 million.

Over the plaintiffs' objection, the judge hearing the case bifurcated the trial. The first jury selected would therefore only decide the respective percentages of negligence attributable to each of the parties involved in the collision. In order to obtain the bifurcation, the defendants stipulated that all damages were caused by the collision, and that no causation defenses would be raised in the subsequent damage trial.

The trial on liability lasted three weeks. Christian Searcy, Darryl Lewis, and Harry Shevin tried the case on behalf of the plaintiffs. Roy Watson and Catherine Kasten represented Ranger Construction Industries, Bryan Boysaw represented Palm Beach County, and Lonniell Olds and Bernard Lebedeker represented the City of Riviera Beach. Andrew Cohan remained unrepresented.

During the course of the trial, the defendants increased their collective offers. On the day final arguments took place, Ranger Construction and Palm Beach County, who were the only remaining solvent defendants, offered a combined total of \$22 million. The Jenkins family declined the offer and received the jury's verdict, which broke down liability as follows:

Ranger Construction Industries, Inc.-	50%
Palm Beach County-	43%
Andrew Cohan-	7%
Kathy Jenkins-	0%

After the verdict was rendered, the judge scheduled the trial on damages to begin on March 26, 2001. The jury's verdict on liability means the plaintiffs will be able to collect 93% of the damages awarded in the upcoming trial on damages. The plaintiffs believe that the case now has a jury verdict value in excess of the \$102 million in insurance coverage against Ranger Construction and Palm Beach County.

The expert witnesses who testified for the plaintiffs regarding the defective nature of the construction zone were Russell Lewis, Ph.D. from Cazenovia, NY; Archie C. Burnham, Jr., PE from Ellenwood, GA; and Gerson J. Alexander, CPE from Rockville, MD.

Kathy Jenkins found it terribly hurtful for Ranger Construction and Palm Beach County to contend that she was partly responsible for the death of her daughter and the catastrophic injuries to her twins. She was relieved and gratified when the jury vindicated her by finding that she was free of negligence in the crash. ■

## Accolades



### American Jewish Congress Honors Firm

On Jan. 31, 2001, the law firm of Searcy Denney Scarola Barnhart & Shipley was honored by the American Jewish Congress for promoting civic, political, economic, and religious rights for Jews and Americans. Attorney Lance Block accepted the Enterprise of the Year Award on the firm's behalf.

The American Jewish Congress was founded more than 80 years ago. It is dedicated to protecting the freedoms established in the U.S. Constitution and the Bill of Rights, and fights to put an end to discrimination and racism in America. ■

### Bill Nelson Luncheon

On Oct. 18, 2000, the law firm of Searcy Denney Scarola Barnhart & Shipley co-hosted a fundraising luncheon for Bill Nelson for U.S. Senate. The luncheon was held at the Governor's Club in West Palm Beach. More than 50 people were in attendance, including representatives from the law firms of Lytal Reiter Clark Fountain & Williams and Romano, Eriksen & Cronin. This luncheon, as well as other fundraisers throughout the year, raised more than \$100,000 for the campaign. On Nov. 7, Bill Nelson defeated Bill McCollum in his bid for the U.S. Senate. ■

*Standing l. to r. Cory Rubal, Laurie Briggs, Pete Love, Marcie Dodson, and Emilio Diamantis; Sitting l. to r. Bill Seabold, Bud Osborne, Diane Peterson, Lance Block, and Chris Searcy*



*Bill Nelson and Greg Barnhart*



# OF COUNSEL

Volume 01, No. 1

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

PRSR1 STD  
U. S. POSTAGE  
**PAID**  
WEST PALM BEACH,  
FLORIDA  
PERMIT NO.  
**3076**

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

**ADDRESS SERVICE REQUESTED**

## In this issue:

*Woman Suffers Severe  
Brain Injury After Collision* Page one.

*High Speed Chase Ends  
In Tragedy* Page two.

*Parents Decline \$22 Million Offer  
and Win Three Week Trial* Page three.

*Two Attorneys Selected as  
Top Lawyers in South Florida* Page seven.

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

**AIRLINE & RAILROAD DISASTERS  
AUTOMOBILE ACCIDENTS  
COMMERCIAL LITIGATION  
MEDICAL MALPRACTICE  
NURSING HOME LITIGATION  
PERSONAL INJURY  
PRODUCT LIABILITY  
SECURITIES LITIGATION  
WRONGFUL DEATH**

**LOCAL: 561-686-6300  
800-780-8607**

**WEBSITE: [www.searcylaw.com](http://www.searcylaw.com)**

**2139 PALM BEACH LAKES BLVD  
WEST PALM BEACH, FLORIDA 33409**