

A REPORT TO CLIENTS & ATTORNEYS
VOLUME 11 - NUMBER 2

OF COUNSEL

Super Bowl Weekend Ends in Tragedy

In February 2008, 42-year-old Amy Brown (not her real name), a successful insurance attorney from Hartford, Connecticut, traveled to Wellington, Florida, to visit with her friends, Carol and Dan Green (not their real names). The Greens, like Amy, were equestrian enthusiasts. Their home was located in a residential development at the Palm Beach International Polo Club in Wellington. On Super Bowl Sunday, the Greens invited Amy to join them for a Super Bowl party at Tavern on the Green, a restaurant in the community. Food and alcoholic beverages were served, and each of the three party-goers had consumed alcoholic beverages during the evening. At approximately 10:30 p.m., the Greens and Amy left the Tavern to return to the Greens' residence. Many Polo Club residents travel around the community by golf cart. In Florida, a golf cart is considered to be a "dangerous instrumentality," and the owner of such a vehicle is held responsible for the negligent operation of that vehicle if that negligence results in injury or death.

Upon leaving the Tavern, Carol Green noticed that the windshield and the seats of the golf cart were



wet with dew. Carol and Amy used a towel to dry the windshield and seats. Carol then drove the golf cart out onto Equestrian Club Road for the ride back to the Greens' residence. Her husband, Dan, sat on the back of the cart and Amy sat in the right front seat. Carol, as "captain of the ship," had a non-delegable duty to ensure that the windshield was clear and her view unobstructed. Additionally, she had a duty and responsibility, at all times, *(Continued on page five.)*

\$3.4 Million Awarded in the Fifth SDSBS Engle Case Filed Against Tobacco Industry

In February 2011, a jury in Alachua County, Florida, awarded almost \$3.4 million to the widow of a man who died of lung cancer after smoking more than 40 years. SDSBS attorneys **David Sales** and **Jim Gustafson** filed the action against R.J. Reynolds Tobacco Company and Phillip Morris USA, Inc., on behalf of Anna Louise Huish, whose husband, John, died of small cell lung cancer in 1993. John began smoking as a teenager in the 1940's, when about 80% of people John's age smoked. John smoked for nearly 20 years before the tobacco industry began placing warning labels on packs of cigarettes. Mr. Gustafson established, through testimony by family members and medical experts, and documentation on the history of the tobacco industry's marketing campaign, that the tobacco companies had conspired not only to increase the

addictiveness of their product, but to conceal that effort from their product users. They had, in fact, engineered cigarettes to be addictive, to entrap the products' users in a way that ensured future sales, and then they spent years lying about it and evading the truth. The jury originally awarded \$750,000 but then apportioned 50 percent of the fault to John, reducing the award to \$375,000 but finding that punitive damages were warranted against R.J. Reynolds and Phillip Morris U.S.A., Inc. Following another day and a half of evidence on punitive damages, during which the defendants called their employees as witnesses, the jury returned a punitive damages verdict of \$3 million (\$1.5 million assessed against R.J. Reynolds, and \$1.5 million assessed against Phillip Morris USA). *(Continued on page six.)*



Gas Price Relief

As a result of the successful prosecution of a class action lawsuit by SDSBS attorneys **Jack Scarola** and **Bill King**, the pressure of historically high gas prices will be relieved briefly for customers of the Texaco gas station at 2175 Palm Beach Lakes Boulevard, West Palm Beach, Florida. The case challenged the station's practice of advertising a per-gallon price on the roadside sign that was 10 cents cheaper than the actual price charged at the pump. To get the advertised price, customers also had to purchase a car wash.

Complaints to management failed to correct the deceptive practice. A civil lawsuit was filed and the misleading signage was immediately changed. However, by the time the change was made, customers had been overcharged for approximately 30,000 gallons of gasoline. The terms of the court-approved settlement will now result in a 10-cent per-gallon discount for the sale of 30,000 gallons to the first members of the general public requesting the rebate.

SDSBS waived recovery of the fees to pass the maximum benefit of the settlement on to the public. ♦

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**NEWSLETTER
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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.

Serious Halloween Accident Results in \$2.5 Million Settlement

Having stopped for a bite to eat before attending a Halloween party in Delray Beach, Florida, Mr. A and his girlfriend were returning to their car when Mr. A realized he had left his cell phone on the restaurant table. His girlfriend continued on to the car as Mr. A turned back toward the restaurant to retrieve his phone. That is the last thing he remembers of that evening. As Mr. A stepped off the curb, a car suddenly slammed into him, knocking him 50 feet from the point of impact. Mr. A suffered compound fractures of his tibia, fibula, and distal humerus. He also sustained a minor concussion and lost several teeth. Following emergency treatment, he endured months of rehabilitation. Doctors thought that he had suffered a closed-head injury, and testing revealed a mild brain injury.

The driver of the car took no responsibility for the accident, claiming that Mr. A had darted into the street in front of his vehicle and the accident was Mr. A's fault. Mr. A sought representation from SDSBS attorneys **Cal Warriner** and **Hardee Bass** to bring an action against the driver that hit him. There were no eyewitnesses and, apparently, no corroborating physical evidence.

A thorough analysis and reconstruction of the accident focused on damage to the vehicle, Mr. A's several injuries, the point of impact, and the location where his body landed. The analysis indicated that Mr. A had been struck by the vehicle as he stood in the bike lane



adjacent to the road. The plaintiff's reconstruction expert testified that, in his opinion, the most likely explanation for the defendant's failure to see Mr. A before impact was that the driver was distracted. As a result, the vehicle had veered out of the roadway and into the bike lane where Mr. A was hit.

A key piece of evidence presented by the plaintiff's accident reconstruction expert was a prominent handprint transfer on the front of the defendant's vehicle. This, the expert said, proved that Mr. A actually saw the defendant's vehicle coming at him, and that he had reached out in a defensive manner before being struck. Later, while arguing damages, the defense offered a neuropsychology expert's opinion that Mr. A was faking cognitive deficits and that he had no brain injury. Following mediation, the parties reached a settlement of \$2.5 million for damages due Mr. A because of the accident. ♦

Car v. Pedestrian: \$600,000 Settlement for the Pedestrian



On December 30, 2009, 68-year-old Jane Doe left her place of employment and walked toward her car. Suddenly, a car being driven through the parking lot struck

Jane, knocking her down and causing serious injury. She was taken by ambulance to a local hospital

where she was examined, preliminarily treated, and released. The examination revealed she had suffered a shattered fracture of her lateral tibial plateau. The tibial plateau is the upper surface of the tibia, or shin-bone, which is prone to fracture in high velocity accidents such as being struck by a car. In addition to the injuries directly caused by the accident, she also had to have a total knee replacement. Following surgery, she endured months of rehabilitation and physical therapy, at times confined to the use of a wheelchair, walker, or cane. Seeking recourse for her injuries, she sought representation by SDSBS attorney **Brian Denney**. Despite defense attempts to blame Jane Doe for not walking within a crosswalk and vigorously disputing liability, the parties reached a settlement of \$600,000 just prior to trial. ♦

Evaluating Workplace Injury Cases Post-2003 Amendments to Workers' Compensation Laws

The Winter 2011 issue of *Briefings*, the quarterly newsletter of the Palm Beach County Justice Association, contained an article on "Evaluating Workplace Injury Cases Post-2003 Amendments to Workers' Compensation Laws," written by SDSBS attorney **Jack Hill**. The article details the very complex legal obstacles an attorney will encounter when pursuing tort claims for workplace injuries and the impact of workers' compensation laws on these suits. In the article, Mr. Hill discusses the heightened standard enacted by the 2003 amendments to the workers' compensation laws that an employee must overcome when attempting to bring a lawsuit against his employer for injuries sustained on the job. In short, the 2003 amendments require an employee to prove that an employer's actions were "virtually certain" to cause an injury to the employee, rather than the "substantial certainty" test that was applied before the 2003 amendments. The 2003 amendments to the Workers' Compensation Act also require evidence that the employer actively misrepresented or concealed the danger from the employee.

Any evaluation of an on-the-job injury must include a factual determination as to the relationships between various entities (such as contractor, subcontractors, premises owner, etc.) in order to identify potential statutory employers, and, further, must determine whether or not a potentially responsible entity has obtained workers' compensation coverage.

Workers' compensation immunity may include not only the direct employer of the injured worker, but also his statutory employers. It is, therefore, necessary to fully explore the contractual relationships between and among the entities, determine which of those entities carry the requisite workers' compensation insurance, and determine the relationship between the injured worker and the involved entities. ♦

The complete article can be found in *Briefings*, Vol. 12, No. 1, at PBCJA's website: www.pbcja.org



Social Networking Sites Are NOT Confidential; It Really Matters What You Say

A circuit court judge recently ordered a plaintiff to produce, for the defendants, all pictures, posts, and contents of the plaintiff's social networking site. Caution: casual on-line conversations, pictures, and blogs about a personal injury or other claim can, and likely will, be held open for defendants and other interested parties. Password protections will not work in a lawsuit. As news media headlines repeatedly remind us, it matters what you say on social networking sites. ♦

Super Bowl Weekend Ends in Tragedy

(Continued from page one.)

to operate the vehicle in a safe manner and to protect her passengers from injury.

As the golf cart came to a curve in the road, Amy stood up to wipe more moisture from the windshield. At the same time, Carol jerked the cart's steering wheel to the left, throwing Amy out of the cart and onto the paved road where she forcefully struck her head. The Palm Beach County Sheriff's Office responded to the accident. Amy's head injuries were so severe that the authorities called for the Trauma Hawk medical evacuation helicopter to transport her to Delray Medical Center for emergency treatment. Despite heroic efforts at the hospital, Amy died of her injuries days later.

Because of the fatality, the Palm Beach County Traffic Homicide Unit was assigned to conduct an investigation. Officers who had reported to the scene that night observed that Carol Green had "blood-shot, glassy eyes," "flushed skin," and "smelled of the strong odor of alcoholic beverages." Physical evidence reported by officers at the scene of the accident indicated that the golf cart had skidded a full 30 feet before coming to a stop. During an interview with an officer, Carol stated that she had not attempted to slow her speed, and she did not attempt to make her passenger sit safely inside her vehicle. She told the officer that "it was not her responsibility to tell passengers how to behave"

When authorities asked Carol for a consensual blood sample, at first she refused. She was then informed that, pursuant to Florida law, a blood test would now be mandatory. The officer reported that Carol "remained evasive." She contacted her mother by telephone and was told that a lawyer was on the way. Carol finally agreed to the mandatory blood test, and her blood was drawn at the scene. Laboratory analysis of her blood sample revealed a blood alcohol level of 0.154% ethyl alcohol, almost twice the legal limit in Florida. Sheriff's deputies charged Carol with driving under the influence of alcohol.

As an insurance company attorney, Amy had been asked to identify the law firm that had the largest verdicts against the insurance company that employed her. Upon completing her research of

law firms throughout the nation, she thus identified SDSBS as the law firm with the biggest impact on her employer. She mentioned this research to her family. When she died months later, her parents, Sandra and Robert Brown (not their real names) of Ohio, were devastated by the loss of their beautiful daughter. Recalling their daughter's conversation, they contacted SDSBS and asked them to represent the family in a wrongful death action. Attorneys **Chris Searcy, Karen Terry, and Brian Sullivan** began an intense investigation that culminated with the filing of a wrongful death lawsuit against the Greens and the owners of the golf cart for their negligent acts. Throughout the contentious and complex lawsuit, the defendants' interests were represented by six law firms. Incredibly, from their first answer to the filing of the Browns' complaint, the defendants took the stance that Amy was responsible for her own death by negligently standing while the golf cart was in motion. They claimed that Carol's intoxication had nothing to do with Amy's death.

At mediation, the defendants again stood firm on their assertion that Amy was responsible for her own death and that Carol had no culpability, whatsoever. Finally, on the eve of trial, the defendants agreed to settle the matter for \$4 million. The defendants' assertion that Amy was responsible for her own death was finally refuted. Sandra and Robert Brown will always grieve the loss of their daughter. Justice, however, has ensured that those who shared in the negligence that caused Amy's death have acknowledged their responsibility. ♦



Under the influence of alcohol, Carol had not attempted to slow her speed nor make her passenger sit safely. Coming to a curve, she jerked the wheel sharply, throwing Amy out of the cart. **Amy struck her head forcefully and died days later.**

\$3.4 Million Awarded in the Fifth SDSBS Engle Case Filed Against Tobacco Industry

(Continued from page one.)

The Huish case is one of approximately 8,000 cases filed statewide as a result of a landmark class action suit filed in 1994 by a Miami pediatrician, Dr. Howard Engle, who, like the other class members, began smoking long before the dangers were known, became addicted to nicotine, and suffered from a smoking-related disease. The jury in the Engle case ruled against the tobacco companies in 2000, holding that smoking was addictive and caused a variety of diseases including lung cancer. However, the Florida Supreme Court reversed the award in 2006, ruling that each person in the class action must prove his/her damages individually. SDSBS has thus far taken five cases against the tobacco industry to verdict, and has won all five of those cases with jury verdicts ranging from \$2.5 million to \$80 million.

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The defense attempted to establish other factors responsible for John Huish's cancer -- that he had been exposed to carcinogenic materials during his years of work as an electrician, and that he had made no effort to quit smoking even when diagnosed with serious respiratory illness. Mr. Gustafson stated, "The biggest challenge for the plaintiffs' lawyers is to get

out of the way of the evidence. The tobacco companies' history is so sordid and disturbing that we can use their own documents and their own words to prove these cases."

John Huish died at the age of 64. Had he not succumbed to the addiction of nicotine, John could have expected to live to the age of 80. He and Anna had already spent 46 years together. He was her best friend. When his life was cut short, her life was changed forever. Since 1993, she has spent every holiday alone. She lost her life's companion and she continues to grieve for him and for their life together. ♦

Speaking Opportunities



Chris Searcy



Greg Barnhart



John Hopkins



Brenda Fulmer



Brian Denney



Darryl Lewis

Several SDSBS staff members participated in seminars during the Florida Justice Association's Annual Convention held in June 2011 at The Breakers Resort in Palm Beach, Florida. **Chris Searcy** spoke on the topic of "An Angry Jury is a Good Jury – Making Your Theme and Case Bigger Than One Trial" at the Trial Skills Seminar.

Greg Barnhart spoke on "Prior Incidents: Notice and Negligence – The Key to Products Cases." **Brenda Fulmer** participated in the Mass Torts/Products Liability Seminar, speaking on "Reglan and Stevens Johnson Syndrome." Paralegal **John Hopkins**, a program chair of the FJA Paralegal Advisory Group, participated in a seminar on "Tools for Proven Results: Civil Litigation for Paralegals and Legal Assistants – It's All About Discovery, Discovery, Discovery!" speaking on "'Guerrilla' Discovery in Civil Litigation." ♦

SDSBS attorneys **Brenda Fulmer** and **Brian Denney** spoke at the Florida Justice Association's 2011 Workhorse Seminar held in February 2011 at Disney's Yacht & Beach Club Resorts, Lake Buena Vista, Florida. Ms. Fulmer's topic was "Mass Torts of Mention," and Mr. Denney's was "Case Strategies to Avoid 'Gotcha' Moments and Other Pitfalls at Trial." Also in February, Mr. Denney spoke to the Council of School Supervisors and Administrators Retiree Chapter in Boynton Beach, Florida, on "Protecting Your Assets and Your Health – an Injury Lawyer's Perspective." ♦

Darryl Lewis spoke at the 2011 Annual Convention of the American Association for Justice held in July 2011 in New York. Speaking before the Attorneys Information Exchange Group, Mr. Lewis' topic was "Identifying Vehicular Product Cases." Mr. Lewis also presented remarks on "Cross-Examination Techniques" at the Convention's seminar on "Motor Vehicle Collision, Highway, and Premises Liability." ♦

Rear end Collision Causes Spine Injury and Chronic Pain

Trucking Company and Driver Agree to \$350,000 Settlement

On Sunday, November 12, 2006, Mary Smith and her fiancé, George Thomas, (not their real names) had just finished another long weekend refurbishing and remodeling their vacation home in Mayo, Florida, a small town in the northwest part of Florida. They packed up their supplies and tools, loaded everything into their van and a utility trailer that they towed behind the van, and headed south to their home in Palm Beach County. As they approached a toll booth to enter the Florida Turnpike, they came to a stop behind a line of cars. Suddenly, a semi-tractor-trailer slammed into the back of their trailer, smashing it into their van. The trailer, trailer hitch, and rear frame of the van were all damaged.

The Florida Highway Patrol was notified and conducted an investigation, documenting the accident. It was clear that the driver of the truck, owned by a construction company, was at fault for being inattentive and not stopping in time to avoid hitting Mary and George. There did not appear to be any serious injury to the truck driver, Mary, or George, and emergency medical treatment was deemed not necessary at the scene of the accident.

Before the accident, Mary was a healthy, active, and vigorous woman, full of stamina for work and other activities in her life. For several days following the

accident, Mary was unable to ignore the severe pain she was now experiencing. She went to her primary care doctor for treatment, and was referred to an orthopedic surgeon. She was also referred to an anesthesiologist for pain management. Despite all of the conservative treatments, Mary continued to suffer for the next several months from chronic pain so severe that it was debilitating. Her physicians eventually conferred again and recommended neck and lower back surgery. She underwent a discectomy and fusion of the vertebrae in her cervical spine, and a subsequent surgery to repair a lumbar spine injury. While noting some improvement in her symptoms, she still required the use of strictly controlled narcotic medication in order to handle her employment duties and other daily activities.

A short time after the accident, Mary consulted with an attorney about filing an action against the truck driver and the truck's owner. The defendants refused to accept that the collision was the cause of Mary's injuries, arguing that the collision was not of sufficient force to cause her claimed injuries. They argued further that her chronic pain and surgical needs were due to a degenerative spine condition. Eventually, on a recommendation from her first attorney, Mary contacted SDSBS attorney **Greg Barnhart** and requested his representation for her claim. The original suit was voluntarily dismissed and re-filed in Palm Beach County where the defendant truck owner was based.

For several months, Mr. Barnhart and his team conducted extensive discovery efforts in preparation for trial. Approximately three weeks prior to trial, a settlement of \$350,000 was reached as a result of mediation. ♦



Chris Searcy



Earl Denney



Jack Scarola



Greg Barnhart



John Shipley



Jim Gustafson



Darryl Lewis



Bill Norton



Chris Speed



Karen Terry



Sia Baker-Barnes



Jack Hill



Ten SDSBS attorneys recognized by peers as '2011 Super Lawyers,' and two more as 'Rising Stars'

In June 2011, *Super Lawyers* magazine announced the selection of outstanding lawyers in each state who have attained a high degree of peer recognition and professional achievement within their areas of practice. The 2011 Florida *Super Lawyers* edition recognized SDSBS attorneys **Chris Searcy, Earl Denney, Jack Scarola, Greg Barnhart, John Shipley, Jim Gustafson, Darryl Lewis, Bill Norton, Chris Speed, and Karen Terry**. Florida *Super Lawyers* also selected the "Florida Rising Stars 2011." Included in this list were SDSBS attorneys **Sia Baker-Barnes and Jack Hill**. "Rising Stars" lists outstanding lawyers who are 40 years of age or younger or who have been practicing for 10 years or less. ♦



Sia Baker-Barnes, on right, and members of the Palm Beach County Bar board of directors during the celebration of their election.

PBC Bar Association elects Sia Baker-Barnes to board of directors

SDSBS attorney **Sia Baker-Barnes** was elected to the board of directors of the Palm Beach County Bar Association. Ms. Baker-Barnes has been active in the PBC Bar for several years, most recently co-chairing the subcommittee responsible for launching a website on the diversity of the legal community and publishing a brochure highlighting the benefits of practicing law in Palm Beach County. ♦



National Bar Association and IMPACT select Sia Baker-Barnes as one of 'The Nation's Best Advocates: 40 Lawyers Under 40'

The National Bar Association and IMPACT announced selection of "The Nation's Best Advocates: 40 Lawyers Under 40," recognizing talented individuals within the African-American legal community who have achieved prominence and distinction. Awardees represent a cross-section of legal professionals. Included in the selection of the "2011 Nation's Best Advocates" is SDSBS attorney **Sia Baker-Barnes**. IMPACT is a non-profit organization founded in 2006 for the purpose of building a network of young professionals of color. ♦

Sia Baker-Barnes one of '2011 South Florida Women Extraordinaire'

SDSBS attorney **Sia Baker-Barnes** was selected by *Business Leader Media* as one of their "2011 South Florida Women Extraordinaire." Honorees were featured in the March 2011 edition of *Business Leader Magazine*. The award recognizes women who are influential leaders within their business or profession and who have an extraordinary impact on the economic success and strategies within their organizations. These women are active in professional organizations related to their profession and active in their communities. There were 48 women chosen for the honor, out of over 2,000 nominees. ♦



Renee Govig, (on left,) Human Resources Director and Lindsey Radziwon, her assistant. Their award shown above.

SDSBS HR department selected as 'Department of the Year' by HR Association of Palm Beach County

The Human Resources Association of Palm Beach County announced the selection of the SDSBS Human Resources Department as the "HR Department of the Year." The HRPBC's "Best in HR Professional Awards" were announced at its annual conference held in May 2011 at the Kravis Center in West Palm Beach, Florida. The award recognizes an HR department with a commitment to excellence in client service, alignment of HR programs to strategic business goals, and a commitment to strategic talent management and workforce development. Congratulations are in order for SDSBS Human Resources Director **Renee Govig** and HR Assistant **Lindsey Radziwon**. ♦



Laurie Briggs becomes chair-elect of Florida Justice Association's Women's Caucus

Laurie Briggs recently became chair-elect of the Florida Justice

Association's Women's Caucus. As chair-elect of the Women's Caucus, Ms. Briggs will also serve as a member of the board of directors of the FJA. The Women's Caucus Section works to identify and promote diversity and minority participation in both the Caucus and the Association while raising the profile of women trial attorneys. Among the Section's many activities are membership building, continuing legal education, mentoring, and community service. ♦



Jim Gustafson awarded '2010 Trial Lawyer of the Year' by the American Board of Trial Advocates

The Tallahassee, Florida, Chapter of the American Board of Trial Advocates recently recognized SDSBS attorney **Jim Gustafson** as their "2010 Trial Lawyer of the Year." The award recognizes a lawyer for a particularly successful year, and who embodies the ABOTA spirit of professionalism. ABOTA is dedicated to preserving the right to trial by jury, "justice by the people." ♦



Brenda Fulmer appointed delegate to the American Association for Justice, and elected secretary of the Women's Caucus by Florida Justice Association

SDSBS attorney **Brenda Fulmer** was recently appointed by the Florida Justice Association as one of its provisional state delegates to the American Association for Justice. She was also elected secretary of the Women's Caucus of the FJA. Ms. Fulmer was appointed by the president of the American Association for Justice to serve three-year terms on the AAJ's Membership Oversight and Marketing Committee and Client Services Committee. ♦



Hardee Bass appointed member of board of directors of Young Lawyers Section of Florida Justice Association

Hardee Bass was recently appointed an at-large member of the board of directors of the Young Lawyers Section of the Florida Justice Association. The appointment was made during FJA's Annual Convention held at The Breakers Hotel, Palm Beach, Florida. Mr. Bass will serve a one-year term. FJA is dedicated to strengthening and upholding Florida's civil justice system and protecting the rights of Florida's citizens and consumers. Its Young Lawyers Section provides statewide networking opportunities for lawyers under 36 years of age or who have less than 11 years in practice. ♦

Accolades



Chris Searcy named Fellow of the American College of Trial Lawyers, one of the premier legal associations in North America

SDSBS attorney **Chris Searcy** recently became a Fellow of the American College of Trial Lawyers, one of the premier legal associations in North America. The College is composed of the best of the trial bar from the United States and Canada. Fellowship in the College is extended by invitation only to those experienced trial lawyers who have mastered the art of advocacy and whose professional careers have been marked by the highest standards of ethical conduct, professionalism, civility, and collegiality. Lawyers must have a minimum of 15 years' trial experience before they can be considered for Fellowship. The College strives to improve and elevate the standards of trial practice, the administration of justice, and ethics of the trial profession. ♦

Chris Searcy elected president of Florida Supreme Court Historical Society

Chris Searcy became president of the Florida Supreme Court Historical Society following the Society's annual meeting in June 2011. The Society, established in 1977, is a non-profit organization committed to ensuring people understand the importance of a strong, independent judiciary in the governmental balance of power. Their mission includes educating the public about the critically important work of the courts in protecting personal rights and freedoms, resolving disputes arising within the state, and preserving the rich history of Florida's judicial system from the early 1800's to the present. ♦



Cal Warriner appointed to the Rules of Judicial Administration Committee of The Florida Bar

SDSBS attorney **Cal Warriner** has been appointed to the Rules of Judicial Administration Committee of The Florida Bar for a three-year term. The Committee proposes new rules of procedure, and reviews and evaluates existing rules, to advance the orderly and cost-effective administration of justice. Mr. Warriner's areas of practice include mass tort and complex litigation arising from institutional wrongdoing in the pharmaceutical, medical device, healthcare, and insurance industries. ♦



SDSBS sponsors and participates in the Juvenile Diabetes Research Foundation '2011 Walk to Cure Diabetes'

The Greater Palm Beach County Chapter of the Juvenile Diabetes Research Foundation held a "2011 Walk to Cure Diabetes" on March 5, 2011, at the Meyer Amphitheatre in West Palm Beach, Florida. SDSBS was a sponsor at the event, and SDSBS employees teamed up to participate in the Walk. The 2011 Walk, held in West Palm Beach, Stuart, and Boca Raton, raised more than \$725,000 for diabetes research and education. ♦

For more information, visit www.JDRF.org



Habitat for Humanity's special day for 'Women Build' is aided by women from SDSBS with families and friends

"Women Build" is a program within Habitat for Humanity International which encourages women to make a difference by building homes in their community. The Florida Association for Women Lawyers asked their members to participate in a special day for "Women Build." SDSBS women, with their families and friends, participated in work such as roofing, exterior painting, land clean-up, and other tasks on the residence located in Greenacres. ♦

For more information, visit www.habitatpbc.org/programs



SDSBS employees, families aid The Lord's Place as participants and sponsor of 'SleepOut 2011'

In April, SDSBS participated in "SleepOut 2011," an event held to support The Lord's Place – a non-profit, non-sectarian organization helping homeless families and individuals in Palm Beach County for over 30 years. More than 500 supporters joined the SleepOut in West Palm Beach, with some spending the night there. SDSBS' Jack Scarola, current board chairman and long-time supporter, his family, and SDSBS employees participated. SDSBS was a major sponsor of the event. The event raised over \$130,000 for The Lord's Place – to help provide innovative, compassionate, and effective services. ♦

For more information, visit www.thelordsplace.org



SDSBS Tallahassee office participated in the 2nd Annual 'Tulip Trot 5K' supporting the Parkinson's Awareness Group

SDSBS employees in our Tallahassee, Florida, office participated in the Second Annual "Tulip Trot 5K Walk/Run/Roll" event held May 14, 2011, at the Tom Brown Park in Tallahassee, Florida. The event is sponsored by the North Florida Parkinson's Awareness Group to increase funding to support research and awareness for those suffering from Parkinson's Disease. ♦

For more information, visit www.nfpag.org

Taking...
*Time
to Care*



SDSBS 5-member team takes 1st place in '2011 Corporate 5K Run', to benefit the Red Cross

SDSBS proudly sponsored a team for the 2011 Corporate Run 5K held April 13, 2011, in West Palm Beach, Florida. Runners included Pat Quinlan, Ed Ricci, Curtis Reynolds and Aaron Ledford, with Logan Wiggins as Team Captain. Team SDSBS took first place in the Men's Legal Division. Proceeds from their race benefited the Red Cross. ♦

For information: www.redcross.org

SDSBS hosts 19 children for 'Take Our Daughters and Sons to Work Day', teaching about the law profession

April 28th was national "Take Our Daughters and Sons to Work Day." The program was established to help children learn about various occupations in the hopes of broadening career aspirations. This year, SDSBS hosted 19 children at their offices, with greetings from Jack Scarola and an orchestrated mock robbery to demonstrate the difficulties involving eye-witness recollections of crime scenes. The group was also taken on a tour of the firm's warehouse where they were shown a variety of evidence including wrecked vehicles, each involved in a case history. The realities of safe driving and automobile accidents were discussed. Back at the offices of SDSBS, the group and their parents enjoyed lunch. Laurie Briggs provided a highly informative presentation on managing cases challenging the tobacco industry, which prompted several children to address the dangers of smoking with their family members when they returned home. ♦

For more information, visit www.daughtersandsonstowork.org

SDSBS employees and friends participate in 10th Annual 'Palm Beach Walk Now for Autism Speaks'

In March, 2011, SDSBS employees and friends participated in the 10th Annual "Palm Beach Walk Now for Autism Speaks," held in downtown West Palm Beach. Over 7,000 walkers (186 teams) participated, generating \$405,370 in contributions to help fund autism research, public awareness, advocacy and family services for those living with autism. Autism spectrum disorders are diagnosed in one of every 110 children living in the United States. The prevalence of autism increased 57% from 2002 to 2006. The Centers for Disease Control and Prevention have called autism a national public health crisis, the cause and cure of which remain unknown. ♦

For more information, visit www.autismspeaks.org



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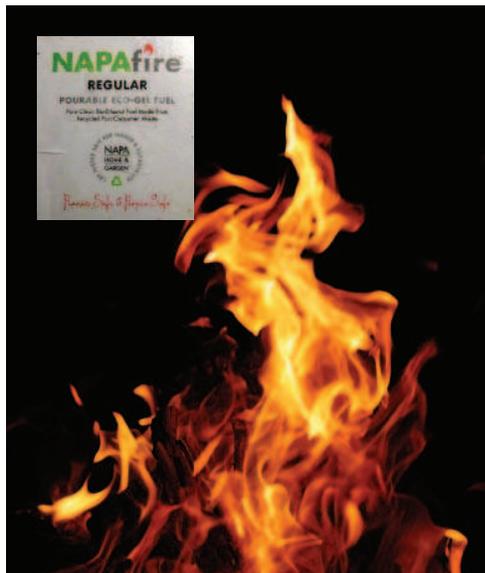
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SDSBS's Consumer Alert Warning: Possible Dangers of Fuel Gels, Firepots

In June 2011, SDSBS published a consumer alert concerning the use of fuel gels and firepots. The U.S. Consumer Product Safety Commission had begun an investigation into the serious injury claims which had been reported. Napafire, a product distributed through Bed, Bath & Beyond and other national distributors, is a fuel gel containing ethanol as its primary flammable component. Every flammable compound has a flash point – the temperature at which a compound, liquid, or other material can burst into flames. Napafire is a compound with a reasonably low flash point. It oxidizes into a gaseous form slower than many compounds. It does, however, burn at a high temperature, heating the container in which it is placed to a high degree. The blue flame of Napafire is described as nearly invisible. It is difficult to see whether the fire is fully extinguished or still burning.

NAPA promotes the product as “clean-burning” and good for the environment. The victims of accidents involving the use of Napafire describe the gel differently: “a Molotov cocktail,” “like gasoline in a bottle,” “a lethal weapon.” It has been compared to napalm, a highly flammable gel compound used as a weapon in Vietnam. When ignited and dispersed, it adhered to every-

thing it touched, severely burning the surface or victim. Efforts to extinguish napalm were largely unsuccessful. Consumers using Napafire and similar fuel gels in firepots have suffered horrendous injuries. Investigations of these incidents revealed some very significant problems in the design and use of the products, and in the products’ warning labels. In many of the accidents, consumers were attempting to refill firepots with more fuel gel when the fire was not actually extinguished or the firepots had not sufficiently cooled. The gel exploded in a fireball, seriously injuring the user and those nearby. The CPSC and SDSBS advise consumers to use extreme caution when using fuel gel and firepots. Follow proper safety guidelines when refueling any open-flame devices. ♦



The collage shows four overlapping screenshots of the Searcy Law website. The top screenshot displays a 'Florida Medical Malpractice Attorneys' page with a 'CONTACT US' button. The second screenshot shows a 'Legislative Action' page with a 'CONTACT US' button. The third screenshot features a 'Take Them To Court Without' section with a 'CONTACT US' button. The bottom screenshot is a 'Home' page with the tagline 'A Passion for Justice' and a 'CONTACT US' button.

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