

# Families of seven Guatemalan workers killed in car accidents reach settlement after years of litigation

## Through hard work and commitment, SDSBS obtained long-term support for the families of the workers

In the early part of 1980, there was a major civil war in Guatemala. The fighting between government troops and rebel forces resulted in a near-genocide of the indigenous population throughout the country, especially in the state of Huehuetenango located in northwest Guatemala, bordering on southern Mexico. In an effort to escape the ravages of war, many Guatemalans migrated to south Florida, attracted to the area because of its large agricultural base.

Over the next several years, SDSBS attorneys provided support to Father Frank O'Loughlin, a Catholic priest who worked closely on migrant worker issues with the Guatemalan population in Indiantown, Florida. In 1991, there were two major accidents that resulted in the death of seven Guatemalan workers. The first accident took the lives of six men who drowned when the station wagon in which they were traveling ran off the road and into a canal on a sugar plantation near Belle Glade, Florida. All six men were from the same village of Aguacatan. Each man had been working in south Florida and sending his wages to his large family back home. Just weeks after this accident, an intoxicated driver ran a red light at the intersection of 30th Street and Broadway in West Palm Beach. His car struck a van carrying four Guatemalan workers, killing one young man and seriously injuring another.

Upon learning of the accidents, SDSBS attorney **Jack Scarola** pledged the resources of the firm to assist in both cases. He assigned paralegal Emilio Diamantis to travel to Huehuetenango to meet with the six families in Aguacatan, and to meet with the other families in Cuilco, a small village in the same state. Mr. Diamantis is bilingual and was able to gather substantial information relating to the impact of the accidents. It was obvious that the loss of six men from the same village – sons, fathers, husbands to over 70 individuals – was a serious blow to the village as a whole. In Cuilco,

Mr. Diamantis found that the fatality in the second accident – Freddy Lopez – had left a widow, three children, and parents without the support they desperately needed.

Both cases were litigated and reached settlement after several long years. The numerous structured settlements provided annuities to all members of these families for the next 20 to 30 years. In the Lopez case, the settlement not only supported the family as a whole, but enabled all three of Lopez's children to attend elementary school, secondary school, and, ultimately, college.

To use a familiar phrase . . . “and now, the rest of the story:” In December 2013, the oldest Lopez child finished her medical education and began work as a pediatric physician, to the great delight of Father O'Loughlin, Jack Scarola, and Emilio Diamantis. Her brother is just now finishing his engineering degree. And the youngest Lopez child has just begun her college studies. These types of cases, and others like them, are clearly outside the norm for hard work, difficult travel, coordinated effort, and commitment to achieving success. The results, however, are also clearly outside the norm for satisfaction. ♦



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