

Unprovoked dog bite in face results in \$295,000 settlement

Sarah Mitchell (not her real name), a local resident of Palm Beach County, Florida, asked her personal trainer, Mary Jones (not her real name), to come by her home for a training session. Upon arriving at Ms. Mitchell's home, Ms. Jones noticed Ms. Mitchell's dog lying on the couch. Without warning, the dog jumped from the couch and attacked Ms. Jones, biting her on the face. Ms. Jones suffered permanent facial scarring and considerable emotional distress from the unprovoked attack.

Ms. Jones asked SDSBS attorneys **Karen Terry** and **Matt Schwencke** to represent her in an action against Ms. Mitchell. Ms. Mitchell had an insurance policy that included \$300,000 liability coverage, but it was not tendered when requested during a pre-suit hearing. Ms. Jones' attorneys promptly filed suit, and the case was resolved for \$295,000 before any further discovery. ♦

Jack Scarola celebrates 40 years of membership in The Florida Bar Association



Forty years ago, **Jack Scarola** was sworn in as a member of The Florida Bar. An active and well-respected member of numerous professional organizations, Mr. Scarola is recognized as a leader in the legal profession. Thirty years ago, his passion for helping those in need of support took a giant leap forward when he helped start The Lord's Place, an organization dedicated to helping homeless families and individuals in Palm Beach County by providing an array of support services and assistance. Mr. Scarola currently serves as a member of the board of directors. He and his family continue to actively participate in The Lord's Place programs and fundraising events. Thanks, Jack, for 40 years of dedication and advocacy, and for helping to change the lives of those in need. ♦

Unstable barstool collapses, causing injury

Management tried unsuccessfully to repair the stool and then tried to cover up their efforts

Steve Johnson (not his real name) was a regular customer at a local sports bar in Palm Beach County, Florida. One evening after work, Steve went to the establishment to participate in a weekly trivia game. He sat at the bar and placed an order for a drink. Suddenly, without warning, the barstool he sat on collapsed and Steve landed on the hard cement floor, directly on his tailbone. As a result of the fall, Steve's coccyx was fractured.

The next day, Steve went back to the sports bar and asked to see the broken barstool. He was told that it had been discarded in a dumpster outside the bar. Steve went to the dumpster, located the barstool, and took it home. An inspection of the barstool revealed that someone had attached brackets to the barstool in an effort to stabilize the seat. Steve took the barstool to SDSBS attorneys **Karen Terry** and **Matt Schwencke** and asked them to represent him in a premises liability case against the sports bar.

During discovery, the manager of the sports bar revealed that the videotape of Steve's fall had intentionally not been preserved. The manager denied that there were any prior complaints or concerns about the barstools on the premises. Further discovery from bartenders and waitresses, however, revealed that the manager and the owner of the establishment had received numerous complaints about the integrity of the barstools. When the attorneys presented the barstool in question to the witnesses, they testified that the manager had directed the sports bar's dishwashers to put brackets on the barstools in an effort to stabilize them.

SDSBS attorneys then filed a proposal for settlement for \$350,000 and added a motion for leave to amend the action to add claims for punitive damages. The defendant sports bar promptly accepted the proposal and the case was settled. ♦

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