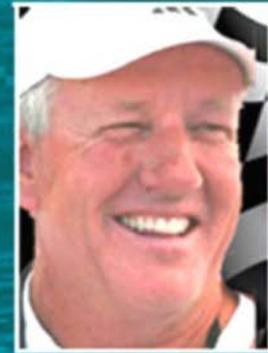


Event management's failure to comply with safety procedures results in death of power boat racer Joey Gratton



Management staffed the race course with inexperienced, untrained, uncertified divers who failed to rescue trapped boater.

At 59 years of age, Joey Gratton was on top of the world, a world renowned, multi-time powerboat racing champion. He was having the time of his life enjoying family, travel, and sports along with his wife of 33 years, Priscilla. Living in Manatee County, Florida, Joey and Priscilla were successful business people with twin sons – 30-year-olds Blake and Brock – and a new granddaughter, Scarlett. He was in excellent physical shape, an accomplished powerboat racer competing in national events and a nationally-ranked senior tour tennis player.

In November 2011, Joey was a throttleman for Steve Page, owner and pilot of “Page Motorsports,” a 38-foot Douglas Marine “Skater” catamaran powerboat. In powerboat racing, it is the throttleman whose talent is most important to success. The two had decided to compete in the Super Boat International 31st Annual Key West World Championship. The race, scheduled for November 9, 11, and 13, would cover a long, triangular course in the ocean off Key West. The race

was sanctioned, sponsored, produced, and managed by Super Boat International Productions, Inc. (SBI), an organization that ran a series of such races in Michigan, New York, and all over Florida. John Carbonell founded SBI and served as its president and the ultimate authority on all aspects of its racing business. Mr. Carbonell was familiar with the procedures and rules for managing powerboat racing – he had participated in and produced these races numerous times. SBI had established written rules regarding management of the races, and, in particular, managing the medical and rescue protocols and procedures necessary to ensure a safe and successful event. SBI’s rules conformed in large part to the industry’s standard rules for safety.

Mr. Carbonell appointed Brian Haff and Donald DiPetrillo to serve as medical directors for the event. According to SBI’s rules and regulations, as medical directors, both Mr. DiPetrillo and Mr. Haff were responsible for the following aspects of the event: reduction of risk throughout all aspects of racing – land, sea and air; manage medical and rescue personnel; assemble all support personnel necessary for the satisfactory

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DENNEY
SCAROLA
BARNHART
& SHIPLEY PA**

ATTORNEYS AT LAW



Chris Searcy selected as 2015 member of Trial Lawyer Hall of Fame

Nominated on the basis of his “indelible mark on the American legal tradition through a lifetime of service to the American public, the Constitution, and the American trial bar.”

In April 2015, The National Trial Lawyers announced at its conference in Las Vegas that **Chris Searcy** was selected as a 2015 inductee into The Trial Lawyer Hall of Fame. The honor recognized his 41 years of litigation, especially on behalf of victims and their families in catastrophic injury and wrongful death cases. “I am both honored and humbled by this distinction,” said Mr. Searcy. “Serving the law and seeking justice are very personal for me. This award belongs to the thousands of families who have shared their tragedies with me so I could help them recover and move on with their lives.” The Trial Lawyer Hall of Fame is a non-profit organization located at the Beasley School of Law at Temple University in Philadelphia, Pennsylvania. Each year, a handful of exemplary trial attorneys are nominated on the basis of their “indelible mark on the American legal tradition through a lifetime of service to the American public, the Constitution, and the American trial bar.” The National Trial Lawyers association promotes excellence in the legal profession through education, networking, and legal publications dealing with current issues. ♦

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**Of
Counsel**

A REPORT TO CLIENTS & ATTORNEYS **VOLUME 15, NUMBER 2**

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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.



Brenda Fulmer contributing writer for 4th edition of “Anatomy of a Personal Injury Lawsuit”

Recently, SDSBS, Trial Guides LLC, and the American Association for Justice announced release of the fourth edition of “Anatomy of a Personal Injury Lawsuit.” Ms. Fulmer was a contributing writer for this edition, presenting a chapter entitled “Mass Torts: The Bird’s-Eye View.” Her presentation includes guidance on multi-district litigation commonly used to coordinate mass tort cases including pharmaceutical and medical device claims, airline crashes, environmental disasters, and other cases where there are a large number of plaintiffs. Reflecting Ms. Fulmer’s 20 years of experience, the guide offers practical advice on such litigation. ♦

Trouble drives through open gates

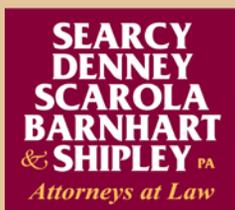
92-year-old woman assaulted in her driveway

In December 2013, Jane Doe (not her real name) was a 92-year-old resident in an upscale Palm Beach County gated community, which marketed itself as a safe place to live. Shortly before Christmas, Jane was returning home from a trip to the grocery store. The community had a double gate entry system. The first gate was triggered open by a barcode sticker on residents’ cars. The first gate was supposed to close immediately, permitting only one car to enter at a time. The second gate, manned by a security guard working for the community’s security contractor, was not supposed to open until the first gate had closed. However, the opening and closing of the community gates had not functioned properly for some time. As Jane drove through the first gate, the security system did not immediately close the gate, and another car drove through right behind Jane. As Jane passed through the second gate, the security guard saw the second car “piggybacking” behind Jane, but took no action. Jane drove to her home, and the intruder followed. When Jane stopped in her driveway, the intruder got out and attacked Jane. He beat her severely, threw her to the ground, and dragged her into the bushes. He then grabbed Jane’s personal belongings from the car and fled.

Not only had she been robbed and beaten, but Jane had lost her confidence and ability to enjoy the remarkably active life she had before the assault.

Jane ended up in the hospital with a fractured hip and other injuries. Not only had she been robbed and beaten, but Jane had lost her confidence and ability to enjoy the remarkably active life that she had before the assault – and no amount or type of rehabilitation would ever restore it. She has not driven a car or gone shopping since the incident. Seeking accountability for the community’s failure to deliver on its promises of security, Jane contacted Searcy Denney attorneys **Jack Scarola** and **Patrick Quinlan** for representation. The attorneys filed a civil action against the community and security company seeking compensation for injuries, medical care, loss of personal property, and pain and suffering. They obtained witness statements, videotapes, incident reports, and procedure manuals to prove the claim of negligent security. After almost a year of litigation, at a mediation conference held shortly prior to trial, the case was settled for a confidential amount.

This case is clearly a reminder of the importance of careful compliance with safety procedures. Even two gates and a security guard are no protection from serious injury when rules are ignored. ♦



- AUTOMOBILE ACCIDENTS
- AVIATION & RAILROAD DISASTERS
- BICYCLE & MOTORCYCLE ACCIDENTS
- BOATING & WATERCRAFT INJURIES
- COMMERCIAL/BUSINESS LITIGATION
- CONSTRUCTION DISPUTES
- INTELLECTUAL PROPERTIES
- MASS TORTS (DRUGS & MEDICAL DEVICES)
- MEDICAL MALPRACTICE
- PRODUCT DEFECT CASES
- PROPERTY LIABILITY
- PROFESSIONAL LIABILITY
- TRUCKING ACCIDENTS
- UNSAFE PRODUCTS
- WILL & TRUST DISPUTES

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Speaking Opportunities



Jim Gustafson gave two presentations at the Florida Justice Association's 2015 Annual Conference held in June at Lake Buena Vista, Florida. Under the seminars presented as "Advanced Trial Skills for Top Litigators," Mr. Gustafson's first topic was "A Live Opening Statement Based on What We Learned After 200 Trials." His second presentation was titled "A New Method for Jury Selection." ♦



In April 2015, **Cal Warriner** gave a presentation for a seminar in New York City, at the Mass Torts Judicial Forum with Hon. Marina Corodemus (ret.). The seminar was titled "How Not to Get Bumped Off Your Next Case." Mr. Warriner's presentation was "Expert Witness Automobile." ♦



In March 2015, **Brenda Fulmer** and **Laurie Briggs** spoke at a meeting of the Florida Alliance for Retired Americans held in Tallahassee, Florida. Ms. Fulmer presented "Drug and Medical Device Safety for Consumers' Information." Ms. Briggs discussed legislative issues related to tobacco litigation in Florida. In April 2015, Ms. Fulmer gave a presentation at a seminar hosted by SEAK, Inc., a continuing education company offering training for expert witness testimony. Ms. Fulmer's presentation was titled "How to Survive and Thrive at Your Deposition," and was held in Washington, DC. ♦



In April, **Brian Denney** and **Mariano Garcia** gave a presentation to a class of sophomore students at Palm Beach Lakes High School – Law Magnet Program – on the Engle cases involving class action litigation against numerous tobacco companies. The presentation was part of Law Week Education Program sponsored by the American Board of Trial Advocates (ABOTA). The attorneys and students enjoyed a lively discussion about tobacco, health effects of smoking, use of vapes and marijuana, and other issues of concern and interest to high school students. ♦



Chris Searcy participated in the Florida Justice Association's 2015 Workhorse Seminar held February 19, 2015, in Orlando, Florida. His presentation was titled "Loss of Enjoyment of Life Damages." ♦



Kelly Hyman was a faculty member for the March 2015 Advocacy 360 Conference held in Aspen, Colorado. The conference was hosted by the legal news service, Law360. Ms. Hyman's presentation was titled "Voir Dire Toolbelt: Voice, Body. How to prepare to be the vehicle of expression using the techniques of Improv, character development, back story, voice, body, and comedic timing. Learn by doing." ♦



Andrea Robinson participated as a panelist in The Florida Bar's "Practicing with Professionalism – Spring 2015" seminar presented by its Continuing Legal Education Committee and the Young Lawyers Division. This seminar was held in West Palm Beach, Florida. ♦



Cameron Kennedy presented a Continuing Legal Education seminar at the Florida Justice Association's 2015 Annual Conference held in Lake Buena Vista, Florida. His topic was "Navigating the Wrongful Death Case." In March 2015, Mr. Kennedy and **Carter Scott** were speakers at the Big Bend Chapter of the Paralegal Association of Florida's 2015 Spring Seminar held in Tallahassee, Florida. Their topic was "Trial Preparation Technology – Old School vs. New Technology." ♦



Michael Kugler gave a presentation at Lynn University, Boca Raton, Florida, at its seminar, "Campus Round-Up 2." His topics included sexual assault on college campuses, requirements under Title IX and the Clery Act, and liabilities for educational institutions arising from campus assaults and violations of Title IX. (The Clery Act requires all colleges and universities that participate in federal financial aid programs to keep and disclose information about crime.) ♦

Substandard car repair results in brake failure

For the 2010 Thanksgiving holiday, Roger and Anita Allison planned on returning to an event they had greatly enjoyed in years past – the Turkey Rod Run in Daytona Beach, Florida. Admirers of classic cars, the Allisons planned to bring their own classic car, a 1930 Plymouth street rod, to the car show. Before they could take the trip from their home in Okeechobee, the Allisons needed to have the Plymouth's brakes repaired. The last time the Plymouth was driven they had noticed that the street rod's brakes were not working properly. Recognizing that the car was not safe to operate, they had not driven the Plymouth for several months.

In the weeks leading up to the Turkey Rod Run, the Allisons towed their 1930 Plymouth to Rick's Rods & Custom Fabrications, Inc., a full-service mechanic's shop that specialized in working on unique vehicles like the 1930 Plymouth. Mr. Allison asked Rick's Rods to inspect the brake system and to make all necessary repairs. Two weeks later, he received a call that his car was ready to be picked up. While paying his bill, Mr. Allison confirmed with Rick's Rods that the Plymouth's brakes were now working perfectly. He then drove the Plymouth home.

The following morning, the Allisons headed for Daytona Beach. The trip was uneventful until they approached Melbourne traveling north on Interstate 95. Mr. Allison saw the traffic ahead of him was abruptly slowing down. Given the speed at which he was traveling and the distance between his vehicle and the traffic ahead, Mr. Allison was confident that he had plenty of time to stop. However, when he forcefully applied the brakes, the Plymouth did not seem to slow down at all. In what felt like an eternity to the Allisons, their car rear-ended the vehicle in front of them and then struck the concrete median in the highway. The Plymouth's brakes had unexpectedly failed and allowed the vehicle to crash into the traffic ahead.

As a result of the crash, Anita Allison suffered serious orthopedic injuries including a humeral head fracture and an open patellar fracture. She was airlifted to Holmes Regional Medical Center for emergency care. She had to endure a number of medical procedures including surgery to repair her broken knee cap. Mr. Allison suffered an aggravation of an old back injury. As his wife suffered through her efforts to heal, Mr. Allison focused on what had caused their automobile accident. He enlisted the assistance of SDSBS attorneys **Jack Scarola** and **Jack Hill** to investigate the cause of the Plymouth's brake failure.

An inspection of the Plymouth was arranged to take place at the SDSBS storage facility. Representatives for all potential defendants – including component part manufacturers, retailers, and Rick's Rods – were present during the inspection. It was discovered during the inspection that



Anita and Roger Allison with their classic 1930 Plymouth.

Rick's Rods had failed to conduct required basic repairs of the vehicle's rear brakes. Rick's Rods failed to repair a leak in the rear brake line which allowed air to be introduced into the hydraulic brake system. The company also failed to inspect and clean the pistons in the wheel cylinders on both the right and left rear brakes. Rick's Rods had performed substandard repair work and then returned the vehicle to their customer who was unaware that the vehicle's rear brakes did not work at all. Because the front brakes were working properly, the fact that the rear brakes were not working at all was not apparent during ordinary, routine driving. It wasn't until urgent braking was necessary that the effect of nonworking rear brakes became apparent to Roger Allison. Had Rick's Rods done what they were obligated to do and what they were paid to do, the problems with the rear brakes would have been obvious to a trained mechanic performing the required inspections and should have been repaired.

Eventually, a two-week jury trial concluded with a verdict in favor of Anita and Roger Allison in the amount of \$604,840. The jury rejected Rick's Rods' claims that it was not responsible for the crash and that Mr. Allison was solely to blame for the accident. As the prevailing parties, the Allisons also recovered in excess of \$125,000 in costs from Rick's Rods. The defendant, Rick's Rods, had earlier rejected a proposal for settlement to resolve Mr. Allison's injury claim in the amount of \$17,500, and so an award for attorneys' fees in excess of \$300,000 was also entered against Rick's Rods. Rick's Rods appealed the trial court's decision on the attorneys' fees. The Fourth District Court of Appeal recently rejected all of Rick's Rods' arguments and ruled in favor of the Allisons. The jury, the trial court, and the appellate court each decided in favor of the Allisons which resulted in a total recovery of over \$1,029,000. Finally ending this painful chapter of their lives, the Allisons are both looking forward to moving on to the next. ♦

SDSBS is currently handling cases involving defective Takata airbags

Consumers are urged to check if their vehicle has been recalled.

Over 30 million vehicles in the United States have been recalled to replace frontal airbags made by Japanese parts supplier Takata. The airbags in question were installed by Takata in vehicles from over 50 different auto, truck, and motorcycle manufacturers, and cover model years 2002 through 2014. The National Highway Traffic Safety Administration has charged that the airbags have been linked to at least eight deaths and hundreds of injuries. Its investigation focuses on the airbag's inflator, a metal cartridge loaded with a propellant that, in a crash, might explode with enough force to drive shards of metal into the driver or passengers in the vehicle. Manufacturing processes, design flaws, and poor quality control may also contribute to the part failure. Vehicles operated in regions with high heat and humidity appear to be at greater risk. NHTSA has additional information on its website at www.NHTSA.gov, including a VIN-Lookup Tool which enables you to find out if your vehicle is one of those at risk.

SDSBS is currently handling these cases and is seeking contact with vehicle owners who may be at risk for death or injury caused by these airbags, or who have questions regarding the case. ♦

Contact attorney **Brian Denney**
at BRD@SearcyLaw.com,
or by telephone at **(800) 780-8607**.

Additional information is also available on our website,
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Jack Hill comments on the inspiration and rewards of practicing law.

South Florida Legal Guide's mid-year 2015 edition asked several attorneys who have been featured in their publication for years, and who also have been selected as *SFLG's* "Top Lawyers of 2016," to comment on what inspired them to be a lawyer, what interesting cases they have worked on, and what they most enjoy about their practice. SDSBS attorney Jack Hill was included in *SFLG's* selection. He provided these comments. "As a plaintiff's trial lawyer, I am often entrusted with handling the most significant event in a client's life. In the case of a death or catastrophic injury, the event giving rise to the litigation is one of the most, if not the most, difficult times in a client's life. Oftentimes, a client's financial future and survival are at stake. To be entrusted with that degree of responsibility is humbling. The most rewarding aspect of my practice occurs when a successful outcome is achieved, either by settlement or verdict, and a client is able to begin trying to put his life back together with the financial resources to do so. I am fortunate to have a fairly diverse plaintiff's injury practice. Given the uniqueness of every case, it is hard to single out the most interesting one. However, one that stands out in my mind involved the wrongful death of a foreign national who was originally from Honduras. In addition to leaving behind a young son, the decedent also had a common law wife still living in Honduras. Although Florida no longer recognizes common law marriages, it does respect them from jurisdictions that do. As a result, litigation was brought in Honduras that successfully resulted in a postmortem judicial recognition of the clients' common law marriage under Honduran law. The wrongful death case resolved shortly thereafter." ♦

*"I consider trial by jury
as the only anchor ever yet
imagined by man,
by which a government
can be held to the principles
of its constitution."*

- - Thomas Jefferson, 1788

Truck tire explodes causing fatal multiple-vehicle crash on I-95

Two months before the accident the manufacturer issued a recall of tires manufactured a year later than those on the truck, due to risk of tread separation.

On September 27, 2012, just before 6:00 a.m., a Ford F-350 truck belonging to a Jacksonville, Florida, construction company was heading north on Interstate 95 carrying its work crew to a jobsite. The truck was traveling about 70 mph in steady traffic, on a cool, clear morning. Suddenly, the left front tire of the truck blew apart. The truck careened out of control and crashed into the highway's guardrail. A section of the guardrail was detached by the impact of the crash, and both the guardrail section and truck flew into the northbound traffic lanes. Vehicles immediately adjacent to the truck's path included a motorcycle driven by Tom Smith (not his real name), a small sedan, and a medium SUV. The three vehicles could not evade the guardrail debris and the truck as it rolled over, and they crashed violently together. Tom Smith was thrown from his motorcycle and died instantly.

The accident scene investigation focused on the left front tire of the truck. It revealed that the tire's failure was caused in part by tread belt separation. The Ford F-350 truck had been inspected by a Ford dealer and had undergone routine maintenance services the day before the tragic accident. Routine inspection of the truck's tires (identified here as "Model X Tires" for confidentiality) found no visual deterioration, foreign objects, punctures, or problems with air pressure, and the tread depth was reported as sufficient for continued operation.

Tom Smith's death was devastating to his family. He was only 48 years old and had been happily married for 26 years. He and his wife enjoyed many family activities that included their two sons, ages 11 and 21. Tom and his family were also very involved in community and church activities. The financial impact of his death was considerable – the family now faced the loss of his income (he had been employed for many years as an information technology manager), health insurance coverage, and retirement funding. Tom's family reached out to SDSBS attorneys **Cameron Kennedy** and **Carter Scott** for help in finding the cause of the accident that resulted in Tom's death, and in identifying those who should be held accountable.

Further investigation into the tire failure revealed that the particular Model X Tire on the truck had been manufactured in February 2009 at XYZ Tire Company's (not its real name) plant

in Alabama. In July 2012, two months before the accident that killed Tom Smith, XYZ Tire Company announced a recall of thousands of tires due to the risk of tread belt separation. The recall included Model X Tires manufactured the year after the tire involved in Tom Smith's accident, but the recall did not include the tire involved in Tom Smith's accident. Attorneys Cameron Kennedy and Carter Scott conducted investigations into the materials used by the manufacturer for the same tire design model that was subject to the recall and the tires made prior to the recall. The investigation raised concerns that the tire that failed was subject to the same risk factors as the tires that were recalled. In short, the tire company had manufactured tires in 2009 the same way it had manufactured tires months later in 2010.

A civil action was filed against the tire company and other defendants. After lengthy litigation, the parties reached a confidential settlement. As a result of the hard work performed by the attorneys at SDSBS, Tom's family received justice for their loss and financial security for their future. ♦

SDSBS investigation disclosed that the tires on the truck were subject to the same risk factors as the tires later recalled because of similar materials and design.



Accolades



The Legal Aid Society of Palm Beach County held its 27th Annual Pro Bono Recognition Evening on May 9, 2015, at the Palm Beach County Convention Center in West Palm Beach, Florida. **Jack Scarola** received the organization's Community Service Award in recognition of his long-time efforts in "Taking Time to Care" at The Lord's Place and the Guatemalan-Maya Center, two organizations that provide valuable help to the least fortunate in the county. **Mariano Garcia** helped emcee the event which recognized several attorneys for their extraordinary pro bono contributions to their community. ♦



On April 17, 2015, the Palm Beach County Bar Association announced the election of **Sia Baker-Barnes** to its 2015-2016 Board of Directors. New and returning board members were sworn in at the annual installation banquet held June 6, 2015, at The Breakers Hotel in Palm Beach, Florida. ♦



The Broward County Hispanic Bar Association selected **Mariano Garcia** as an inaugural recipient of its Bravo Award, in recognition of his dedication and leadership in public service and for promoting Hispanic diversity in the tri-county area of Dade, Broward, and Palm Beach Counties, Florida. The award was presented at the Association's Annual Installation and Scholarship Gala held on May 30, 2015. ♦



Brenda Fulmer was appointed co-lead counsel to the Plaintiffs Steering Committee for the multi-district product liability case against Biomet, Inc., a medical device manufacturer. The case alleges defects in Biomet's MZa Magnum system of hip implant products. The appointment was issued by the U.S. District Court in South Bend, Indiana, effective June 1, 2015. This coordinated litigation includes individual lawsuits filed by patients across the country who have suffered injuries related to the firm's metal-on-metal hip implants. Ms. Fulmer and **Cal Warriner** also hold leadership positions in litigation involving similar actions against other device manufacturers including DePuy, Zimmer, Smith & Nephew, and Wright Medical. In April 2015, the Florida Justice Association appointed Ms. Fulmer as a member of its 2015 FJA Nominating Committee. The Committee is responsible for nominating candidates from FJA membership for vacant positions on its board of directors. ♦



The Florida Bar recently appointed **Mariano Garcia** to serve a three-year term as a member of its Civil Procedure Rules Committee. **Andrea Robinson** was elected as an upcoming officer of the Young Lawyers Section of the Palm Beach County Bar Association. She will serve as secretary of YLS. In March 2015, Law360, a legal news service, announced the selection of **John Hopkins** as a member of its 2015 Legal Ethics Editorial Advisory Board. ♦



In April 2015, **Brian Denney** was appointed to a three-year term as a member of The Florida Bar's Professional Ethics Committee. Mr. Denney was also recognized by the National Association of Distinguished Counsel as one of the Nation's Top One Percent attorneys in 2015 who exhibit virtue in the practice of law. Following this recognition, the National Academy of Personal Injury Attorneys awarded Mr. Denney its 2015 Nationally Ranked Top 10 Attorney Award. The NAOPIA also recognized both **Matt Schwencke** and **Donald Ward** as Nationally Ranked Top 10 Under 40 Attorneys for 2015. Attorneys that are selected for these awards must first be nominated by a practicing attorney, and then proceed through a stringent, multi-level selection process. ♦



The American Association for Justice announced its 2015 AAJ Leadership Academy class and **Kelly Hyman** was selected to participate in the 16-member class. The Academy is an AAJ Diversity Committee initiative established to give AAJ members skills and techniques needed to become effective leaders throughout professional settings, AAJ, and their own communities. ♦





(l-r) Liqiang (Leo) Wang, SDSBS guest; ABC News Jonathan Karl; Forum Club past-president Manuel Farach; and SDSBS attorney Mariano Garcia.

SDSBS attorney Greg Barnhart and family recently hosted Liqiang (Leo) Wang, deputy director of China’s Ministry of Public Security, American and Oceania Affairs Division, during his visit to the United States. Mr. Wang works as a liaison between China’s MPS and numerous U. S. law enforcement agencies including FBI, ICE, DOJ, DEA, CBP, and USCG. He has facilitated bilateral and multilateral joint investigations between China and other countries. As a part of the International Academy of Trial Lawyers’ China Program, Mr. Wang’s visit was one of many private efforts on the part of IATL’s Program to help develop the legal, economic, and financial infrastructures of China. SDSBS hosted Mr. Wang at a luncheon held by the Forum Club of the Palm Beaches. The event’s guest speaker was ABC News Chief White House Correspondent, Jonathan Karl. ♦

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Insurance company insolvency leaves garbage company uninsured in truck/bicyclist fatal accident

On April 6, 2011, Adam Theall, a 38-year-old father of three young children, was out for an early afternoon bicycle ride on South Ocean Boulevard, a popular ride for cyclists not far from Adam’s house in Delray Beach, Florida. As Adam rode his bicycle south on the road, a dump truck driver was looking for a place to make a U-turn since he had missed his intended route and was trying to get his truck back on the proper road. As he turned the truck to the right, he failed to see Adam approaching on the shoulder of the road and he drove right into Adam’s path. Adam was struck by the truck and then run over – he was killed almost instantly. In that moment, Adam’s three children, ranging in age from five to 11 years, were left fatherless.

The driver of the truck was the owner of a small garbage and recycling business. His company had previously carried an insurance policy that would have applied to the fatal crash. However, its insurance company, Aequicap, had been ordered into liquidation for insolvency and mismanagement in March 2011. All of the company’s policies were to expire at 12:01 a.m. on April 6, 2011 – just 13 hours before Adam’s accident. With no insurance available for charges to be filed against the garbage/recycling business, Adam’s family was left wondering if there would ever be any accountability for Adam’s death.

As is typically the case with commercial insurance, the owner of the garbage/recycling company had used an insurance broker to obtain coverage. In March 2011, the broker received notice that Aequicap Insurance was insolvent and that all of its insureds would need new coverage by April 6, 2011. The broker emailed the garbage company owner, notifying him that it fully intended to place new insurance coverage for him.

Over the next three weeks, several emails were exchanged between the broker and the insured garbage company, none of which indicated that the broker was having difficulty placing new insurance policies, or noting the impending possibility that new coverage would not be found.

Adam’s family asked SDSBS attorneys **Chris Searcy, Greg Barnhart, and Donald Ward** to help them find accountability for the circumstances that had caused their husband/father’s death.

During discovery, the attorneys found that the broker had over 200 policies – like that of the garbage company – that were to expire because of Aequicap’s insolvency. With only three weeks left to cover the broker’s obligations to Aequicap’s insured companies, the broker elected to ignore the crisis for the customers and not hire additional staff to process the dramatically increased workload for replacement of policies. SDSBS attorneys were able to assist the garbage/recycling company’s lawyers in a third-party action against the broker for breach of fiduciary duty for failing to place new insurance coverage.

Ultimately, on the eve of trial, the case was settled for a confidential amount. ♦



Insurance broker’s failure to replace client’s coverage is charged as breach of fiduciary duty.

Adam Theall with his young daughter.



Mass Tort Projects of Interest

ACTOS, ACTOplus met, ACTOplus Met XR, and Duetact

Bladder Cancer

Bard IVC Filter

Heart and Lung Perforation
Hemorrhagic Pericardial Effusion

Benicar

Chronic Diarrhea
Nausea and Vomiting
Sprue-Like Enteropathy

Bisphosphonates (Boniva and Fosamax)

Femur Fractures

Cymbalta

Neurological Injuries

Fluoroquinolone Antibiotics (Levaquin, Cipro, Tequin, and Avelox)

Peripheral Neuropathy

GranuFlo and NaturalLyte Dialysis Products

Cardiac Arrest
Death
Cardiac Arrhythmia
Metabolic Alkalosis
Stroke
Sudden Cardiac Death

Invokana

Ketoacidosis
Kidney Damage
Heart Attack

Januvia, Janumet, Byetta, and Victoza

Pancreatic Cancer
Thyroid Cancer

Laparoscopic Power Morcellator

Uterine Cancer

Lipitor

Diabetes

Medtronic Infuse Bone Graft

Ectopic Bone Growth
Respiratory Failure
Nerve Damage
Death

Metal-on-Metal Hip Implants (DePuy, Zimmer, Biomet and Wright Medical)

Device Failure and Loosening
Inflammatory Response
Metallosis

Mirena IUD

Device Migration
Organ Obstruction
Organ Perforation
Peritonitis
Device Erosion

Propecia and Proscar

Sexual Dysfunction
Male Breast Cancer

Risperdal

Gynecomastia

SSRI Antidepressants (Paxil, Celexa, Effexor, Lexapro, Pristiq, Prozac, and Zoloft)

Birth Defects
Pulmonary Hypertension

Stryker Rejuvenate, ABG II, and Accolade Hip Implants

Premature Device Failure
Metallosis
Inflammatory Response

St. Jude Riata Defibrillator Leads

Lead Fracture

Testosterone

Blood Clots
Heart Attacks
Stroke

Transvaginal Mesh, Bladder Slings, and TVT Tape

Tissue Erosion
Device Failure

Viagra

Melanoma

Xarelto

Uncontrollable Bleeding
Death

Yaz, Yasmin, Beyaz, Gianvi, and Ocella

Heart Attack
Deep Vein Thrombosis
Pulmonary Emboli
Stroke
Sudden Cardiac Death

Zimmer NexGen and CR-Flex Knee Implants

Device Failure and Loosening

Zofran

Birth Defects

If you have been harmed by a drug or medical device, please call our Mass Tort Unit.

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Actos

USE: Lowers blood sugar levels and helps diabetics use insulin more efficiently.

HARM: Bladder cancer.



Xarelto

USE: Treatment for atrial fibrillation, and post-operative blood clot prevention.

HARM: Inability to reverse impairment of blood clotting, which causes uncontrollable GI bleeding, intracranial hemorrhaging, and death.



Modular Hip Implants

USE: Modular, non-metal on metal hip implant.

HARM: Modular components corrode leading to metallosis, premature device failure, elevated cobalt levels, pseudotumor formation, and osteolysis.



Viagra

USE: Treatment for erectile dysfunction.

HARM: Increase in the invasiveness of melanoma, thus reducing the window for effective cancer treatment.



Metal-On-Metal Hip Implants

USE: Hip implant devices manufactured by DePuy, Zimmer, Biomet, Wright Medical, and others.

HARM: Breakdown of metallic surfaces, abnormal wear, premature device failure, elevated cobalt and chromium, metallosis and pseudotumor formation.



Power Morcellator

USE: Laparoscopic hysterectomy or fibroid removal surgery

HARM: Increased risk of invasive uterine cancer.

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Dangerous Drug Alerts:



Zofran (ondansetron) is a drug that was developed and manufactured by GlaxoSmithKline for the treatment of severe nausea caused by chemotherapy. Zofran has also been used, off-label, to help expectant mothers combat morning sickness-related nausea. Zofran is usually prescribed by well-intentioned obstetricians for only the most severe cases of nausea. Zofran has not been approved for this use by the Food and Drug Administration, but “off-label” prescription and use of the drug is not impermissible. The Zofran lawsuits focus on the fact that the drug has not yet been proven safe for pregnant women and their unborn children. In fact, several studies show that Zofran may increase the incidence of birth defects, especially heart malformations (including atrial and ventricular septal defects and tetralogy of Fallot) and cleft palate injuries. SDSBS’s Mass Tort Unit is representing children who have sustained birth defect injuries after their mothers ingested the brand name version of Zofran during the first few months of their pregnancies. ♦



Xarelto (also known as rivaroxaban) is a blood-thinning drug manufactured and marketed through a joint venture between Bayer and Janssen Pharmaceuticals. Xarelto is often prescribed for patients with atrial fibrillation to reduce the risks of developing a blood clotting event such as a stroke. The drug is also approved for prevention of deep vein thrombosis and pulmonary blood clots following surgery. The allegations with regard to Xarelto are similar to those made in the Pradaxa litigation, which was settled in 2014. In this litigation, the plaintiffs contended that this new class of drugs, which also includes Eliquis, is unreasonably dangerous in comparison to traditional treatments such as warfarin or Coumadin. The Xarelto lawsuits that have been filed allege that the drug substantially increases a patient’s risk of bleeding events, such as gastrointestinal bleeding and intracranial hemorrhage, without providing any greater benefit than other, safer blood-thinning drugs. We are currently accepting cases involving patients who suffered an injury or died as a result of a Xarelto-induced bleeding event. SDSBS attorney **Brenda Fulmer** has been appointed as a co-chair of the Discovery Committee. The Committee will focus on document review and depositions relating to the defendants in the national, multi-district litigation involving Xarelto. ♦



(l-r) Attorney Pat Quinlan, U. S. Congressman Patrick Murphy, and Mr. Quinlan’s son, Brian.

My best ever trip to Washington by Patrick Quinlan

On June 10, 2015, I traveled to Washington, DC to advocate on behalf of the Leukemia & Lymphoma Society. I have been involved with LLS since shortly after my then 4-year-old son, Brian, was diagnosed with acute lymphoblastic leukemia. Fortunately, Brian successfully completed his treatment and is a happy and healthy 15-year-old.

As a trial lawyer and a political junkie, I love meeting with our elected officials and their staff to lobby on behalf of the organization that helped save my son’s life. I have participated in six annual LLS advocacy trips to Washington. I usually carry a picture of Brian to explain my personal connection to the fight against blood cancer. This year, however, I had something much better – Brian himself, in the flesh. For the first time, Brian accompanied me on my trip to the nation’s capital. We had an exciting day meeting several House members and House and Senate staffers to discuss two bills designed to increase the access of blood cancer patients to state-of-the-art treatments: the 21st Century Cures Act (HR 6) and the Patient Access to Treatments Act (HR 1600).

Without a doubt, the congressional MVP of our DC trip was Representative Patrick Murphy. He was busy on the House floor all afternoon, voting on several important matters. But he had a staff member, Daniel Marrow, bring us on the underground train system from his office in the Cannon House Office Building to the Capitol. Rep. Murphy then took time to meet with us, explaining to Brian how the representatives are seated on the floor of the House chamber, how the votes are cast and counted, and how the State of the Union address is conducted. He also posed with us for a picture.

Whenever I go to Washington, I feel like a kid again, full of idealism and enthusiasm for our system of participatory democracy. It was great to have my own kid share that experience with me. I look forward to bringing Brian back to Capitol Hill as we continue to pursue the mission of LLS – creating a world without blood cancer. ♦



Event management's failure to comply with safety procedures results in death of power boat racer Joey Gratton

(Continued from page one.)

execution of their duties and responsibilities; coordinate with and direct local volunteers as well as local medical, rescue, and safety personnel to ensure that all safety violations are reported immediately to Mr. Carbonell; submit a written response on violations or accidents to SBI within five days following the event.

SBI, Mr. Carbonell, Mr. Haff and Mr. DiPetrillo also knew that standard industry safety and rescue practices required them to provide the following support for an event: a designated first response team consisting of four to six highly trained, experienced, properly equipped, certified rescue divers who are intimately familiar with the emergency safety and escape features of each race boat. These divers, commonly known as "Angels," must be a member of a public safety dive team or a police/fire dive rescue team. Safety standards also required at least two safety helicopters, each carrying two to three Angels, each capable of a minimum emergency response time of no more than 20-30 seconds in the event of an accident anywhere on the racecourse. Further, the event management was required to provide a minimum of one support team consisting of at least two certified rescue divers stationed on a dedicated, clearly marked rescue boat at every turn on the designated racecourse. The rescue

divers on the support boats must have been trained by the Angels and be familiar with the emergency safety features of each race boat.

Unbeknownst to the participants, however (including Mr. Gratton and Mr. Page), SBI and Mr. Carbonell had instituted a policy for the Key West event in which they deployed two untrained, inexperienced, and ill-equipped volunteers, who were not certified rescue scuba divers, to serve as first responders to any accident which might occur at Turn 1, perhaps the most dangerous turn on the course.

Similarly, SBI had instituted a policy devised by Mr. Carbonell which prevented its rescue personnel, including those volunteers, from conducting pre-race safety inspections to familiarize themselves with the enclosed, restrained cockpit system, and related emergency safety and escape features of the individual race boats. Upon information and belief, Mr. Carbonell devised this policy in the belief that it would limit defendants' potential for liability in case of an accident involving injury or death related to a failure of one of these systems or features.

Additionally, SBI had instituted a policy devised by Mr. Carbonell, which required boats not involved in an accident to continue racing unabated, even if that meant driving close to or through the scene of an active rescue effort.

During the event, SBI, Mr. Carbonell, Mr. Haff, and Mr. DiPetrillo followed the policies described above, knowing those policies constituted *(Continued on page fourteen.)*

(Gratton: Continued from page thirteen.)

an extreme departure from accepted industry standards and practices, and reasonable care, and posed an extremely dangerous and potentially fatal risk to participants.

Tragically, what none of the racers knew was that the risk of death was even higher because Mr. Carbonell had secretly failed to provide the most fundamental element of any safety and rescue plan – qualified first responders.

The Page Motorsports team overturned while attempting to round Turn 1 of the designated racecourse on the final lap of the November 11, 2011, race.

The rollover was not unusual or violent and both men remained conscious and were uninjured in the accident. However, they were suspended upside down, restrained in their seats by the harness systems and thus unable to escape the enclosed cockpit immediately on their own.

The two volunteer divers, who should not have been, but were inexplicably designated as the first responders by SBI, were onboard a boat stationed in the area of Turn 1. They arrived on the scene within a minute of the accident. However, both divers swam to the submerged canopy rather than the escape hatch, and stared aimlessly through the cockpit windshield. Had the volunteers been trained and instructed on the various safety features of the race boats they never would have made that fatal mistake. Rather, one

of them would have gone immediately to the escape hatch and freed both drivers.

Meanwhile, within seconds of the accident a rescue helicopter with two purported Angels on board arrived on scene and dropped the “orange smoke” warning for approaching race boats. Mr. Gratton

or Mr. Page had not yet exited the cockpit when the Angels arrived. Pursuant to accepted industry standards and practices, defendants should have immediately deployed the Angels from the helicopter. But they inexcusably failed to do so. Indeed, the Angels still had not deployed from the helicopter nearly 90 seconds after the accident even though Mr. Page and Mr. Gratton had not emerged from the cockpit. The volunteers were UNDERNEATH the boat (underscoring the fact that they had absolutely no idea what they were doing). The Page Motorsports’ escape hatch was clearly visible and accessible. With the rescue in process, other race boats continued to race through the accident scene.

The risk of death was even higher because Mr. Carbonell had secretly failed to provide the most fundamental element of any safety and rescue plan - qualified first responders.



SDSBS attorney Greg Barnhart during the Gratton trial.

Mr. Page managed to free himself and then, unsuccessfully, tried to free Mr. Gratton, who was desperately struggling to release his own restraints before exhausting his emergency air supply. The cockpit was filling with water. Having failed to free Mr. Gratton, Mr. Page looked for an exit route and opened the emergency escape hatch nearly two minutes after the accident. Significantly, the escape hatch was not stuck or damaged in any way; rather, it functioned properly and opened easily just as it was designed to do.

Had defendants followed standard procedures, properly trained, experienced Angels would have immediately deployed when they arrived on scene, swam to the overturned vessel, opened the escape hatch, and removed both drivers. If they could not free Mr. Gratton right away, they would have ensured he had enough air while they assessed the situation and provided him more if necessary. They also would have had the necessary cutting tools, which are standard equipment, had they needed to cut his harnesses. In short, had defendants merely followed standard protocols and procedures, the rescue would have been completed by the time Mr. Page emerged from the cockpit and Mr. Gratton would still be alive. But there was no one there to help him so Mr. Page went back down into the cockpit to help Mr. Gratton one more time.

After doing nothing for nearly two and a half minutes, and while the volunteers were still underwater trying to figure out what they were looking at, defendants finally deployed the two Angels.

Meanwhile, defendants’ response was so predictably slow and defective that neither the volunteer divers nor the Angels had reached Mr. Page by the time he emerged from the cockpit desperately begging for someone to help him free Mr. Gratton.

Furthermore, although the escape hatch was wide open, and Mr. Page was pleading for help, begging for a knife so he could cut Mr. Gratton loose, no one on the boat had a

knife or even a clue what to do. Some even appeared to be taking pictures or video of the scene, oblivious to the perilous situation unfolding before their eyes. And, while Mr. Gratton was still very much alive, all alone and fighting for his life, the supposed rescuers were not even there yet, more than three minutes after the accident.

Even after the first Angel arrived nearly three and a half minutes after the accident, with the escape hatch wide open, and Mr. Gratton's life hanging in the balance, Mr. DiPetrillo and Mr. Haff still followed Mr. Carbonell's outrageous directive and allowed the unqualified, untrained, and inexperienced volunteers to keep the lead.

SBI and Mr. Carbonell meanwhile had not even bothered to stop the race, allowing one competitor to run an extra lap after the race had officially ended, screaming by at over 100 mph within feet of the rescue operation, while throwing a large disruptive wake.

Even at this late stage, however, defendants could have saved Mr. Gratton had a properly trained, experienced and equipped Angel immediately proceeded to the open escape hatch and removed him. The Angel certainly would not have approached the hatch opening with a scuba tank strapped to his back, as the volunteers did, because he would have known the opening was not big enough to fit through that way.

Again, if the Angel could not free Mr. Gratton right away, he would have ensured the trapped boater had enough air while the rescuer assessed the situation, and would have provided

more, if necessary, by gently lowering a spare tank into the cockpit. He also would have had the necessary cutting tools had he needed to cut the harnesses. In short, assuming the Angel was a properly equipped, trained, experienced professional, he could have saved Mr. Gratton even this late in the operation had defendants merely directed him to take control when he arrived at the overturned race boat. But they inexplicably refused to do so.

As a result, the boat took on more water and began to sink, bow up.

Eventually, because of the defendants' patently deficient safety and rescue policies, practices, and procedures, myriad failures, inexcusable delays, and breaches of statutory and common law legal duties, the cockpit filled with water, and the boat sank several more feet, ultimately forcing the escape hatch closed, and trapping Mr. Gratton inside.

Incredibly, although the accident occurred on the last lap, the second rescue helicopter did not arrive and deploy its diver for more than seven minutes.

Tragically, by the time defendants and their authorized representatives, agents, servants, and/or employees finally figured out how to reopen the escape hatch, it was too late – Mr. Gratton had needlessly drowned.

In short, there was nothing unique about the accident, or the situation encountered by defendants. On the contrary, this should have been a routine, successful rescue had defendants merely followed standard industry practices, procedures, and ***(Continued on page sixteen.)***





(Gratton: Continued from page fifteen.)

protocols, and SBI's own published rules. Succinctly stated, their conscious disregard of those rules and standards killed Joey Gratton.

This case highlights a number of basic principles of applicable law governing responsibility and liability for persons injured or killed by egregious disregard for safety. In a negligence per se case, a written waiver or release immunizing a party from liability for breach of a positive statutory duty to protect the well-being of a person executing the release is invalid, unenforceable, and contrary to public policy. Florida boating safety law, which conforms to federal maritime law, provides that any person or organization sponsoring or conducting a boat race shall be responsible for providing adequate protection to participants. Any violation of this requirement would constitute negligence per se.

Maritime and admiralty law control the liability aspects of a wrongful death under these circumstances, and permit claimants to supplement their maritime remedies with remedies available under state law. Further, under maritime law each potential defendant is jointly and severally liable for the acts of the other defendants. Moreover, under Florida and maritime law, because the activity, i.e., producing an offshore powerboat race, is considered inherently dangerous, each defendant was under a nondelegable duty to perform, or have others perform, the work or activity in a reasonably safe manner. Defendants such as sponsors, producers, managers, and staff would be required to take proper and necessary precautions to prevent harm to third parties, and would be held liable despite relying on some other person's "expertise." In this instance, SBI and its authorized representatives, sponsors, agents, employees, and others were very well aware of the powerboat racing industry's safety standards, even establishing internal rules and procedures that conformed to the requirements of the industry. But they deliberately disregarded those requirements. Their gross negligence cost Joey Gratton his life.

In December 2011, Joey's wife, Priscilla, and their sons, Blake and Brock, asked Michael Allweiss of Allweiss & Allweiss Attorneys at Law, St. Petersburg, Florida, to represent them in a legal action to hold the event managers and related personnel and sponsors accountable for the death of their husband and father. Mr. Allweiss asked SDSBS attorney **Greg Barnhart** to join him as co-counsel. After two weeks of a televised trial in Broward County, the insurance company for the defendants finally offered to settle the case with the Gratton family for a significant amount of money. ♦





SDSBS team joined 2015 Best Buddies Friendship Walk

On April 11, 2015, SDSBS staff members participated as a team in the Second Annual Best Buddies Friendship Walk held in West Palm Beach, Florida. SDSBS was a sponsor of the Walk. The team joined over 500 other walkers and volunteers at the event which raised over \$80,000 to support the organization’s programs. Best Buddies is dedicated to establishing a global volunteer movement that creates opportunities for one-to-one friendships, integrated employment and leadership development for people with intellectual and developmental disabilities. For more information on these programs, visit www.bestbuddiesflorida.org. ♦



SDSBS team joined 2015 Tails and Trails Walk/Run event in Tallahassee

SDSBS was a Gold Paw Sponsor for the 14th Annual Tails & Trails Walk/Run event held May 2, 2015, in Tallahassee, Florida. SDSBS staff participated in the event as a team. The event raises funds to support the Tallahassee Animal Shelter Foundation’s programs, including life-saving support for homeless animals, urgent veterinary care, spay/neuter programs, and community education. For more information, visit www.animalshelterfoundation.org. ♦

The Lord’s Place 2015 Annual SleepOut added a new event – SleepIn

For years, SDSBS has been a sponsor of The Lord’s Place annual SleepOut event to raise awareness about homelessness and support for TLP’s programs. TLP is a non-profit, non-sectarian organization committed to breaking the cycle of homelessness with programs that include safe, supportive housing and job training and placement. On April 17, 2015, TLP held its SleepOut in West Palm Beach, Florida. As usual, SDSBS staff participated in the event, enjoying music, a presentation and movie, kids’ activities, and food from TLP’s Café Joshua Catering Company. Current member of TLP’s board of directors and past board chair, Jack Scarola, and his family, participated in the event. This year, TLP added a new event called SleepIn. During the month of April 2015, people who wanted to participate but could not do so because of very young children or other restrictions could hold their own SleepIn in their own homes or backyards. SleepIn participants documented their adventure, and posted pictures and requests for donations on social media. Brian and Rosemary Denney had been SleepOut participants for years, but after their children came along – now 4-years-old and 2-year-old twins – spending the night at an amphitheater did not seem like fun. “When you have children you’re limited as to what you can do, so this is a way to be able to participate,” said Rosemary, a former member of TLP’s board of directors. For more information on TLP, visit www.thelordsplace.org. ♦





SDSBS volunteers and A Full Summer community event keep kids fed and full through summer months

On June 6, 2015, staff from the SDSBS Tallahassee office participated in A Full Summer, a community event to help feed local kids during summer months. SDSBS was a sponsor of the event. Volunteers donated time and money to package thousands of meals consisting of rice, fortified soy protein, and dehydrated vegetables. The goal of assembling and delivering 60,000 meals, and raising additional funds to support Second Harvest of the Big Bend, was exceeded. Second Harvest will distribute the meals through various programs in the 11-county Big Bend area. Approximately 115,000 people live in poverty in this area, including almost 30,000 children. More information on this program can be found at www.AFullSummer.org. ♦



Casey Feldman Foundation and SDSBS speak out against the dangers of distracted driving

SDSBS attorneys have joined with The Casey Feldman Foundation to speak out about the dangers of distracted driving. Attorney Joel Feldman created the Foundation following the tragic death of his daughter, Casey, in a car accident resulting from distracted driving. The Foundation’s program – End Distracted Driving – asks professional volunteers for their time and effort to speak about the serious risk of engaging in texting, talking, and other distractions while driving. Thus far, nearly 1,000 judges, lawyers, doctors, and healthcare and safety professionals have spoken to more than 225,000 teens and adults across the United States and Canada. SDSBS attorneys Jack Hill, Hardee Bass, Adam Hecht, Andrea Robinson, and Carter Scott have spoken to approximately 400 students in three high schools – in Palm Beach County and in Tallahassee. For more information about this important organization, visit www.EndDD.org. ♦

SDSBS volunteers participated in Palm Beach County Bar Association’s Law Suit Day Clothing Drive

In May 2015, SDSBS staff participated in the Palm Beach County Bar Association’s Law Suit Day Clothing Drive to benefit the Public Defender’s “Boutique” and The Lord’s Place. Dresses, suits, pants, purses, belts, shoes, and ties were donated. Clients of the county’s Public Defenders Office, and residents supported by The Lord’s Place benefit by having access to gently used, quality clothing for work opportunities, court appearances, and routine daily life. ♦

Taking...*Time* to Care

SDSBS team participated in the 4th Annual Red Shoe Run/Walk to benefit Ronald McDonald House

Members of the SDSBS Tallahassee office formed a team to participate in the Fourth Annual Red Shoe Run/Walk to benefit the Ronald McDonald House Charities of Tallahassee, Inc. The event was held April 18, 2015. RMHC offers a “home away from home” for families with children facing medical challenges by providing a nurturing atmosphere of love, strength, comfort, hope, and courage. Red Shoe Society members volunteer at the RMHC house, organize fundraising events to support RMHC, and work to raise awareness and make a difference in the lives of the families served by RMHC. For more information, visit www.RMHC.org. ♦

Chris and Henry Searcy's long-time support of Autism Speaks was recognized with a special contribution

The SDSBS Walk Team participated with thousands of other individuals in the 2015 Palm Beach Walk Now for Autism held March 8. SDSBS was a sponsor. Chris Searcy and his son, Henry, received special recognition from Autism Speaks for their long-time support of the organization and its programs. A generous gift of \$25,000 was presented to Autism Speaks in honor of Chris and Henry by Larry Stewart and the law firm of Stewart Tilghman Fox Bianchi & Cain; William C. Hearon; and The Law Offices of Todd Stewart. Their gift will be used to provide assistive communication devices (iPads) to financially disadvantaged children and young adults with autism. To learn more about the organization, visit www.autismspeaks.org. ♦



(l-r) Henry Searcy, co-founder Bob Wright, and Chris Searcy.



SDSBS joined Lung Cancer Alliance in its first Florida Lung Love Run/Walk

On March 7, 2015, the Lung Cancer Alliance held its first Florida Lung Love Run/Walk at Okechee Park. SDSBS was a sponsor of the event and fielded its own team of participants. The Run/Walk was held to raise funds and awareness to support programs to fight lung cancer. This first annual event raised \$39,352 to support LCA and its programs. The tragedy of lung cancer hit close to home for SDSBS' paralegal Vince Leonard. Two years ago, his sister-in-law, Jacque' Johnson McCann, died from the disease. Vince and his family have been very active in supporting the work of LCA. Lung cancer is the deadliest cancer of all, killing over 160,000 people each year – more than the other three leading cancers combined (prostate, breast, and colon). To learn more, visit www.lungcanceralliance.org. ♦

SDSBS volunteers participated in Earth Day's Great American Cleanup

SDSBS was a sponsor of the Great American Cleanup 2015 coordinated by Keep Palm Beach County Beautiful, Inc. The event is held in April each year in conjunction with Earth Day. SDSBS staff participated as volunteers for hands-on activities to improve their communities. Volunteers create healthier, cleaner, and safer environments by cleaning waterways and seashores, picking up litter, planting trees and other landscape, beautifying parks, and recycling. During the Palm Beach County Cleanup this year, over 3,500 volunteers picked up over 35,000 lbs of trash and 5,000 lbs of recyclables including 66 tires, and both large and small items ranging from cigarette butts to truck doors. They started or maintained community gardens, planted over 150 trees and more, smaller, native plants, and helped paint over graffiti. For more information on the program, visit www.keepPBCbeautiful.org. ♦





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Sia Baker-Barnes



Brian Denney



Brenda Fulmer



Mariano Garcia



Jack Hill



Darryl Lewis



Karen Terry



Cal Warriner



Laurie Briggs



Cameron Kennedy



Hardee Bass



Ed Ricci



Matt Schwencke



Donald Ward

19 SDSBS attorneys selected as '2015 Florida Super Lawyers'

Chris Searcy in Top 10 Super Lawyers

Super Lawyers Magazine recently published its 2015 selection of Florida Super Lawyers. **Chris Searcy** was included in the list of Top 10 Florida Super Lawyers. **Jim Gustafson** was selected as a Top 100 Florida Super Lawyer. The following attorneys were selected as Florida Super Lawyers: **Jack Scarola, Greg Barnhart, John Shipley, Sia Baker-Barnes, Brian Denney, Brenda Fulmer, Mariano Garcia, Jack Hill, Darryl Lewis, Karen Terry, Cal Warriner, and Laurie Briggs.**

Selected by Super Lawyers as 2015 Florida Rising Stars were **Cameron Kennedy, Hardee Bass, Ed Ricci, Matt Schwencke, and Donald Ward.**

Super Lawyers is a rating service of outstanding lawyers from more than 70 practice areas who have attained a high-degree of peer recognition and professional achievement. The selection process includes independent research, peer nominations, and peer evaluations. ♦