

UPS semi-trailer truck rear-ends dump truck killing driver, passenger

\$2.8 million settlement is result of full-scale accident investigation and professional reenactment

In the early morning hours of January 25, 2011, James Butler Hope, Sr., was heading north on U. S. Highway 401/301, just past Ocala, Florida. Mr. Hope and his associate – the owner and driver of the 1969 International Harvester dump truck – were delivering 20,000 pounds of Florida limestone rocks to a client in Jacksonville, Florida. Areas around Ocala are known as “Florida horse country” – horse farms surrounded by wide-open, sparsely populated, rolling hills. The dump truck was traveling in the outside, slower lane.

Traveling north behind the dump truck was a United Parcel Service (UPS) semi-truck hauling tandem trailers. The UPS rig weighed over 65,000 pounds. It was traveling in the outside lane as well, as fast as the driver could go. Due to inattention, the UPS driver drove the semi-truck right into the dump truck’s left rear side causing the dump truck to



careen off the road and roll over one and a quarter times. Mr. Hope and the dump truck driver were thrown from the truck and killed.

Mr. Hope was 65 years old. He left behind six grown children and one teenager. His family was devastated by the loss of their father. They asked SDSBS attorneys **Cameron Kennedy** and **Carter Scott** to represent them in an action to hold UPS and its driver accountable for the accident. Jacksonville attorneys Howard Coker, Daniel Iracki, and Rufus Pennington served as co-counsel. Mr. Kennedy and Mr. Scott initiated an exhaustive investigation to uncover the facts that caused the tragic accident. The investigation included downloading and analyzing the UPS truck’s black-box data recorder and performing a full-scale accident reconstruction. Reenactment of the accident required local police to temporarily close a section of the highway. Experts retained by SDSBS filmed the reenactment to show the dump truck’s lights and equipment, and to show that the crash was avoidable had the UPS driver paid proper attention. *(Continued on page two.)*

Worker’s fall in unmarked elevator shaft causes permanent brain damage

\$2.6 million settlement from contractors’ and homeowners’ insurance

Derrick Murphy (not his real name) had worked as an air conditioning technician in south Florida for decades, servicing and troubleshooting existing air conditioning units. However, on July 8, 2014, he was asked to assist with the HVAC installation for an 8,000-square-foot home that was being constructed on the Intracoastal Waterway in Palm Beach Gardens, Florida. Derrick finished his work installing condensers along the home’s exterior, then went inside the home to see if his coworkers needed assistance. Inside, he found one of his coworkers finishing the installation of grills

and grates throughout the home’s ceilings. To assist his coworker, Derrick started looking throughout the home for any openings that still needed to have a grill installed.

Derrick was unaware that the two-story home contained an elevator connecting the ground and upper floors. Although all of the interior doors were in place at this time, the elevator itself had not yet been installed. There was only an empty elevator shaft that dropped from the top floor nearly 20 feet down to a concrete subfloor. The upstairs and downstairs doors to the elevator shaft were also in place. The doors, *(Continued on page three.)*



In honor of
Priscilla Searcy
meet
“Team Priscilla”
PAGE SIXTEEN

IN THIS ISSUE:

Jim Gustafson
sworn in as
president of the
**FLORIDA JUSTICE
ASSOCIATION**

PAGE THIRTEEN

**A GUIDE FOR
FLORIDA
VOTERS**
From
The Florida Bar

PAGE SIX

**Mass Tort
Highlights
for 2016**

PAGE TEN

**SEARCY
DENNEY
SCAROLA
BARNHART
& SHIPLEY PA**
ATTORNEYS AT LAW



UPS semi-trailer truck rear-ends dump truck killing driver, passenger

(Continued from page one.)

Years of litigation ensued. At trial, UPS argued that its driver had a crystal-clean driving record. Further, they argued, the dump truck's rear lights were not working, causing the truck to be invisible in the dark, early-morning hours. And, they added, the dump truck was stopped or moving slowly due to engine trouble. The attorneys for UPS also argued that Mr. Hope and the truck's driver died because they were ejected from the dump truck during the roll over and that if they had been wearing their seatbelts they would not have been ejected and they would not have died. The plaintiff's accident reconstruction expert was able to forcefully rebut UPS's arguments by using their reenactment of the accident scene. They proved that one of the dump

truck's rear lights was working, and the jury could clearly see what the UPS driver should have seen on that fateful morning.

Eventually, a settlement of \$2,850,000 was reached during trial. The settlement will help provide security for the Hope family as they face a future without their patriarch. ♦



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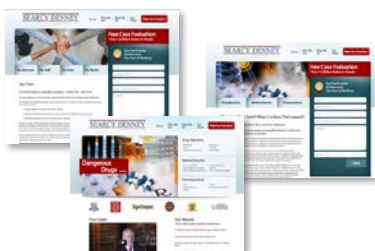
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people who have been harmed in a
similar way, usually by a drug,
medical device or a product).



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Of Counsel

A REPORT TO CLIENTS & ATTORNEYS **VOLUME 16, NUMBER 2**

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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.

Worker's fall in unmarked elevator shaft causes permanent brain damage

(Continued from page one.)

which looked the same as all of the other interior doors throughout the home, were closed and unlocked. There were no warning signs on the elevator doors, nor any blocking or bracing of the openings to prevent someone from opening the door and falling to the subfloor below. Concentrating on his search for open ducts that needed to be capped and never expecting to encounter an empty elevator shaft hidden behind an interior door, Derrick opened the elevator door and fell through to the concrete floor below.

A coworker, returning to the home after getting supplies from his truck, discovered Derrick's nearly lifeless body at the bottom of the elevator shaft. He had suffered life-threatening injuries as a result of the fall, including a catastrophic brain injury and cervical spine injury. Because of the brain damage, Derrick does not remember anything about the day he was injured. He was taken by ambulance to St. Mary's Medical Center where he underwent multiple surgeries over many weeks in an effort to combat the profound damage to his brain. It would be months before he was able to speak again, and many more months before he could walk.

After Derrick's injury, his family contacted SDSBS attorney **Jack Hill** seeking representation. Eventually, legal actions were filed against the general contractor for failing to provide a reasonably safe jobsite, against the trim-work contractor for failing to appropriately secure the door concealing the elevator shaft (as instructed by the general contractor), and against the homeowners for failing to warn of the dangerous condition. While the homeowners' insurance carrier tendered its policy limits shortly after suit was filed, insurance companies for the remaining defendants required extensive discovery before, ultimately, tendering their respective policy limits as well. Additionally, Mr. Hill successfully argued



Never expecting to encounter an empty elevator shaft hidden behind an interior door, Derrick opened the elevator door and fell through to the concrete floor below.

for a judicial determination that Derrick's health insurance carrier had waived any entitlement to reimbursement from the settlement proceeds for the approximately \$1,000,000 in medical expenses due to its failure to follow Florida law.

The total recovery on behalf of Derrick Murphy was \$2,600,000. The settlement proceeds funded critical long-term rehabilitation for his traumatic brain injury – expenses which Derrick's health insurance carrier had refused to pay. The focused brain therapy has resulted in astonishing improvements in Derrick's quality of life. While he still suffers from very significant limitations and is not able to live independently, he has made tremendous strides in improving his physical abilities. He is able to walk without a cane and has recently had his feeding tube removed. In addition to the tort recovery, Derrick will also continue to pursue a worker's compensation claim to address his life-long need for medical and nursing care. The worker's compensation insurance carrier originally denied Derrick's claim for benefits due him as a result of the workplace injury. Derrick remains totally disabled, but is continuing to improve his life through hard work and determination. ♦



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Speaking Opportunities



Chris Searcy spoke at the Florida Justice Association's Workhorse Seminar held March 2016, in Orlando, Florida. His topic was "Proof and Argument of Damages for Mental Pain and Anguish in Injury Cases." **Sia Baker-Barnes** presented the topic "Do's and Don'ts in Preparing For and Handling Your First Trial – Twelve Principles." ♦



In February 2016, **Sia Baker-Barnes** participated in a panel presentation on "Personal Injury" during the Palm Beach County Bar Association's annual Bench Bar Conference in West Palm Beach, Florida. On May 25, 2016, Ms. Baker-Barnes spoke to the South Palm Beach County Chapter of the Florida Association of Women Lawyers on the topic of "Personal Injury/Medical Negligence Cases." The following day, she was installed as a member of the Chapter's board of directors. In June 2016, Ms. Baker-Barnes spoke at the Florida Justice Association's annual convention. Her topic was "Do's and Don'ts of Preparing a Witness for Deposition in Medical Malpractice Cases." ♦

Chris Searcy and **Brenda Fulmer** participated as faculty at 360 Advocacy's June 2016 conference, "Damages: Go Big, Always Go Big," held in Las Vegas, Nevada. Mr. Searcy's presentation was "How to Show Suffering From the Perspective of the Child." Ms. Fulmer's presentation was "Hard Firm Management Decisions You Need to Make for Larger Verdicts and Settlements." ♦



Brenda Fulmer participated in a panel presentation before the Mass Torts Judicial Forum organized by the HB Litigation Conferences. The Forum was held April 15, 2016, in New York. The panel's topic was "Off-Label Use Warnings: FDA, Recent Precedents, Doctors and the First Amendment." In May 2016, Ms. Fulmer participated in a presentation for the Ohio Association for Justice at its annual convention held in Columbus, Ohio. The topic of the presentation was "How to Utilize Lead Counsel in a Mass Tort Case," in the Mass Torts and Multi-District Litigation Seminar. ♦



In June 2016, **Greg Barnhart** served as a panelist at the Palm Beach County Bar Association's Judicial Luncheon Seminar, "June Young Lawyers Sidebar Series." The session included tips, suggestions, and demonstrations – from both lawyers and judges – on civil



and criminal cross-examinations in Florida state courts. The event is designed to help new attorneys understand closing arguments, objections, and preserving errors. ♦

Cal Warriner spoke May 25, 2016, at the American Association for Justice's AAJ Education Seminar on "Plaintiff-Only Hot Topics and Trends in Litigation." The agenda included discussions on unsafe drugs and devices with markets targeting women and the Flint, Michigan, water crisis. The seminar was held in Chicago, Illinois. ♦



On March 14, 2016, **Mariano Garcia** joined Palm Beach County Circuit Court Judge Lisa Small to address the Town of South Palm Beach Civic Association about the role of the judicial branch of government in a democracy. The presentation – part of The Florida Bar Association's public education program "Informed Voters-Fair Judges Project" – was focused on increasing the knowledge of citizens regarding the importance of a fair and impartial judiciary. In May 2016, Mr. Garcia participated as a panelist on the Palm Beach County Bar Association's Judicial Relations Committee seminar on "Bias Discovery: What is it? How to get it? And Can You Keep It Out?" ♦



Karen Terry gave a presentation to the Palm Beach County Paralegal Association of Florida, Inc., on April 13, 2016. Her topic was "Prescription Misfills." ♦



In March 2016, **Kelly Hyman** participated in a panel presentation at 360 Advocacy's "Trial Skills Retreat: Discover New and Powerful Ways to Win in Practice and Trial," held in Jackson Hole, Wyoming. ♦



On June 8, 2016, **Andrea Robinson** spoke at the monthly meeting of the Palm Beach County Chapter of the Paralegal Association of Florida, Inc., in West Palm Beach, Florida. The topic of her presentation was "How Valuable Evidence Affects Civil/Criminal Cases." ♦



In April 2016, **Bonnie Stark**, paralegal at the SDSBS Tallahassee office, spoke at the Big Bend Chapter of the Paralegal Association of Florida's Spring Seminar, "Combat Zone: Strategies for the Paralegal." Ms. Stark's topic was "Boots on the Ground: Tactical Practice Principles for the Paralegal." In June 2016, Ms. Stark spoke at the Florida Justice Association's Paralegal Seminar on trial preparation strategies and developing a strong trial team. ♦

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Motorcycle crash permanently injures professional marine captain

Uninsured motorist insurance was key to \$1.2 million settlement

On February 13, 2015, about 1:00 PM, Jane Smith (not her real name) rode a friend's motorcycle northbound on Douglas Road in Coconut Grove, Florida. It was a sunny, pleasant south Florida day. Jane was an experienced motorcyclist and an accomplished yacht captain. She held a U. S. Coast Guard Master's license, and was a founding partner and co-owner of a successful yacht charter company. Jane was on her way to the Miami Boat Show for a scheduled meeting with a client.

As Jane rode north on Douglas, a Volkswagen sedan suddenly pulled out from a side street and turned in front of her. Jane crashed into the driver's side of the sedan and was violently thrown into the air, flipping over the sedan and onto the road. She was transported by ambulance to Mercy Hospital, and later moved to Jackson Memorial's Ryder Trauma Center. Jane suffered multiple fractures to her pelvis, a fractured left fibula, and multiple fractures of her right ankle. Thankfully, she was wearing a helmet at the time of the crash and suffered no head injuries or trauma to the brain. Her ankle required open reduction surgery and placement of rods and screws in her leg. Jane's condition improved steadily due to her medical care, physical therapy, and her overall excellent health. She was, however, left with chronic pain and significant physical limitation due to the injuries. At 50 years of age, Jane had been independent and capable. Now she required constant care and assistance with the most basic needs at home. Shortly after returning home, she contacted SDSBS attorney **D. J. Ward** and asked him to represent her in an effort to find accountability for the accident.

As a yacht captain, Jane was ultimately responsible for everything and everyone aboard the vessel she commanded. This required not just knowledge, skills, and experience, but considerable physical demands including climbing up and down ships' ladders; navigating tight quarters such as engine compartments; and handling lines, fenders, and other equipment. Unable to work – even unable to board a yacht at this point – Jane's career as a yacht captain, now and for the future, was in serious doubt. Although the driver of the sedan had minimal insurance coverage, the owner of the motorcycle had wisely procured significant uninsured motorist coverage for just such situations. Six months after the crash occurred, Mr. Ward was able to resolve Jane's case for the total available policy limits of \$1,270,000. With this support, Jane continues to make an excellent recovery from her injuries. The case is a reminder of the importance of uninsured motorist insurance coverage. ◆



Although the driver of the sedan had minimal insurance coverage, the owner of the motorcycle had wisely procured significant uninsured motorist coverage for just such situations. Six months after the crash, the case was settled for the policy limits of \$1,270,000.



*"Judges rule
on the basis of law,
not public opinion,
and they should be
totally indifferent
to pressures of the times."*

– Warren E. Burger, Chief Justice,
US Supreme Court,
1969 – 1986

A Guide for Florida Voters

The Florida Bar has prepared "A Guide for Florida Voters" as a public service offered within its program, "Benchmarks: Raising the Bar on Civics Education." The program helps educate the public about the court system, the rule of law, and our rights. We have found some recent excerpts to be of timely and noted importance. Additional information is available at www.floridabar.org.

Q: What are the differences between a county judge, a circuit judge, and an appellate judge?

In Florida, both county judges and circuit judges are trial judges. **County** judges hear criminal misdemeanors – those crimes that have possible sentences of less than one year in jail – and civil cases in which the amount in dispute is \$15,000 or less. **Circuit** judges hear criminal felonies, domestic relations, juvenile matters, probate issues, and civil cases in which the amount in dispute is greater than \$15,000. **Appellate** judges (there are five District Courts of Appeal) and the Florida Supreme Court review the decisions of the county and circuit trial courts.

Q: What is a "nonpartisan" election?

In nonpartisan elections, candidates appear on the ballot without reference to any political party (e.g., Democrat, Republican). Florida law requires judicial elections to be nonpartisan in order to preserve the impartiality of the judge's decisions.

Q: Are all judges elected in Florida?

Currently, most county and circuit court judges are elected. If there is a mid-term vacancy – for example, if a judge retires, resigns, or dies before the end of the judge's

term – the governor fills the position by appointment. Additionally, Florida Supreme Court justices and appellate court judges are appointed by the governor and then run in merit retention elections to stay in office.

Q: Why is it important to vote in judicial elections and merit retention elections?

Florida requires that judges be elected or retained by the voters, so the power over who holds these important positions rests with the voters. Judges make decisions on a wide range of issues, large and small, including traffic, small claims, landlord-tenant, personal injury, criminal, death penalty, probate, guardianship, and others.

Q: What exactly does a judge do?

Trial judges preside over trials and hearings. In court, judges make decisions on the acceptability of testimony and evidence. Judges also ensure that jurors understand the law. When a jury is not required, the judge decides the case based on applicable law and the judge's knowledge of the law. District Court of Appeal judges decide appeals of trial court decisions. Supreme Court justices decide death penalty appeals and appeals from decisions of the appellate courts; resolve conflicts among appellate courts; and oversee the administration of Florida's court system.

Q: Can Appellate court judges and Supreme Court justices state their views on issues that may come before them?

Canon 7 of the Florida Code of Judicial Conduct forbids judges and justices from saying how they will decide future cases. Judges and justices must remain impartial and decide cases without regard to their personal views or beliefs.



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College student killed in collision

Inattentive driver, suspected of DUI, nearly kills four other young men

In March 2016, Samuel Ruiz was a happy 19-year-old boy. He had just started college courses in south Florida, and was working at a grocery store to help support his family. One evening Sam and some of his friends from high school got together to hang out and catch up with each other. When it was time to go home, the friends – traveling in two vehicles – started north on the Sawgrass Expressway. Shortly after starting the trip home, the lead vehicle had a flat tire and both vehicles pulled off to the side of the road. Sam, riding in the second vehicle, knew a lot about cars. He helped change the flat tire to the spare tire, and the young men resumed their trip north. They were driving slowly, one behind the other, in the outside lane because of the use of the spare tire on the lead car. The highway was well lit and there was little traffic.



Sam Ruiz;
below: the
defendant's
damaged
vehicle.

Just as they resumed their drive home, a black Cadillac traveling at an extremely high speed, slammed into the back of the second car. The impact was so forceful that it sent the vehicle spinning into the guardrail where it burst into flames. As a result of the collision, Sam was thrown from the car and died instantly. The other four boys in the car were trapped in the burning vehicle and barely conscious. Fortunately, one of the young men in the first car raced back to the second car and began pulling his friends out of the wreckage. His heroic actions undoubtedly saved their lives. Unfortunately, there was nothing that could have been done to save Sam.

The police officers called to the scene of the accident suspected that the driver of the Cadillac was impaired by alcohol. An investigation of the accident is pending. A friend of Sam's family encouraged them to contact SDSBS attorney **Andrea Robinson** for assistance in understanding the legal consequences involving the potential of driving under the influence and manslaughter charges. Ms. Robinson was formerly the deputy chief of the Palm Beach County Court in charge of overseeing DUI prosecutions. She represented Sam's family in their time of need, and obtained a sizable settlement from multiple insurance policies. Sam's family is determined to use the proceeds for causes about which Sam was passionate. ♦



MASS TORT PROJECTS OF INTEREST

ACTOS, ACTOplus met, ACTOplus Met XR, and Duetact
Bladder Cancer

Bair Hugger Warming Blankets
Infections

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 Naturalyte Dialysis Products
Cardiac Arrest
Death
Cardiac Arrhythmia
Metabolic Alkalosis
Stroke
Sudden Cardiac Death

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 & Pradaxa
Uncontrollable Bleeding
Death

Zimmer NexGen, CR-Flex, and Persona Knee Implants
Device Failure and Loosening

Zofran
Birth Defects

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Zofran

USE: Anti-nausea drug given to pregnant women in first trimester.

HARM: Cardiac malformations and cleft palate birth defects.



Xarelto & Pradaxa

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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Mass Tort Highlights for 2nd Quarter 2016



Stryker Rejuvenate and ABG II Hip Implant Claims

The \$1.5 billion national settlement negotiated by Searcy Denney partner Cal Warriner and others is nearing completion. As this

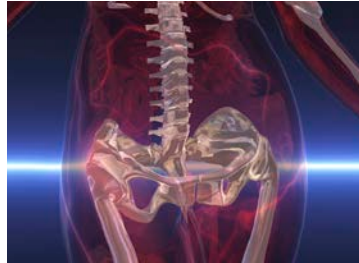
settlement process wraps up, the judges overseeing this litigation in state and federal court will turn their attention to the hundreds of new lawsuits that have been filed on behalf of patients who were implanted with these defective modular hip implants and forced to undergo revision surgery due to premature failure of the device, metallosis, development of pseudotumors, and corrosion of the implant components. Searcy Denney continues to accept new clients who were implanted with the recalled Stryker Rejuvenate and ABG II hip implants in addition to continuing its work on behalf of clients who have settled their cases, those who were ineligible for the settlement program, and those who have rejected the settlement program and are seeking an individual jury trial for their cases. ♦



Actos Diabetes Drug Claims

Brenda Fulmer, a partner with Searcy Denney, and her Mass Tort Unit team members have been working for several years on cases

against Takeda and Eli Lilly relating to the diabetes drug, Actos, which has been associated with bladder cancer. In late July of 2016, the first of the firm's Actos clients will begin receiving their share of a \$2.4 billion settlement fund that was established about a year ago to resolve more than 9,000 personal injury and wrongful death claims. These settlements, which vary based upon the staging of the patient's bladder cancer, treatment received, and amount of Actos ingested, will be paid in several payments over this year and next. Searcy Denney is still accepting new clients who ingested Actos prior to 2012 and have been diagnosed with bladder cancer. ♦



Pelvic Mesh Claims

Searcy Denney attorneys Cal Warriner and Brenda Fulmer have been representing numerous clients who were implanted

with defective bladder slings, transobturator tape, and other transvaginal mesh products used for the surgical treatment of bladder or fecal incontinence and pelvic organ prolapse. We are pleased to report that we have been successful in obtaining numerous settlements on behalf of our clients recently, and we are engaged in active settlement negotiations in our remaining cases. This litigation includes an unprecedented 90,000 individual lawsuits against Johnson & Johnson, Boston Scientific, Mentor, Tyco, Caldera, Cook Medical, American Medical Systems, Bard, and other companies. A federal judge in West Virginia oversees the cases, and has been very active in overseeing trials as well as settlement negotiations. We anticipate that additional pelvic mesh cases will be settled in 2016, and that the judge will expand our current efforts to prepare for individual trials in cases where the defendants have failed to engage in meaningful settlement talks. ♦



Xarelto Blood Clot Injury Cases

Searcy Denney has been litigating anticoagulant cases since 2010. Brenda Fulmer served in a national leadership role in the Pradaxa

litigation, which resulted in a confidential settlement last year. The law firm is now actively engaged in filing personal injury and wrongful death lawsuits on behalf of patients who suffered bleeding incidents (primarily gastrointestinal bleeds, hemorrhagic strokes, intracranial hemorrhaging, and cardiac tamponade) after ingestion of Xarelto, part of a new class of blood thinners. This national litigation is based in federal court in New Orleans, and the first trials are scheduled to begin in early 2017. ♦

If you have been harmed by a drug or medical device, please contact our Mass Tort Unit.
www.SearcyMassTort.com ♦ 800-388-3905



Metal-on-Metal Hip Implant Cases

Searcy Denney's Mass Tort Unit settled a number of hip implant cases in 2015, and those settlement

efforts have extended into 2016. Law firm partner Brenda Fulmer, who was appointed co-lead counsel of the national Biomet Hip Implant Litigation by the court, is very active in managing the national litigation and preparing the first Biomet cases for trials in 2017. Partner Cal Warriner is a member of the Plaintiffs' Steering Committee for the DePuy Pinnacle Hip Implant Litigation MDL, and has been involved in trial preparation for more than a year, including work in connection with a recent \$497.6 million verdict (which was reduced to \$130 million by the judge in July of 2016) in the second bellwether trial in the MDL. Mr. Warriner is currently engaged in the preparation of scientific experts for the next Pinnacle MDL bellwether trial, which is slated to begin in the fall of 2016 in federal court in Dallas. The firm is still accepting new clients who have undergone a revision surgery following implantation with metal-on-metal hip implants manufactured by DePuy, Smith & Nephew, Zimmer, Biomet, and Wright Medical as well as modular hip implants manufactured by Stryker and others. ♦

Noteworthy Mass Tort Settlements in early 2016

\$162,500 for Biomet Hip Implant client in Florida

\$600,000 confidential settlement from medical device manufacturer

\$433,350 confidential settlement for Florida plaintiff from drug manufacturer

\$547,706 confidential settlement for Texas plaintiff from drug manufacturer

\$203,000 settlement from medical device manufacturer for South Carolina plaintiff

\$411,500 settlement from medical device manufacturer for Minnesota plaintiff

\$568,771 settlement from drug manufacturer for Georgia plaintiff

Joey Cain retires after 28 years at SDSBS



Joseph Kevin Cain, SDSBS Chief Supply Manager, recently retired after 28 years with the firm. As an important member of the SDSBS family, a great friend, and a reliable coworker, Joey will be greatly missed. He began working for SDSBS in 1988 as a supply clerk through a program with The Arc of Palm Beach County, which assists persons with intellectual and developmental disabilities to obtain employment and to develop workplace skills and abilities. Through assistance from his job coaches at The Arc, and his coworkers at SDSBS, Joey met and overcame numerous personal and career challenges over many years. He cared about his job and he worked hard every day. As a result of his determination and perseverance, Joey has had a very successful career.

Joey has a big heart and sincere concern for everyone he meets. He became the unofficial "Mayor of Searcy Denney," checking on his coworkers every day, offering a smile "because it makes other people feel good," and sometimes offering his usually good advice to those that seemed to need it. He was the firm's resident expert on his favorite spectator sport – wrestling – and on his favorite TV program, "M*A*S*H." And Joey apparently set the standard for snappy attire – on par with the other fashionable trend setters at SDSBS which include Chris Searcy, Greg Barnhart, Steve Smith, and Dave True.

We bid Joey Cain a fond farewell, and wish him many wonderful days enjoying retirement with his friend and roommate, Matt Gorman, watching professional wrestling programs, and going bowling. ♦

Accolades

In June 2016, **Chris Searcy** was selected by Law Dragon Magazine for the “2016 Law Dragon 500,” an annual listing of the top 500 lawyers in America. ♦

In June 2016, **Sia Baker-Barnes** was sworn in as president-elect of the Palm Beach County Bar Association. In May 2016, Ms. Baker-Barnes was recognized with the Scholarship Advocate Award at the Inlet Grove Community High School’s 11th Annual “My Teacher-My Hero” Gala held at the Palm Beach County Convention Center. Ms. Baker-Barnes was recently selected for membership in Executive Women of the Palm Beaches, Inc. The mission of the organization is to empower women to succeed and lead, and to inspire integrity, equality, and leadership in the workplace and our community. ♦

The American Board of Trial Advocates’ National Board recently approved **Darryl Lewis**’s application for membership. Mr. Lewis will be sworn in as a new member at ABOTA’s November 2016 year-end meeting. ABOTA’s mission includes elevating the standards of integrity, honor, and courtesy in the legal profession, further education of trial lawyers, and preserving the jury system. ♦

In April 2016, The Florida Bar appointed **Brian Denney** to serve on its standing Professional Ethics Committee for a two-year term ending in 2018. Mr. Denney was also appointed chair of the Palm Beach County Bar Association’s Circuit Court Civil Practice Committee for the 2016-2017 term. ♦

On April 25, 2016, **Mariano Garcia** was reappointed to serve on the Board of Governors of the Historical Society of Palm Beach County and as its General Counsel. Mr. Garcia recently joined the board of directors of The Forum Club of the Palm Beaches, a non-profit, non-partisan organization. The Forum Club’s sole purpose is to educate the community to promote active participation in the democratic process. ♦

In March 2016, **Karen Terry** received board certification by the American Board of Professional Liability Attorneys in the specialized fields of Healthcare and Medical Malpractice. In May 2016, Ms. Terry completed The Florida Bar board certification requirements and received designation as a Board Certified Civil Trial Lawyer. ♦

On March 31, 2016, SDSBS was recognized by the Children’s Services Council of Palm Beach County and the Palm Beach County Volunteer Fire-Rescue Association for its contribution to the swim voucher match program highlighting water safety in the county. **Pat Quinlan** attended the event, representing the firm. ♦

In May 2016, **Andrea Robinson** was sworn in as a member of the board of directors of the Florida Association

for Women Lawyers. Earlier in May, she was elected president-elect of the Palm Beach County Bar Association’s Young Lawyers Section for the 2016-2017 term of office. Also in May, Ms. Robinson was sworn in as a member of the board of directors of the Junior League of the Palm Beaches and serves as secretary of the organization. ♦

In March 2016, **Kelly Hyman** was sworn in as a District of Columbia attorney at the U. S. Court of Appeals in the District. ♦

John Hopkins was recently recognized as a “*JD Supra* Top Author.” Mr. Hopkins regularly submits articles that are published in the on-line daily presentation of professional, legal, and personal-interest articles, updates, alerts, analyses, and commentary. ♦

Jack Scarola was selected for the *2016 Annual Super Lawyers Business Edition*. The publication is a legal resource guide reaching a national audience of small-to medium-size businesses needing high quality, local, or national legal help. Also recognized as “2016 Florida Super Lawyers” were **Chris Searcy, Jack Scarola, Greg Barnhart, John Shipley, Sia Baker-Barnes, Brian Denney, Brenda Fulmer, Mariano Garcia, Jim Gustafson, Jack Hill, Darryl Lewis, Karen Terry, Cal Warriner, and Laurie Briggs**. Selected by *Florida Super Lawyers* as “2016 Florida Rising Stars” were **Hardee Bass, Cameron Kennedy, Ed Ricci, Matt Schwencke, and D.J. Ward**. ♦

The *South Florida Legal Guide* included in its selection of “2016 Top Lawyers” **Chris Searcy, Jack Scarola, Greg Barnhart, John Shipley, Brian Denney, Mariano Garcia, Jack Hill, Chris Speed, Karen Terry, Cal Warriner, and Laurie Briggs**. *SFLG* also selected **Hardee Bass** for its listing of “2016 Up and Coming Top Lawyers.” ♦

In June 2016, *Florida Trend* announced its selection of “2016 Legal Elite,” top legal leaders in Florida. Its selection included **Chris Searcy, Jack Scarola, Sia Baker-Barnes, Jim Gustafson, and Karen Terry**. *Florida Trend* invited in-state members of the Florida Bar to nominate attorneys whom they held in the highest regard. Top vote-getters were further reviewed using Florida Bar membership information, and a final review was conducted by previous “Legal Elite” winners. **Matt Schwencke** was selected as one of Legal Elite’s “Up and Comers,” attorneys, under 40 years of age, who are respected by their peers for excellence in law and who represent the future of the legal profession. ♦



Chris Searcy



Jack Scarola



Greg Barnhart



John Shipley



Brian Denney



Brenda Fulmer



Mariano Garcia



Jack Hill



Cameron Kennedy



Darryl Lewis



Chris Speed



Karen Terry



Cal Warriner



Hardee Bass



Laurie Briggs



Kelly Hyman



Pat Quinlan



Ed Ricci



Andrea Robinson



Matt Schwencke



D. J. Ward



John Hopkins

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On June 24, 2016, Jim Gustafson was sworn in as president of the Florida Justice Association at its annual meeting held at The Breakers, Palm Beach, Florida. Mr. Gustafson will serve the 2016-2017 term of office. FJA is dedicated to strengthening and upholding Florida's civil justice system and protecting the rights of Florida's citizens and consumers.



Sia Baker-Barnes and family attending the Inlet Grove Community High School's 11th Annual My Teacher-My Hero Gala.



SDSBS is a sponsor of Autism Speaks Walk

On March 6, 2016, SDSBS staff participated in the Palm Beach Autism Speaks Walk held at the Meyer Amphitheatre in West Palm Beach, Florida. A record-breaking 10,000 attendees participated in the event, raising \$605,729 toward funding innovative research and support for people on the autism spectrum, their families and friends, service providers, schools, and local volunteers. SDSBS was a sponsor of the event. ♦

Walk for the Animals event held benefiting Peggy Adams Animal Rescue League with SDSBS as a sponsor

The Peggy Adams Animal Rescue League held its 15th Annual Walk for the Animals on March 12, 2016, at Downtown at the Gardens, Palm Beach Gardens, Florida. SDSBS was a sponsor of the event. Participants raised \$105,375 in funds to support the League's efforts to provide shelter for lost or unwanted animals; to provide spay, neuter, and other medical services for companion animals; and to help find quality homes for neglected animals. The League advocates for animal welfare, community involvement, and education to further the bonds between people and animals. ♦



Take Stock in Children organization supported by SDSBS in a "Strides for Education 5K"

On April 23, 2016, SDSBS participated in the "Strides for Education 5K" held at Loggerhead Park in Juno Beach, Florida. The event provides support for Take Stock in Children Palm Beach County, Inc., a non-profit organization breaking the cycle of poverty by providing academically-qualified students in low-income families with college scholarships, volunteer mentors, and support as they continue high school and transition into college and career. The event raised almost \$80,000 to support their programs. ♦

Mariano Garcia takes nine kids on their first flight as part of "Young Eagles" program

Mariano Garcia participated in "Aviation Day" held March 19, 2016, at North County Airport in West Palm Beach, Florida. An avid pilot holding a commercial, multi-engine, and instrument license, Mr. Garcia shared his passion for aviation by taking nine kids on their very first flight in an airplane as part of the "Young Eagles" program sponsored by the Experimental Aircraft Association (www.eaa.org), a community of aviation enthusiasts who promote and support recreational flying. Mr. Garcia capitalizes on his knowledge of aviation when working on behalf of aviation accident victims. ♦

Taking... *Time to Care*



SDSBS Tally office bowls for kids hosted by Big Brothers/Big Sisters of Big Bend

Staff at the SDSBS offices in Tallahassee, Florida, participated in the “Bowl for Kids’ Sake,” hosted by the Big Brothers/Big Sisters of the Big Bend as its signature fundraiser. The event was held on May 14, 2016, at the Crenshaw Lanes, Florida State University’s Oglesby Union. Each year, a half million people across America come together to have fun and raise money to support Big Brothers/Big Sisters programs that change how children grow up. The “Bowl for Kids’ Sake” in Tallahassee raised over \$56,000 on behalf of their Big Bend neighbors. ♦



Ninth Annual SleepOut for The Lord’s Place supported and sponsored by SDSBS

The Lord’s Place held its Ninth Annual SleepOut on April 15, 2016, at the United Methodist Church in West Palm Beach, Florida. SDSBS was a sponsor of the event, and numerous SDSBS staff participated. The SleepOut raised \$272,000 to support programs offered by The Lord’s Place that are designed to end homelessness and enhance the delivery of health and human services throughout Palm Beach County. For over 30 years, The Lord’s Place has been changing the lives of homeless families and individuals, and SDSBS has been an active supporter from the very beginning. ♦



SDSBS participated in the “Tails & Trails” event to support the Tallahassee-Leon County Animal Shelter Foundation

The annual “Tails & Trails” event was held on May 7, 2016, in Tallahassee, Florida, to support the Tallahassee-Leon County Animal Shelter Foundation, a non-profit organization of volunteers that helps care for neglected or abandoned animals sheltered by the Tallahassee Animal Services. ASF provides resources for programs to find foster and forever homes for animals; for spay/neuter programs; and for programs that promote kindness, respect, and responsible pet ownership. The half-marathon, walk and run event attracted 1,100 registrants. SDSBS was a sponsor, and numerous SDSBS staff in the Tallahassee office participated. ♦



“Team Priscilla” carries on a long tradition of support for Best Buddies

Priscilla Searcy set the standard for generosity and love, and “Team Priscilla” matched it as the top team fundraiser in 2016 Best Buddies Friendship Walk in Palm Beach County



On March 20, 2016, the Searcy family lost their beloved wife and mother, **Priscilla**. She left behind her husband of 46 years, Chris Searcy; their children, Henry, Christian Jr., Angela, and Will; and their three grandchildren, Elizabeth Lynn, Alexander Henry, and Christian III. She was also mother to 16 other extraordinary young adults who lived as members of the Searcy family as tutors and companions to their autistic son, Henry. Priscilla devoted herself to her family and friends, and to numerous community charities. She was impressed with Best Buddies since their programs are dedicated to one-on-one friendships, leadership development, and integrated job opportunities for people with intellectual and developmental disabilities. On May 14, 2016, the “Best Buddies Friendship

Walk – Palm Beach Supporters” was held at CityPlace, West Palm Beach, Florida, to raise funds to support the Best Buddies organization in Palm Beach County. In recognition of Priscilla Searcy’s tremendous generosity and love, SDSBS sponsored “Team Priscilla” for the event. The overall goal of the event was to raise \$130,000. The proceeds came in well over that goal, at \$141,070. “Team Priscilla” was the top team with \$52,283 in funds raised. While the Searcy family, and the extended SDSBS family, have lost a principal part of their lives, Priscilla’s love of life, and her determination to make the world a better and more inclusive place for those with disabilities, will be carried on by all who knew her. ♦