



Attorney Jack Scarola, center, and his team walk into Palm Beach County Court with their client, attorney Brad Edwards, right.
(Emily Michot/AP)

Settlement reached on behalf of Bradley Edwards against billionaire child molester Jeffrey Epstein

Epstein apologizes... but it is not over yet

Attorney Bradley Edwards and Searcy Denney Scarola Barnhart & Shipley are proud to announce that, after litigating against billionaire child molester Jeffrey Epstein for nearly a decade, Mr. Edwards prevailed and a major settlement has been achieved on Mr. Edwards's behalf.

Although the financial terms of the settlement are confidential, Jeffrey Epstein's public apology to Brad Edwards confirms that the charges Edwards leveled against Epstein on behalf of Epstein's child victims were true and that the retaliatory charges Epstein leveled against Mr. Edwards were categorically false:

"While Mr. Edwards was representing clients against me, I filed a lawsuit against him in which I made allegations about him that the evidence conclusively proves were absolutely false. The truth was that his aggressive investigation and litigation style was highly effective and therefore troublesome for me. The lawsuit I filed was my unreasonable attempt to damage his business reputation and cause Mr. Edwards to stop pursuing cases against me. It did not work. Despite my efforts, he continued to do an excellent job for his clients and, through his relentless pursuit, held me responsible. I am now admitting that I was wrong and that the things I said to try to harm Mr. Edwards's reputation as a trial lawyer were false. I sincerely apologize for the false and hurtful allegations I made and hope some forgiveness for my acknowledgment of wrongdoing."

- Jeffrey Epstein

Early in his legal career, Mr. Edwards was hired to represent three females who were molested by Jeffrey Epstein when they were very young teenage

girls. Mr. Epstein did not appreciate Mr. Edwards's no-stone-left-unturned prosecution of the civil cases against him and especially disliked that Mr. Edwards filed a lawsuit under the Crime Victims' Rights Act (CVRA), Jane Doe 1 and Jane Doe 2 v. United States of America, Case No. 08-80736 (S.D. Fla.), attacking the Non-Prosecution Agreement afforded to Mr. Epstein by the United States, which essentially immunized Epstein for molesting dozens of children. In an effort to intimidate Mr. Edwards away from the good work he was doing on behalf of Epstein's many victims, Jeffrey Epstein filed a malicious and vindictive lawsuit against Brad Edwards. Searcy Denney Attorney, **Jack Scarola**, stepped in to defend Mr. Edwards against Epstein's fabricated claims. After successfully fending off the assault on Mr. Edwards, Edwards took to the offense by countersuing Epstein for malicious prosecution. That claim, set for trial December 4th, alleged that Epstein's lawsuit against Mr. Edwards was an extortion attempt targeted at intimidating Brad Edwards and Epstein's child victims.

Where We Go From Here

What Jeffrey Epstein did to his child victims is heinous. What he tried to do to the victims' attorney was shameful. Now that Brad Edwards has been vindicated, he is able to place an even greater focus on the CVRA case which he has litigated on a pro bono basis for more than ten years. Searcy Denney Scarola Barnhart and Shipley, led by attorney Jack Scarola, has joined Mr. Edwards's heroic efforts by entering a formal appearance in Jane Doe 1 and Jane Doe 2 v. United States of America, the Crime Victims' Rights Act proceeding that is pending against the federal government.

Mr. Scarola will also be assisting on a purely pro bono basis to help invalidate the "back room" sweetheart plea deal negotiated by Epstein's team of high profile lawyers. That unusual **(Continued on page two.)**

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Chris Searcy selected as one of 'Florida 500' by Florida Trend

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



(Above:) Jack Scarola, second from right, speaks to the media with client Brad Edwards on the right, and Scarola's team of attorneys behind him.

Settlement reached on behalf of Bradley Edwards against billionaire child molester Jeffrey Epstein

(Continued from page one.)

deal not only granted Jeffrey Epstein immunity from federal prosecution for potentially hundreds of sexual offenses against minors, but also gave a “get-out-of-jail-free card” to all of Epstein’s unnamed co-conspirators. Mr. Edwards filed the Crime Victims’ Rights Act case in 2008, after the federal government secretly negotiated that plea agreement with Jeffrey Epstein without providing the legally-required notice to his victims.

Searcy Denney is honored to now be helping Brad Edwards and his co-counsel, Utah Law Professor Paul Cassell, to be the voices of the dozens of identified Epstein victims in their pending effort to set aside the secret, illegal deal that enabled Jeffrey Epstein to evade appropriate punishment for his destruction of dozens of lives. His victims have been silenced for far too long; however, thanks to Mr. Edwards’s work, and the excellent journalism and media coverage, their voices are finally being heard.



Jack Scarola

Scarola summed up his thoughts on the case in this statement: *“This law firm has always been proud to stand with innocent victims, but our satisfaction in keeping that commitment has never been greater than it is in this case. No one — no matter how much money they have — can be allowed to abuse children and then attempt to bully those like Brad Edwards who bravely, selflessly, and skillfully come to their defense. There is a high price to pay for that kind of conduct, and Jeffrey Epstein has now begun to pay that price.”* ♦

We look forward to exposing the rest of the story.

Brad Edwards is the managing partner at Edwards Pottinger, based in Fort Lauderdale.

For additional information:

Searcy Denney case webpage:

<https://www.searcydenney.com/news/epstein-apologizes-to-edwards-but-it-is-not-over-yet/>

Miami Herald in-depth coverage:

<https://www.miamiherald.com/news/local/article220097825.html>



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A REPORT TO CLIENTS & ATTORNEYS **VOLUME 19, NUMBER 1**

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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.

Florida Supreme Court issues landmark decision on tobacco case

Court reinstated jury's verdict for family of woman who died from smoking

On September 20, 2018, the Florida Supreme Court rendered a landmark decision in *Odom v. R.J. Reynolds Tobacco Co.*, overturning a decision by Florida's Fourth District Court of Appeal and ordering the reinstatement of a jury's verdict awarding \$6 million in noneconomic damages to an adult child whose mother died of lung cancer as a result of a lifetime of smoking. The award totaled \$20 million (\$6 million in compensatory damages and \$14 million punitive damages) plus attorney's fees for the appeal.

In 2014, after a four-week trial, a Palm Beach County Circuit Court jury returned a verdict in favor of Gwendolyn Odom, daughter of Juanita Thurston who died of lung cancer as a result of an addiction to cigarettes. The SDSBS trial team consisted of **Sia Baker-Barnes**, **Hardee Bass**, and **Mariano Garcia**. The jury deliberated a total of three hours and unanimously awarded \$6 million to Ms. Odom and the estate of Ms. Thurston (later reduced to \$4.5 million for comparative fault). Following phase two of the trial, the jury awarded \$14 million in punitive damages against R.J. Reynolds Tobacco Company. At the time, the verdict was the largest verdict for an adult child in the State of Florida.

Ms. Thurston began smoking as a teenager, mainly consuming cigarettes manufactured by R.J. Reynolds Tobacco Company. While the defendant argued that Ms. Thurston bore personal responsibility for her choice to smoke, the jury later found that she had relied upon the tobacco industry's efforts to conceal information regarding the effects of tobacco on health and addiction. In April 1993, she died of lung cancer at the age of 58 years. The Odom case stemmed from a 2000 Florida state class action case, *Engle v. R.J. Reynolds* which had been reversed and the class action decertified. The ruling also permitted potentially thousands of lawsuits to be filed separately, and Odom was part of those individual filings.

Following the 2014 trial court's award for Odom, attorneys for the defendant R.J. Reynolds filed an appeal of that decision with Florida's Fourth District Court of Appeal arguing that the trial court abused its discretion by permitting a jury verdict which exceeded the maximum limit of a reasonable range. The defendant company argued that the verdict was the product of passion and prejudice and that Odom, a financially independent adult child, did not have the type of relationship with her mother that could justify a multimillion-dollar



(l-r:) SDSBS attorneys Mariano Garcia, Sia Baker-Barnes, client Gwendolyn Odom, and attorney Hardee Bass.

noneconomic damages award. Ms. Odom's attorneys argued that the trial court had addressed the particular facts of the Odom case, noting the plaintiff's long and unusually close relationship Ms. Odom had with her mother. The Fourth DCA sided with the defendants and reversed the trial court's award on the basis that the court had abused its discretion to permit an award of such an amount. The Court's decision included the sweeping ruling that no matter what the evidence showed, the relationship between a financially independent adult child and her parent was not the "type of relationship" that could ever justify a multi-million dollar non-economic damages award.

The Searcy Denney trial team refused to back down and took this battle all the way to the Florida Supreme Court. The case garnered significant media attention and resulted in several outside interested parties (*amicus curiae*), filing additional appellate briefs including the Florida Justice Association, the Florida Defense Lawyers Association and the Florida Justice Reform Institute. After the filing of many lengthy briefs and a heated oral argument, the Florida Supreme Court issued a landmark decision disagreeing with the Fourth DCA, quashing its decision, and remanding the case with instructions to reinstate the final judgment for both compensatory and punitive damages, plus attorney's fees for the trial and the appeal.

The decision not only represents the final step in an over ten-year fight for justice. More importantly, it sets a precedent of recognition of the relationships between adult children and their parents in wrongful death cases for years to come. ♦

Florida Supreme Court's Decision:

"We further hold that the Fourth District erred in creating a cap on the amount of noneconomic damages a financially independent adult child may be awarded for the wrongful death of his or her parent in conflict with this Court's precedent. Neither the Legislature nor this Court has established a cap on the amount of noneconomic damages a survivor may recover in a wrongful death action, and we decline to do so today. Accordingly, we quash the Fourth District's decision and remand for reinstatement of the judgment."

SDSBS Websites

Log on to...

**www.SearcyLaw.com or
www.SearcyLawTallahassee.com**

for the latest news and information on
our firm, attorneys, articles, cases, etc.



Log on to...

www.SearcyMassTort.com
for the latest news and information
on Mass Torts (such torts involve many
people who have been harmed in a
similar way, usually by a drug,
medical device or a product).



Log on to...

www.SearcyLatino.com
for the latest news and information
about our firm in Spanish.



David Carlsen with his children.

Insurance company forced to come to terms after previous litigation of traffic accident

**State Farm's bad faith forced David to incur
unnecessary litigation expenses because all
signs indicated this case was going to trial.**

In May of 2016, attorney Scott Grady referred David Carlsen to SDSBS attorney **Edward Ricci** to litigate a federal court uninsured motorist case against State Farm in Orlando. A \$100,000 settlement had previously been reached in 2015 with Progressive. The UM carrier, State Farm, refused to pay its \$100,000 policy limits. Upon getting involved in the case, Mr. Ricci gave State Farm multiple chances to do right by David. David was rear ended by a hit and run driver and he ultimately required a 3-level cervical fusion. Despite multiple opportunities to act in good faith, State Farm refused to offer more than \$15,000 to resolve the case. State Farm finally offered to pay the policy limits, but it was too late. Mr. Ricci explained that the \$100,000 policy limits were insufficient to satisfy David's damages. Additionally, State Farm's bad faith forced David to incur unnecessary litigation expenses because all signs indicated this case was going to trial. On the Friday afternoon prior to the start of trial, State Farm agreed to pay \$250,000 to resolve the case. ♦

Failure to detect serious infection, results in permanent and total paralysis

Hospital delayed request for MRI and failed to provide timely and accurate diagnosis, surgery, and care.

In the summer of 2015, Mary Smith (not her real name) was suffering from neck and upper back pain, fever, and flu-like symptoms. The condition had started three days earlier and had not been relieved. She was taken to the emergency room of a hospital. Mary denied any recent trauma or injury. By the time she arrived at the hospital, she no longer had a fever. The hospital performed a thoracic x-ray which was normal. Her white blood cell count was elevated, indicating a possible infection. Despite that, she was diagnosed with cervical sprain/strain syndrome. Mary was given intravenous fluids, an injection of an NSAID medication used for short-term treatment of moderate-to-severe pain in adults, and a prescription for a muscle relaxant. She was then discharged from the hospital, sent home, and advised to follow up with an orthopedic surgeon in two days.

The medications did not help. Mary returned to the emergency room within hours, early in the morning of the next day. Her pain had worsened. She had developed difficulty using one of her hands-unable to sign in at registration and unable to hold a cup for a urine sample. The ER doctor said he found no neurological deficits; however, notes from the ER nurses indicated that Mary had a decrease in range of motion in her right arm and a weakness in her right hand. She had difficulty with balance and a slow gait when moving. Despite the neurologic changes, the ER doctor ordered more muscle relaxants and a cervical CT scan. He later admitted that he never considered there might be an abscess near her spine. He again diagnosed her with neck and back pain and discharged her home.

Mary's friend James (not his real name) came to pick her up but could not locate her inside the hospital. He found her wandering around confused in the parking lot. He was deeply concerned about her condition and asked the hospital staff to admit her. They refused to accept her and told them to leave. James took Mary home and she spent the next several days sleeping and in continued pain. Trying to take a shower, Mary collapsed on the floor. James took her back to the hospital for the third time. She could barely move her arms and legs. The hospital finally ordered a MRI which revealed a spinal abscess. Late that night she was placed on several medications in an



effort to treat the infection. Testimony would later reveal that the epidural abscess, the cause of her impending paralysis, had begun days earlier. An MRI performed during her first or second hospital visit would have revealed the abscess.

Doctors decided that Mary needed neurosurgery immediately and that she should be transferred to another hospital in order to receive timely surgery by a neurosurgeon. What followed was a disorganized and incompetent effort to transport the patient. Despite the fact that both of the hospitals and the EMS transportation service acknowledged the very urgent need for surgery, 16 hours had elapsed before she arrived at the second hospital. Surgery was performed a few hours later. Unfortunately, it was too late to save Mary's spine. She was rendered a complete quadriplegic.

Mary, age 48, now requires 24/7 nursing care. She depends on others for all activities of daily living-eating, grooming, bathing, bowel/bladder care, and mobility. She spent months "recovering" in rehabilitation and nursing homes. She continues to fight numerous health issues every day including kidney failure, infections, and skin breakdown. Her medical bills and medical liens will continue to mount for the rest of her life. Mary contacted SDSBS attorney **Karen Terry** and asked for help in holding the medical personnel and hospitals accountable for their unconscionable failure to provide proper care. After considerable time and effort, Ms. Terry was able to obtain a confidential settlement of several million dollars on behalf of Mary. Now she will be able to afford the medical care that she so desperately needs due to the catastrophic injury she suffered. ♦

Her medical bills and medical liens will continue to mount for the rest of her life. Mary contacted attorney Karen Terry and asked for help in holding the medical personnel and hospitals accountable for their unconscionable failure to provide proper care.

Community police department fails to search past history before hiring sexually violent predator

Police officer used access to gated community to prey on its residents

The early childhood of Jane Doe (not her real name) was never a “picnic in the park.” But Jane survived her difficulties and reached adulthood with determination and confidence. At the age of three, Jane was diagnosed with an adrenal tumor. It was surgically removed and she resumed a fairly typical childhood. At the age of nine, Jane began losing her vision; doctors diagnosed a brain tumor. The tumor and the surgery to remove the tumor left Jane legally blind with almost no sight. Shortly after the surgery, she suffered two seizures. Her condition was eventually managed and she suffered no further seizures from age ten to age 21.

With the support of her parents and sister, Jane adapted to her loss of sight. She attended school, played outside with her friends, and enjoyed many activities. She attended a high school for the blind and vision-impaired, and after graduation returned to her home in Florida. She later met and became engaged to a young man named John (not his real name). In 2010, the couple moved to a pleasant, gated community in south Florida near John’s place of employment. The small community was a place where they could walk along the streets with Jane’s guide dog, Spot. On frequent walks, the couple interacted with other residents and with the community’s patrolling police officers. A few years later, in October 2013, John and Jane were chatting with a community officer they knew. Another on-duty officer, Sam Jones (not his real name), approached and entered the conversation. In the months following, they continued to engage with residents and police officers, including Officer Jones, on their walks through the community.

In January 2014, while on a walk the couple lost Spot’s jacket. After searching for it and not finding it, they reported the loss to the local police department and left their phone numbers in hopes that someone would find it and search for the owner. That same day Officer Jones called and said that Spot’s jacket had been found, and he insisted on personally delivering it to Jane’s home. Jane was reluctant to have any person come to her home when she was alone. However, relying upon the trust and authority of a police officer, she agreed to his offer. Later in the day, Officer Jones appeared at Jane’s door, having easily accessed her community through the gate entrance because he had been a patrol officer of that same community in previous employment.

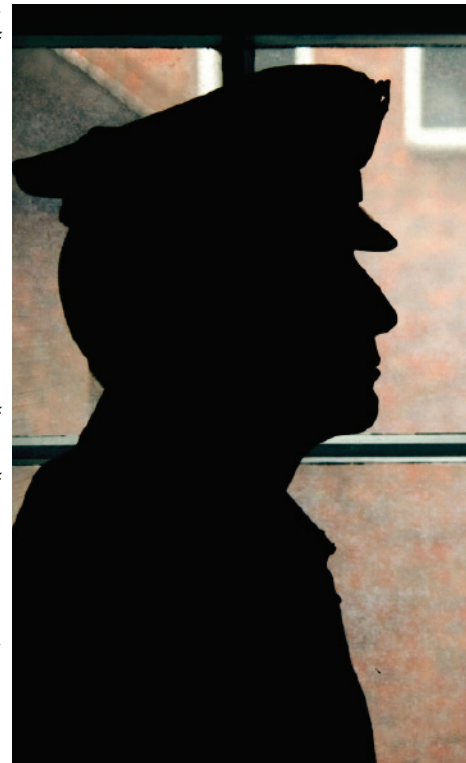
The second time Officer Jones called was in March 2014. John had left for work and Jane took a shower and began dressing

for the day. Unexpectedly, the phone rang; it was Officer Jones stating that he was in her neighborhood conducting an investigation and he asked if he could stop by. Upon mentioning that she had just gotten out of a shower, the officer asked about the length of her showers and whether or not she had masturbated while showering. The officer then apologized for his remarks and continued talking about his duties as a police officer in the community. The conversation ended. But shortly thereafter Officer Jones called again asking to stop by. Immediately after his request, Jane heard a knock at her door and it was Officer Jones. He came in, sat down, then stood up and approached her trying to kiss her on the lips. Appalled and offended, Jane pushed him away and demanded that he stop. Officer Jones then pulled his penis from his pants and demanded that Jane perform oral sex on him. Jane screamed “stop,” but the police officer raped her. Officer Jones then left but called back in a few minutes to apologize and ask if she was okay. Following the assault, Jane suffered two separate seizures and was treated at a local hospital.

In April 2014, Officer Jones again entered the community through the security gate and headed for Jane’s home. He called her phone and she sounded upset when she answered. Officer Jones said he wanted to come over to comfort her, but she refused. Jane was afraid of letting him inside and afraid of saying no. This man had a gun, had the trust and authority of the police in the community, and had a determination to see her. When Officer Jones knocked on her door, she opened it. He raped her again, this time becoming physically aggressive.

Following the second assault, Jane suffered more seizures requiring hospitalization and intensive care. Jane told her mother about the assaults and became terrified of being alone. Struggling with fear, she suffered through months of major medical care, counseling, and extremely limited outside activities. She eventually contacted SDSBS attorney **Michael Kugler** to ask for help in finding accountability to answer for the pain and injuries she had endured.

(Continued on next page.)



(Continued from previous page.)

Had the hiring community performed its responsibilities, Sam Jones would never have been permitted to access the community.

Florida law enforcement agencies are required to conduct a thorough investigation of all candidates for the position of law enforcement officer to determine if the candidate is of “good moral character.” The employing agency is required to review prior employment data, verify reasons for terminations, and review performance and personnel records. Had the community’s police department performed such a review, it would have found numerous records and statements of disciplinary problems involving Sam Jones, any of which would have barred him from employment in the police department. Instead, the police department failed to perform the most elementary review and, upon observing disciplinary issues in his personnel records, the reviewing agency ruled that the complaints were not sustained and/or the complainants were not credible. In fact, Sam Jones had a record of domestic violence, sexual harassment, and improper encounters with women from 1983 to 2013. Had the hiring community performed its responsibilities timely and properly, Sam Jones would never have been permitted to access the community and home where Jane lived.

In 2017, Attorney Kugler filed a complaint and a demand letter against the community and against Sam Jones on behalf of Jane, and filed a similar claim against the same parties on behalf of another anonymous victim. In December 2018, the parties reached a settlement for both cases. The settlement for Jane was \$500,000. The settlement for the second claim was \$300,000. In Florida, there is a cap of \$200,000 for claims involving sovereign immunity. Attorney Kugler filed in federal court using the federal civil rights statute, thereby precluding the state’s cap on such claims. Both Jane and the other anonymous victim are working toward recovering the lives damaged by Sam Jones’ assaults and the negligence of the community that had hired him. ♦

Florida law enforcement agencies are required to conduct a thorough investigation of all candidates for the position of law enforcement officer to determine if the candidate is of “good moral character.”

Speaking Opportunities



In August 2018, **Chris Searcy** presented “An Afternoon with Chris Searcy on Voir Dire and Jury Dynamics in Personal Injury and Wrongful Death Cases.” The event was hosted by “The Christian D. Searcy Voir Dire Institute” hosted by the Florida Justice Association’s conference held in Lake Buena Vista, Florida. Mr. Searcy also spoke on “Closing Arguments” to The Young Lawyers Section of the Palm Beach County Bar Association’s “Side-Bar Series.” The presentation was held in August 2018 in the courtroom of The Honorable Meenu Sasser at the Palm Beach County Courthouse. In October 2018, Mr. Searcy spoke on Florida’s Punitive Damage Statutes and the application of these statutes to motor vehicle crash cases in Florida. The presentation was held during the Auto Negligence Seminar held in conjunction with the Florida Justice Association’s “Masters of Justice” conference. ♦



Sia Baker-Barnes served as a panelist for the Palm Beach County Chapter of Florida Association for Women Lawyers’ “Constitution Day Event.” The event was held September 20, 2018, at the Florida Atlantic University in Boca Raton, Florida. The theme of the event was “More Than Words.” It was designed to provide education about the three branches of government, the importance of the independence of the judiciary, and taking an active role in our political system. Other panelists included Florida Supreme Court Justice Barbara Pariente, 15th Judicial Circuit Judge Cymonie Rowe, and FAU’s Professor Mark Tunick. ♦



Karen Terry hosted and participated in the American Board of Trial Advocates’ “Constitution Day,” held in September 2018. The conference focused on educating young kids in public schools about the law. Florida Supreme Court Justice Barbara Pariente and judges from the 15th Judicial Circuit also participated. ♦



Mariano Garcia participated as a panelist in a Trial College Seminar presented by the American Board of Trial Advocates in September 2018 at the Palm Beach County Courthouse. The panel’s topic was “Jury Selection.” Other panelists included Chief Judge Jonathan Gerber of Florida’s Fourth District Court of Appeals, Judges Don Hafele and Glenn Kelley of Florida’s Fifteenth Judicial Circuit, and attorney Rick Benrubi. ♦

MASS TORT PROJECTS OF INTEREST

Abilify

Pathological Gambling

Bair Hugger Warming Blankets

Infections

DePuy Attune Knee Implants

Premature Device Failure
Tibial Baseplate Loosening

Essure

Organ Perforation

Hernia Mesh

Bowel Obstruction
Mesh Migration

Invokana and Farxiga

Amputations
Kidney Failure
Ketoacidosis

IVC Filter

Device Fracture
Heart and Lung Perforation
Migration

Januvia, Janumet, Byetta, and Victoza

Pancreatic Cancer
Thyroid Cancer

Laparoscopic Power Morcellator

Uterine Cancer

Metal-on-Metal Hip Implants

Device Failure and Loosening
Inflammatory Response
Metallosis

Mirena IUD

Pseudotumor Cerebri
Intracranial Hypertension

Smith & Nephew Modular SMF and REDAPT Hip Implants

Premature Device Failure
Metallosis
Inflammatory Response

Onglyza, Kombiglyze and Kombiglyze XR

Heart Failure

OxyContin and Oxycodone

Local Government Abatement Costs

Proton Pump Inhibitors (Nexium, Prevacid, Prilosec, Aciphex, Protonix, Zegerid, and Dexilant)

Renal/Kidney Failure

Propecia and Proscar

Sexual Dysfunction
Male Breast Cancer

Risperdal

Gynecomastia

Roundup Weed Killer

Non-Hodgkin Lymphoma
Leukemia
Multiple Myeloma
Soft Tissue Carcinoma
Bone Cancer

Stöckert 3T and Sarns TCM and TCM II Heater-Cooler Systems

Nontuberculous Mycobacterium (NTM) Infection

Stryker Rejuvenate, ABG II, LFIT V40, and Accolade Modular Hip Implants

Premature Device Failure
Metallosis
Inflammatory Response

Talcum Powder

Ovarian Cancer

Taxotere

Permanent Hair Loss

Testosterone

Blood Clots
Heart Attacks
Stroke

Viagra and Cialis

Melanoma

Xarelto and Pradaxa

Uncontrollable Bleeding
Death

Zimmer Biomet Shoulder

Device Fracture

Zimmer M/L Taper, Kinectiv, and VerSys Hip Components

Premature Device Failure

Zofran and Depakote

Birth Defects

SEARCY DENNEY

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If you have been harmed by a drug or medical device,
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Stryker Hip Stems and LFIT-V40 Heads

USE: Modular, metal-on-metal hip implant

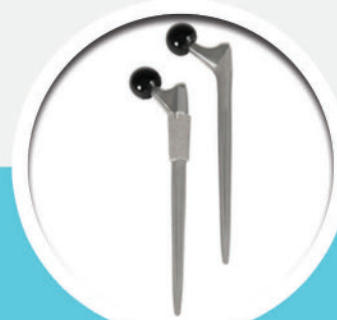
HARM: Dissociation of femoral head resulting in catastrophic injuries; metallosis; elevated cobalt and chromium levels; pseudotumors; bone and tissue damage; and need for revision surgery.



Xarelto and 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.



Smith & Nephew Modular SMF and REDAPT Hip Implants

USE: Hip implant devices

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



Stöckert 3T and Sarns TCM Heater-Cooler System

USE: Control a patient's body temperature during surgery

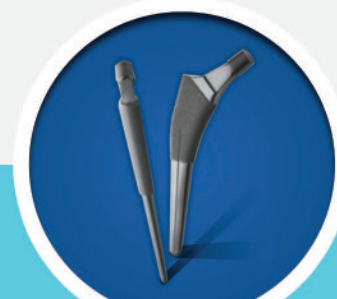
HARM: Non-tuberculous mycobacteria infection



Metal-On-Metal Hip Implants

USE: Hip implant devices with metal head and liner

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



Zimmer M/L Taper, Kinectiv, and VerSys Hip Components

USE: Hip implant devices with metal head and liner

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

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Jim Gustafson



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Jordan Dulcie



Carter Scott

Nine SDSBS attorneys in *Florida Trend's* '2018 Legal Elite'

Florida Trend recently announced its selection of the "2018 Legal Elite," a prestigious roster of attorneys chosen for recognition by their peers. Included in the selection for 2018 were **Chris Searcy, Jack Scarola, Greg Barnhart, Brenda Fulmer, Jim Gustafson, Karen Terry, and Cal Warriner**. The 2018 Legal Elite Up and Comers selection included **Jordan Dulcie** and **Carter Scott**. Up and Comers are attorneys under the age of 40 who have exhibited leadership in the law and in their community. All in-state members of the Florida Bar are invited to participate in polling. The awardees exemplify a standard of excellence in their profession. Now in its 15th year, *Florida Trend's* lists represents fewer than 1.2% of active Florida Bar members. ♦



In October 2018, **Jack Scarola** was honored at the Florida Justice Association's Founders Award Luncheon with the "Al J. Cone Lifetime Achievement Award." This award recognized a career of leadership, example-setting, devotion, and courage. **Laurie Briggs** received the "B. J. Masterson Award" in recognition of her effort to advance professionalism in the practice of law. The luncheon was held at the Renaissance Orlando Resort at Sea World. ♦



Jim Gustafson was recently appointed a member of the Florida Tobacco Education and Use Prevention Advisory Council. Florida state legislature funded the state Department of Health for a prevention program focusing on tobacco use and youth smoking. Main duties of the Council include advising the State Surgeon General on these prevention programs. ♦



Karen Terry was recently elected to the board of directors of the Palm Beach Chapter of the American Board of Trial Advocates. ABOTA fosters improvement in the ethical and technical standards of practice in the field of advocacy so that individual litigants may receive more effective representation and the general public achieve a more efficient administration of justice. ♦



Mariano Garcia recently received his recertification as Florida Bar Board Certified in Civil Trial Law. Certification is The Florida Bar's highest level of evaluation of the competency and experience of attorneys in the 26 areas of law approved for certification by the Florida Supreme Court. Only seven percent of eligible Florida Bar members are Board certified. ♦



Olga Patterson received the Member of the Year Award from the Palm Beach County Hispanic Bar Association during its Eighth Annual Chief Justice Jorge Labarga Lunch Reception held in August 2018 at the Kravis Center in West Palm Beach, Florida. ♦



Aracely Mayorga was recently appointed to The Florida Bar's Registered Paralegal Enrichment Committee. The Committee is charged with creating awareness of the Florida Registered Paralegal program in accordance with The Florida Bar's rules enhancing communication about the education and other events fostering the professionalism of paralegals and legal assistants. ♦



Jack Hill spoke on "Enhancing Damages with Aggravated Liability," a presentation for the Association of Plaintiff Interstate Trucking Lawyers of America, hosted by the 2018 APITLA's National Interstate Trucking Super Summit. The event was held in Galveston, Texas, August 6, 2018. ♦



Sia Baker-Barnes receives Barbara Pariente Award

In November 2018, **Sia Baker-Barnes** was appointed by U. S. Chief District Judge K. Michael Moore to a three-year term as a member of the Southern District of Florida's West Palm Beach Federal Courthouse Committee. At a recent meeting of the Palm Beach County Chapter of the Florida Association for Women Lawyers, Ms. Baker-Barnes was presented the Barbara Pariente Award which recognizes an individual who has demonstrated a commitment to promote women in the legal community through their efforts, innovation, and leadership. The award is in honor of Florida Supreme Court Justice Barbara Pariente who exemplifies the qualities and attributes associated with the honor. ♦

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***SDSBS Mass Tort
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 and Cal Warriner.***

Federal judge signs order to aid settlement over defective Stryker implant

Searcy Denney's Mass Tort Unit involved in hundreds of cases

On November 2, 2018, Judge Indira Talwani, the federal judge presiding over the national multi-district litigation involving the Stryker LFIT V40 hip implant, signed an order aiding private settlement. The order indicates that Stryker and a group of plaintiff counsel had reached a confidential settlement for certain eligible patients who had undergone revision surgery to replace their Stryker hip implants. The order appointed Searcy Denney Partner and Shareholder **Cal Warriner** to the Settlement Oversight Committee for the national litigation proceedings.

Cases against Stryker have been pending since 2013 in several venues around the country. The cases allege that certain Stryker implants are defective, including the allegation that its titanium stems fail when combined with V40 taper metal femoral heads. Cases were filed by patients who required revision surgery due to metallosis and corrosion of the implant components. Searcy Denney filed the first such case in a New Jersey state court. Ultimately, Stryker issued a large-scale recall of the metal heads. Soon thereafter, coordinated proceedings involving hundreds of individual lawsuits were organized at both state and federal levels in New Jersey and Massachusetts. Mr. Warriner was appointed to the plaintiff's Executive Committee for these proceedings. Searcy Denney Partner and Shareholder **Brenda Fulmer** also participated in the negotiations for a settlement.

The LFIT V40 litigation comes on the heels of an action against Stryker involving its recall of Rejuvenate and ABGII hip implants. This case resulted in a mass settlement of over 3,000 individual cases and payments in excess of \$2 billion. In 2012, Searcy Denney filed the first case in the country involving the Rejuvenate device. For more than a decade, Searcy Denney's Mass Tort Unit has also been involved in hundreds of other cases involving failed hip implants, including claims against Stryker, Zimmer, Biomet, Wright Medical, DePuy, Smith & Nephew, and others for premature failure of metal-on-metal and modular hip implants.

We would like to thank all of our referring partners with whom we have worked on these two very successful Stryker litigations, as well as other hip implant projects that have been resolved or are currently being litigated. ♦



SDSBS in several categories as 2019 'Best Lawyers'

***Best Lawyers*, partnered with U.S. News and World Report since 2009, is the oldest peer review publication in the legal profession. Its recognition is a significant honor.**

Best Lawyers recent edition recognized SDSBS as a “2019 Best Law Firm.” In the same edition, **Jack Scarola** was chosen as a “Lawyer of the Year” in the field of Medical Malpractice Law – Plaintiffs. **Greg Barnhart** was also chosen as a “Lawyer of the Year” in the field of Personal Injury Litigation – Plaintiffs. Included in the selection of “Best Lawyers in Florida” were **Chris Searcy, Jack Scarola, Greg Barnhart, John Shipley, Sia Baker-Barnes, Brian Denney, Brenda Fulmer, Mariano Garcia, Jim Gustafson, Jack Hill, Ed Ricci, Chris Speed, Karen Terry, Cal Warriner, Hardee Bass, and Andrea Lewis.** ♦

Chris Searcy selected as one of 'Florida 500' by *Florida Trend*

Florida Trend recently announced its selection of the “2018 Legal Elite,” a prestigious roster of attorneys chosen for recognition by their peers, (*Of Counsel page ten.*) Included in the selection *Florida Trend* chose **Chris Searcy** as one of the “Florida 500,” Florida’s most influential business leaders. The 500 were selected based on extensive contacts in regional business circles, hundreds of interviews and months of research. The review provides a highly selective biographical guide to the people who really run Florida. ♦



As the lead sponsor for "The Festival of Trees & Lights", SDSBS aids the fundraising event for Tykes & Teens non-profit organization



"The Festival of Trees & Lights" is the annual fundraiser supporting Tykes & Teens, a non-profit organization that provides high-quality mental health services for children living in south Florida communities. The event was held during the last week of November 2018 at Flagler Place, in Stuart, Florida. More than 75 Christmas trees, wreaths, and holiday décor were donated. Searcy Denney is a lead festival sponsor for Tykes & Teens. Jack Hill and his wife, Michelle, represented Searcy Denney at the event. Last year, Tykes & Teens provided life-saving mental health services to over 7,000 children at 46 service locations covering four counties. ♦



4C's Golf Tournament chaired by SDSBS to raise funds for underprivileged children

Paralegal Chris Rodgers chaired the "22nd Annual 4C's Golf Tournament" held in October at the Monarch Country Club in Palm City, Florida. The tournament helped raise funds for 4C (Caring Children, Clothing Children) programs which provide free clothing and free reading and math tutoring to underprivileged children in Martin County, Florida. The Golf Tournament was a sell-out success. ♦



SDSBS sponsors first-ever "Jack the Bike Man Ride" to help fund the organization

Boris Zhadanovskiy and his fiancé Lauren Foley represented SDSBS at the first-ever "Jack the Bike Man Ride" held in November 2018. SDSBS was a sponsor. Mariano Garcia and Mr. Zhadanovskiy are on the board of directors of Jack the Bike Man, Inc.. The Ride was organized to help fund the various programs of this not-for-profit organization. The Ride offered three different routes for participants – 100 miles, 62 miles, and 3 miles. Jack the Bike Man (AKA Samuel H. "Jack" Hairston) gives away thousands of bikes to underprivileged kids, the homeless, and men and women re-entering society from prison, recovering addicts, and others in need of help. ♦

Taking... *Time to Care*

Coastal Conservation holds their 33rd Annual Banquet and Auction with SDSBS title sponsor

The North Palm Beach Chapter of the Coastal Conservation Association held its 33rd Annual Banquet and Auction on November 1, 2018, at the West Palm Beach, Florida, Convention Center. SDSBS was a title sponsor of the event. ♦

Ending Homelessness Breakfast held for supporters of The Lord's Place

The 11th Annual Ending Homelessness Breakfast was held to recognize volunteers and to provide support for The Lord's Place, an organization dedicated to breaking the cycle of homelessness. SDSBS was a sponsor of the event. Jack Scarola and family, long-time supporters of The Lord's Place, attended the event. ♦



SDSBS is corporate sponsor for 14th Annual PAL (Police Athletic League) Golf Tournament

In November 2018, SDSBS was a corporate sponsor for the 14th Annual PAL Corporate Golf Tournament held in West Palm Beach, Florida. Matt Schwencke, Matt's brother John, Vince Leonard, and Bob Pitcher participated in the event. PAL – the Police Athletic League – is a sports and education-based youth enrichment program providing free recreation and educational opportunities to the youth of Palm Beach County. ♦



Staff invite children from several organizations to SDSBS for trick or treating special event

Halloween is a special time each year for kids to dress up in costumes and visit homes and businesses in their neighborhoods to ask for treats so that the donors can avoid tricks. Children who participated with many organizations which support families in Palm Beach County were invited to SDSBS to request treats. SDSBS is very confident that the firm is now protected from the tricks of Halloween, thanks to generous staffers and wonderful tricksters! A month later in November, SDSBS staff provided numerous families with the ingredients for bountiful Thanksgiving dinners. ♦



206 Animals have homes during successful 5th Annual Countdown 2 Zero Animal Adoption event

In September 2018, SDSBS sponsored the Peggy Adams Animal Rescue League's "Fifth Annual Countdown 2 Zero Animal Adoption" event held at the South Florida Fair Grounds in West Palm Beach, Florida. 206 animals were adopted during the event (including 81 dogs; 20 cats; 2 puppies; 39 kittens; 4 peacocks; 7 bunnies; 6 chickens, and 1 turkey). ♦



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