

Of Counsel

A REPORT TO CLIENTS & ATTORNEYS VOLUME 20, NUMBER 2



\$6 million settlement for van passenger severely injured in hit-and-run crash

In June 2019, Margaret Smith was traveling as a passenger in a van operated by Palm Tran Connection, a Palm Beach County, Florida, paratransit service that provides transportation for disabled residents and visitors to the county. The van was struck on Interstate 95 by a hit-and-run driver, and Ms. Smith was severely injured. Ms. Smith's family contacted SDSBS attorney **Mara Hatfield** seeking help for medical and support expenses facing Ms. Smith as a result of her injuries. After months of negotiation and pre-suit disclosure, the insurance carriers for the Palm Tran Connection vendors offered the limits of the underinsured motorist policies. The recovery totaled \$6 million and was put into an annuity and a Special-Needs Trust. Shortly after settlement was reached, Ms. Smith succumbed to her injuries. With continued efforts on behalf of Ms. Smith, Ms. Hatfield was able to ensure that the recovery would be distributed directly to her survivors as a lasting legacy. ♦

IN THIS ISSUE:

SDSBS listed in Top 50/100 Verdicts in Florida

PAGE TWO

Two SDSBS cases listed in Courtroom View Network's "Top 10 Medical Malpractice Cases"

PAGE SIXTEEN



Chris Searcy



Karen Terry



Matt Schwencke



Andrea Lewis

\$15+ million settlement in product liability and medical negligence case.

John Doe (not his real name) became brain injured as a result of a product liability incident and medical negligence. He died after a very long and hard-fought battle to survive. His wife and children asked SDSBS attorneys **Chris Searcy, Karen Terry, Matthew Schwencke, and Andrea Lewis** to represent the family in a legal action to obtain accountability for the loss of their husband and father. After close to nine years of fighting for justice, on the eve of trial the SDSBS attorneys were able to obtain a confidential settlement of over \$15 million. ♦

\$6 million claims bill signed into law to help provide medical care and some stability

On June 9, 2020, Florida Governor Ron DeSantis signed into law a \$6 million claims bill that will help to provide medical care and some stability to Dontrell Stephens. In 2013, Mr. Stephens was shot in the back by a Palm Beach County Deputy Sheriff severing Mr. Stephens' spinal cord and leaving him permanently paralyzed from the waist down. The shooting occurred after Mr. Stephens was stopped for allegedly causing a truck to slow down when Mr. Stephens crossed the street on his bicycle. The deputy claimed that he thought Mr. Stephens was holding a gun in his hand and that he had shot in self-defense, but the deputy's dash-cam video showed Mr. Stephens holding a clearly visible cell phone the entire time. Although the Palm Beach County State Attorneys Office found the shooting to be justified, a federal jury ruled in 2016 that the deputy's use of force was unjustified and awarded Mr. Stephens \$22.5 million.



(Continued on page seven.)

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

\$6 million claims bill signed into law to help provide medical care and some stability

(Continued from page one.)

When a Florida agency is sued, any award over \$200,000 requires special claims legislation. The sheriff hired a team of lobbyists to fight the award. Mr. Stephens continued to rely on SDSBS attorneys who had been representing him since the 2013 shooting to help in obtaining the Florida legislature's approval of his claim. After more than three years from the time of the initial verdict, efforts paid off with nearly unanimous legislative approval. "To get a claims bill passed with only two dissenting votes out of both chambers of the legislature is absolutely incredible," SDSBS attorney **Jack Scarola** said. "I am grateful the governor chose to put his signature on the bill, rather than just allow it to become law without his signature. I am also grateful for the assistance of my law partners, **Chris Searcy** and **Jim Gustafson**, who together with former Senate Majority Leader Alex Villalobos, helped us navigate the claim through the complex legislative process to overcome the vigorous political opposition mounted by the Sheriff's Office."

Mr. Stephens, now 26 years of age, has spent the last seven years in and out of hospitals, homeless, and confined to a wheelchair for life. He will now be able to secure a home, obtain personal assistance and medical care, and begin living a more stable life.

"We are compelled to add that this case is a perfect illustration of the injustices associated with Florida's sovereign immunity laws and the entire claims bill process," Mr. Scarola added. "Existing laws cry out for reform and modernization so that future victims of government abuse and neglect are not forced to endure what Dontrell Stephens has gone through." ♦

\$675,000 settlement reached in motor-vehicle rear-end collision

On October 13, 2017, John Smith (not his real name) was a passenger in a vehicle traveling in Tampa, Florida. His vehicle had stopped at a red light when it was rear-ended by a commercial vehicle. John suffered significant spinal injuries that required multiple surgeries. Shortly after the crash, he hired a law firm to seek accountability for the damages and injuries he had suffered. The commercial vehicle that had caused the crash was owned by a medical device company, and the driver was operating the vehicle within the scope of his employment by the company. Throughout 2018, John's law firm tried to get the case resolved without filing a lawsuit but was unsuccessful due to the very low offers of settlement from the insurance company. In early 2019, the law firm recognized that the case needed to go to trial. They referred the case to SDSBS attorney **Jordan Dulcie** in an effort to move forward.

Mr. Dulcie immediately filed suit and began taking depositions. After the deposition of the driver was obtained, the defendants admitted liability. At that point in time, the entire state of Florida started battling Covid-19 virus, and jury trials were suspended indefinitely. With legal actions beginning to slow down, it became more important for Mr. Dulcie and his client to see if a settlement could be reached. John could no longer work and needed the financial means to take care of his family and to obtain additional medical treatment necessary to heal his injuries. Shortly after the defendants' admission of liability, Mr. Dulcie was able to secure a \$675,000 settlement that provided John with much needed relief during an already stressful pandemic. ♦



Chris Searcy
selected for
Lawdragon's
Hall of Fame
in 2020



Jack Scarola



Sia Baker-Barnes



Brenda Fulmer

SDSBS part of Lawdragon's Leading Lawyers in America

The 2020 selection of the nation's leading lawyers by *Lawdragon Magazine* was announced in March 2020. **Chris Searcy** was selected for Lawdragon's Hall of Fame which honors past members for their contribution to the legal profession. Also selected for Lawdragon's 500 Leading Lawyers in America 2020 were **Jack Scarola**, **Sia Baker-Barnes**, and **Brenda Fulmer**. Congratulations to all! ♦