

IN THIS ISSUE:

**The Champlain Towers collapse -
the civil justice system does work!**

PAGE FOUR

**Karen Terry selected as
'Lawyer of the Year' by ABOTA**

PAGE SIX

\$4 Million settlement in motorcycle crash permanently disabling police officer

**Motorcycle dealership failed to
perform required servicing.**

On a bright afternoon in March 2020, Police Officer Tom Smith (not his real name) was on motorcycle patrol duty in Palm Beach County, Florida. The 30-year law enforcement veteran, in uniform and helmet, was riding his department-issued motorcycle on a rural highway. There was very little traffic, the road was paved and flat, and the officer was traveling about 75 miles per hour. Just as Officer Smith began to change lanes, his motorcycle started to wobble and swerve all over the road. The officer tried in vain to bring the bike under control. Just before it crashed, he was violently thrown 20 to 30 feet onto the ground.


Passersby – good Samaritans all – quickly pulled over to stop traffic and attend to Officer Smith as he lay unconscious in the median. Within minutes, the road was shut down and shortly thereafter first responders arrived. He was transported by helicopter to a nearby hospital in critical condition. An



examination revealed that he had suffered a subdural hematoma (brain bleed), spinal injuries, and multiple other orthopedic damages. He began exhibiting cognitive memory problems and behavioral issues. He was in pain every day. He was hospitalized for several weeks and remained in in-patient rehabilitation for an additional month. As a result of the severe injuries, Officer Smith would no longer be able to work in law enforcement.

Following hospitalization and efforts at rehabilitation, Officer Smith contacted Searcy Denney attorney **Adam Hecht** and asked the attorney to [\(Continued on page fifteen.\)](#)

Chiquita Brands International again faces suit over terrorist murders in Colombia



Thousands of Colombians have spent more than a decade in court fighting to hold Chiquita Brands International responsible for financially backing a terrorist organization that ravaged their country. Even after one of the leaders of the terrorist group publicly apologized to a grieving family for kidnapping and fatally shooting their father, and Colombian government authorities formally

agreed the terrorist leader was responsible for the murder, a United States federal court ruled that the evidence was not presented in a form sufficient to link that and other murders to the terrorists. The court's decision to enter judgment in favor of Chiquita was appealed and a crucial reversal was issued in September 2022. The 11th Circuit Court of Appeals reinstated civil damage claims against Chiquita which had already pled guilty to federal criminal charges that it had funneled \$1.7 million to the Autodefensas Unidas de Colombia (AUC) at a time when the U.S. Government had designated the AUC as a foreign terrorist organization. That designation outlawed all financial transactions between the AUC and U.S. companies, resulting in Chiquita paying a \$25 million criminal fine, the largest ever imposed under global terrorism sanctions regulations. [\(Continued on page two.\)](#)

\$4 Million settlement in motorcycle crash permanently disabling police officer

(Continued from page one.)

investigate the cause of the crash since law enforcement had concluded that Officer Smith was at fault for this single vehicle crash. Mr. Hecht had the motorcycle inspected by experts, surveyed the accident scene, and spoke to witnesses. Most revealing to the investigation, Mr. Hecht reviewed the service records of the motorcycle dealership which had recently serviced the motorcycle. In a service conducted just 30 days prior to the crash, the dealership failed to disassemble, inspect, and adjust the main component of the steering head assembly, as was required to be performed according to its service manual. Using prior testings, Mr. Hecht was able to prove Officer Smith was not at fault for the crash and that failure to perform this required maintenance does, in fact, cause even the most experienced motorcycle rider to lose control of the motorcycle.

The dealership failed to disassemble, inspect, and adjust the main component of the steering head assembly, as was required to be performed according to its service manual.

Mr. Hecht filed a legal action on behalf of Officer Smith against the dealership for its failure to perform the required maintenance that would have provided safe and secure operation of the motorcycle. Prior to trial, the parties reached a settlement of \$4 million, insurance policy limits. The settlement will, of course, not reverse the damages and limitations suffered by Officer Smith. It will, however, allow Officer Smith to seek the best continuing medical care available and help him continue to care for his family. ♦



Settlement for policy limits in case against tire shop for negligent wheel installation

In November 2017, Lucia Rodriguez (not her real name) purchased four new tires from a local tire shop in Palm Beach County, Florida. About one week after installation of the new tires, Ms. Rodriguez was driving westbound on a local highway. Without warning, her vehicle abruptly stopped causing her to be thrown forward, then snapped backward. Although immediately in pain, she was able to exit her car. The cause of the abrupt stop was apparent: the front left wheel had detached from the axle hub. An ambulance was called and she was transported to a nearby hospital where she was treated for headaches as well as pain in her neck and back. An orthopedic surgeon examined Ms. Rodriguez and determined that the incident had caused multiple herniations in her cervical and lumbar spine. He recommended treatment involving surgery, epidural injections, and physical therapy.

Seeking help to pursue a claim against the tire shop, Ms. Rodriguez contacted a local personal injury attorney who was quick to file a lawsuit on her behalf. However, as litigation progressed, the attorney became concerned about his ability to prove that the tire shop was negligent in installing the tires. He was also of the opinion that Ms. Rodriguez had made certain statements during deposition that condemned her case. Accordingly, the attorney withdrew his representation. The judge gave Ms. Rodriguez 30 days to find a new attorney, prompting her to contact several attorneys in the area. Each one turned her down.

Facing the impending deadline and a threat of owing fees and defense costs, Ms. Rodriguez reluctantly dismissed her lawsuit. Her continuing physical pain and her confident belief that the tire shop had been negligent, however, led her to contact Searcy Denney attorneys **Mariano Garcia** and **Juan Diaz**, along with paralegal Helem Marquez, for advice and representation. After evaluating Ms. Rodriguez's case, the Searcy Denney team agreed to represent her, promising that no matter what challenges lay ahead they would remain with her and take the case to trial if necessary.

Searcy Denney then filed a new lawsuit. Through investigation and discovery, the team gathered information to prove that the tire shop was in fact negligent in the installation of the new tires, evidenced by the incident itself and by post-incident photographs of the wheel rim which showed significant wear and tear around the lug holes caused by lug nuts that were improperly tightened. Approximately one year and three months after filing the second lawsuit, the Searcy Denney team secured a settlement of \$500,000 (policy limits) for Ms. Rodriguez. ♦