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the civil justice system does work!**

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'Lawyer of the Year' by ABOTA**

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\$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. [\(Continued on page two.\)](#)

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A REPORT TO
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Chiquita Brands International again faces suits over terrorist murders in Colombia
(Continued from page one.)

The AUC was known to target political enemies, banana workers, and unionists who were seeking better pay, benefits, and working conditions. The AUC tormented the rural banana-growing region by grabbing people off buses, torturing, and decapitating victims. Some of the murders were public executions. In many cases, people simply disappeared. "Funding a terrorist organization can never be treated as a cost of doing business," said Jeffrey Taylor, U.S. Attorney for the District of Columbia, in announcing the plea deal. "American businesses must take note that payments to terrorists are of a whole different category. They are crimes." As is the case with many other crimes, the victims of Chiquita's criminal conduct were not compensated as part of the criminal prosecution. To address that injustice, more than 7,500 people who lost loved ones during AUC's gruesome campaign have filed civil lawsuits against Chiquita. The suits were consolidated and the complex litigation is being considered by U.S. District Judge Kenneth Marra in West Palm Beach, Florida. The Appeals Court ruling directly affects about a dozen "bellwether" cases selected from scores of cases to give both sides an idea of the chances of success.

"After favorable summary judgment rulings, Chiquita had every reason to be optimistic about escaping financial responsibility to the thousands who suffered from its sponsorship of terrorist violence. However, as a result of the recent appellate decision, Chiquita is again facing, by any reasonable measure, billions of dollars in damages," according to Searcy Denney attorney **Jack Scarola** and West Palm Beach co-counsel James Green. "The decision paves the way for thousands of victims of the bloody rule of the AUC to finally get their day in court." ♦



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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.