



# ADVOCATE

\$13.15 MILLION VERDICT • AUTO ACCIDENT

## Ure vs. Browning Ferris of Florida Inc.

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### ONLINE

For insightful  
legal articles, recent  
verdicts and settlements,  
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*On January 31 of this year, a Palm Beach Circuit Court jury delivered the largest verdict in the county's history for a case involving a paraplegic accident victim. \$13.15 million was awarded to a Royal Palm Beach mother of two who was left paralyzed from the waist down when a BFI garbage truck plowed into the rear of her car in the summer of 1998.*

Joe Reiter represented Wanda Lynn and Ken Ure and their two young sons in the suit against Browning Ferris of Florida, Inc. (BFI), one of the nation's largest trash hauling companies.

On the July afternoon of the accident, Wanda Lynn Ure was driving on Okeechobee Boulevard in West Palm Beach when she stopped for a red light at the intersection of Haverhill Road. One of her sons, then aged five, was strapped into his seatbelt in the back seat. The driver of the BFI garbage truck did not see Mrs. Ure stopped at the light and therefore did not brake until the instant prior to impact. Mrs. Ure, one of seven cars ultimately involved in the accident, received the full force of the collision.

Amazingly, the Ure's son was not seriously injured in the accident. Mrs. Ure, who even today has no memory of the collision, awakened from a coma five days later to find her pastor and family members sitting at her bedside in the St. Mary's hospital intensive care unit. Among other severe injuries, her spine was fractured in ten places. She was hospitalized for a total of 86 days. She has daily, extensive therapies and faces more surgery in the future to repair and stabilize her spinal cord; but nothing will alter the fact that Mrs. Ure is a paraplegic and will never walk again.

After three-weeks of testimony, the jury deliberated only four hours before delivering a \$13.15 million verdict on behalf of the Ure family.



Wanda Ure and her family

A PUBLICATION FOR THE CLIENTS AND LEGAL COLLEAGUES OF



TRIAL LAWYERS LLP

**LYTAL, REITER, CLARK  
FOUNTAIN & WILLIAMS**
**TRIAL LAWYERS LLP**

Mark W. Clark, P.A.  
Donald R. Fountain, P.A.  
David M. Gaspari  
W. Hampton Keen  
Nancy La Vista  
Julie H. Littky-Rubin  
Lake Lytal, Jr., P.A.  
Lake H. Lytal, III  
Michael Overbeck  
David C. Prather  
Joseph J. Reiter, P.A.  
Kevin C. Smith  
Scott B. Smith  
William S. Williams, P.A.

**PARALEGAL STAFF**

Lawrence Gordon  
Barbara L. Hoxter  
James E. Williams

**CHIEF INVESTIGATOR**

Marty Kerner

**CONSULTING PHYSICIAN**

Cathy B. Thomson, M.D.

**NURSING CONSULTANTS**

Roxann Billingslea, R.N.  
Patti K. Spaeth, R.N.

LYTAL, REITER, CLARK,  
FOUNTAIN & WILLIAMS, LLP

**MAIN OFFICE**

Northbridge Centre  
10th Floor, 515 North Flagler Drive  
West Palm Beach, Florida 33401  
(561) 655-1990

**BELLE GLADE**

141 South Main Street, Suite 111  
Belle Glade, Florida 33430  
(561) 996-3922

**BOCA RATON**

2499 Glades Road, #209  
Boca Raton, Florida 33432  
(954) 426-2103

**PORT ST. LUCIE**

10651 South U.S. Highway One  
Port St. Lucie, Florida 34952  
(561) 337-1630

*Lytal, Reiter, Clark, Fountain & Williams, LLP is a plaintiff's personal injury law firm devoted exclusively to the representation of individuals and families who have suffered an injury or death as a result of a defective product, medical malpractice, nursing home violation, or automobile, aircraft, marine or other accidents.*



*To our clients and colleagues,*  
Thank you for the trust you have placed in us; a great number of the people we assist come to us through personal recommendations made by former clients or through attorney referrals. We gratefully acknowledge all of those individuals from around the state of Florida, and across the country, who have asked us to assist them in what are often catastrophic cases involving complex and costly litigation.

If you are a new client, or an attorney considering our firm for case referral, allow us to assure you that our Firm's resources and expertise are available to all who retain our services. An experienced litigation staff of more than fifty supports our Firm's fourteen attorneys, including our on-staff medical doctor, registered nurses, paralegals and investigators.

We look forward to putting our resources to work for you.

# Firm Takes Five

**L**ytal, Reiter, Clark, Fountain & Williams, LLP obtains five of the top ten jury verdicts in 1999 for Palm Beach and Broward Counties.\*

## PALM BEACH COUNTY

Lytal, Reiter, Clark, Fountain & Williams, LLP (LRCF@W) obtained four of the ten highest jury verdict awards in Palm Beach County:

### AUTO ACCIDENT

\$7.0 Million Verdict  
*Allen vs. The Florida Department of Transportation*

### WRONGFUL DEATH

\$2.23 Million Verdict  
*Crawford vs. U.S. Sugar Corporation*

### MEDICAL MALPRACTICE

\$1.82 Million Verdict  
*Cephas vs. Letzter & Armand*

### AUTO ACCIDENT

\$639,900 Verdict  
*Guerrisi vs. Caiola*

## BROWARD COUNTY

In Broward County, LRCF@W obtained one of the top ten jury verdict awards:

### AUTO ACCIDENT

\$637,500 Verdict  
*Moore vs. Robin*

## ALACHUA COUNTY

Also, in 1999, LRCF@W obtained the largest wrongful death verdict in Alachua County's history:

### WRONGFUL DEATH

\$1.8 Million Verdict  
*Smith vs. S&D Trucking*  
(See *Cases in Brief*, page 5.)



\*Source: *Palm Beach Daily Business Review*.

October 1999–May 2000

## RECENT VERDICTS & SETTLEMENTS AT-A-GLANCE

\$ 4,900,000	Defective Tire
\$ 600,000	Medical Malpractice
\$ 682,000	Auto Collision
\$ 8,600,000	Products Liability
\$ 600,000	Fork Lift Mishandling
\$ 3,000,000	Medical Malpractice
\$ 1,800,000	Wrongful Death
\$ 1,000,000	Products Liability



\$ 13,150,000	Auto/Truck Collision
\$ 650,000	Medical Malpractice
\$ 2,000,000	Auto Collision
\$ 4,300,000	Products Liability
\$ 565,000	Auto Collision
\$ 675,000	Medical Malpractice
\$ 700,000	Auto/Truck Crash
\$ 775,000	Auto Collision



## Up to 98,000 Americans Killed by Medical Mistakes

*Did you know? More Americans die from medical mistakes than from breast cancer, highway accidents or AIDS according to a recent report by the Institute of Medicine.*

**D**o you remember the recent Alaskan Air Line crash in California caused by a faulty bolt in the airplane's horizontal stabilizer? One-hundred eighty people died in that crash. As a result, the FAA immediately stepped in and ordered the mandatory inspection of all similar aircraft. Can you imagine the public and regulatory reaction if three jumbo jets were to crash every two days?

As hard as it may be to believe, a 1994 article in the *New England Journal of Medicine* estimated 180,000 people die each year as a result of medical negligence; a number equivalent to three jumbo jets crashing every two days, killing all on board.

In 1998, the British journal, *Lancet*, estimated that approximately 18% of hospital patients suffer some type of ill effect from medical negligence. *And now, a most disturbing report released by the Institute of Medicine (IOM) has stated that preventable medical errors in hospitals account for*



*as many as 98,000 American deaths each year; more deaths than from highway accidents, breast cancer or AIDS.*

In its November release to the public, the IOM noted that health care is a decade or more behind other high-risk industries in its attention to ensuring basic safety. By contrast, the release also noted that the chances of dying in a domestic airline flight have decreased dramatically in the past several years.

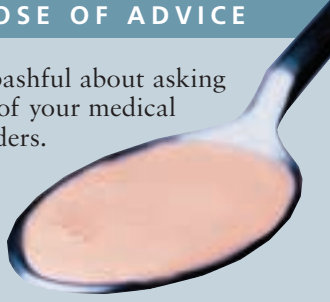
One obvious difference between airline crashes and medical negligence is that airline crashes kill a lot of

people in single, spectacular events for all to see while medical negligence occurs patient by patient in relative obscurity. And, unlike the airline industry and other "high risk" industries held accountable for human safety, the medical profession refuses to admit its mistakes. A recent survey at LRCF@W showed approximately one half of the people who call us about serious illness or death are inquiring about medical malpractice. In spite of the very significant

number of inquiries we receive, *we have never had a client tell us a doctor, nurse or hospital admitted they were wrong.*

Although not with the same air-wave saturation as the Alaskan Airlines crash, the IOM report has attracted considerable attention by the media and the American public. Perhaps now our state and national leaders will take measures to address the alarming number of preventable, needless medical mistakes which cause so much suffering and death in our hospitals each year.

A DOSE OF ADVICE



- Don't be bashful about asking questions of your medical care providers.
- If you cannot read the doctor's prescription, chances are the pharmacist will have the same problem.
- If what a doctor tells you does not make sense, get another opinion.
- If you are having surgery, request a Board Certified anesthesiologist.
- Ask about the surgeon's experience in doing your procedure.
- With managed care, your primary care physician is the quarterback of your medical care football team. Is he or she Board Certified, knowledgeable, caring and responsive to your needs? If not, change doctors now.

Join the Association for Responsible Medicine (ARM). ARM provides valuable information about doctors and hospitals and is virtually the only patients' advocate in Tallahassee. For an application, write:

Ray McEachern, Founder  
 Association for Responsible Medicine  
 P.O. Box 270986, Tampa, Florida 33688

CHECK UP ON YOUR DOCTOR

TRAINING AND BOARD CERTIFICATION

**American Board of Medical Specialties Public Education Program**

<http://www.certifieddoctor.com/>

Find out what board certification means and if your doctor is certified in his/her specialty area.

**The American Medical Association**

<http://www.ama-assn.org>

Click on "Doctor Finder" to get information on the medical training and board certification of more than 650,000 doctors in the U.S.

DISCIPLINARY ACTIONS AGAINST DOCTORS

**Florida Agency for Health Care Administration**

<http://www.fdhc.state.fl.us/>

Scroll to bottom of home page and click on "What's New." Scroll down to "Florida Report on Physician Discipline and Malpractice."

**The Florida Department of Insurance**

<http://www.doi.state.fl.us/>

Provides a list and description of malpractice complaints made against doctors and other professionals.

CASES *in* BRIEF

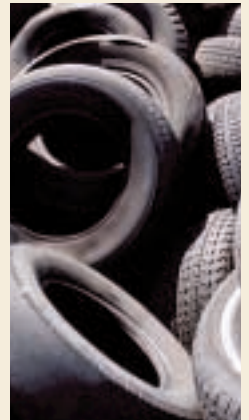
**McGuire vs. Dunlop**

\$4.9 Million Settlement

**PRODUCTS LIABILITY** | In this most recent of a number of product liability cases involving defective tires in which LRCF@W has secured a major recovery on behalf of its client, partners Don Fountain, Joe Reiter and associate Hampton Keen negotiated a \$4.9 million settlement with Sumitomo Rubber Industries Limited of Japan and its distributor Dunlop Tire Corporation. On trial was the defective design and construction of the Dunlop SP4N\* tire manufactured by Sumitomo in 1986.

Client Jim McGuire had been driving on I-95 when one of the ten year old SP4N\* tires on his vehicle blew out. Mr. McGuire pulled his vehicle to the shoulder of the highway only to be struck by a semi tractor-trailer that had been traveling behind him. Mr. McGuire was in a coma for 42 days and sustained permanent neurological damage.

LRCF@W maintained that the majority of liability for the accident lay with Sumitomo and Dunlop for manufacturing and selling a defective tire. The \$4.9 million settlement was reached only hours prior to the scheduled trial.



**Smith vs. S&D Trucking**

\$1.8 Million Verdict



**WRONGFUL DEATH** | This past December, an Alachua County jury awarded \$1.8 million, the largest wrongful death verdict ever awarded in that county, to a Boca Raton mother whose daughter died from injuries suffered in a 1996 car accident. LRCF@W partner William S. Williams and associate Lake Lytal, III, tried the wrongful death suit on behalf of Terry Smith Reynolds, the mother of the deceased, seventeen-year-old Tia Maria Smith.

On October 7, 1996, Tia was driving in the center lane of I-75 near Gainesville when the driver of a semi tractor-trailer, leased by S&D Trucking Company, swerved from the far right lane striking Ms. Smith's car and sending it into a spin. The semi struck Ms. Smith a second time, catapulting her vehicle 200 feet down the Interstate where it came to rest, totally destroyed. Tia Marie Smith died the next day.

The jury returned a \$1.8 million verdict in favor of Ms. Smith Reynolds for the tragic loss of her seventeen-year-old daughter.

**Guerrisi vs. Caiola**

\$639,000 Verdict Against \$100,000 Policy Limit

**AUTO ACCIDENT** | LRCF@W attorney Michael Overbeck obtained a significant \$639,000 jury verdict for Firm client Guido Guerrisi in a case that involved a 1995 auto accident that left Mr. Guerrisi with a herniated disc in his neck requiring surgery, and which aggravated a bipolar disorder necessitating psychiatric treatment. Both conditions rendered Mr. Guerrisi unable to continue the operation of his gutter installation business, which folded following the accident.

Mr. Caiola was insured with Allstate for \$100,000. Although his damages greatly exceeded the amount of coverage available with Allstate, the insurance company refused to pay its policy limits and Mr. Guerrisi was forced to take his case to trial. The jury found in favor of Mr. Guerrisi and his wife and awarded them \$639,000. *The Daily Business Review*, a noted south Florida business publication, listed this verdict in the top ten jury awards for Palm Beach County for 1999.



TODAY, MORE THAN EVER, YOU AND YOUR FAMILY NEED

## Uninsured Motorist Coverage

*One of our worst experiences as lawyers is to tell clients who have been devastated by automobile accident injuries that there is nothing we can do for them because there is no available insurance.*

Approximately 20% of motorists in the State of Florida are driving with absolutely no liability insurance. Another substantial percentage of drivers have insurance but inadequate amounts to fairly reimburse a seriously injured accident victim.

The only way you can assure you and your family will be adequately covered for injuries caused by the

negligence of others in an accident is to purchase *uninsured motorist coverage*.

Uninsured motorist coverage will pay you if the person causing your injuries has no coverage. It will also pay you the difference between the value of your claim and the amount of the wrongdoer's coverage if the wrongdoer has inadequate insurance.

example, if you have \$100,000 of liability coverage and you buy stacking uninsured motorist coverage of \$100,000 for two vehicles, you and your family would be entitled to a total of \$200,000 in coverage regardless of the amount of coverage carried by the wrongdoer.

Uninsured motorist coverage is even more important to you now that the legislature has passed "tort reform" legislation. Through this legislation, owners of motor vehicles have been given partial immunity so that no matter how badly they may injure you in an accident, you can only collect a limited amount from them. This law is particularly egregious in the case of rental car companies who often rent their vehicles to people with little or no insurance coverage of their own.

Please take out your insurance policy right now, review it, and if you do not have uninsured motorist coverage pick up the phone and buy it without delay!



When you consider the importance of uninsured motorist coverage, the additional cost is not that significant. Additionally, we encourage you to buy *stacking* uninsured motorist coverage that allows you to multiply the amount of your coverage by the number of automobiles covered by the policy. As an

### MARIE ABOSSO

TEN YEARS

Marie Abbosso (right with William Williams) probably receives more flowers from clients than anyone in the office. She attributes this to her "people skills" which have been honed to perfection after twenty years in the legal field and ten years as secretary to firm partner Williams.

Marie handles all of Mr. William's scheduling and assures that every case is proceeding in an organized and timely manner. She also works closely with clients to make sure that they are receiving the appointments they need for medical treatments or evaluations. Marie commented, "I am Mr. William's right hand. When you have been with someone ten years, you can anticipate,

most of the time, what he needs to be done."

In addition to her work for Mr. Williams and his clients, Marie trains most of the new secretaries.

When a trial date is drawing near, Marie makes sure that all of the files are in order and arranges for all of the witnesses to testify. Everything must be prepared with strict attention to detail, especially if a trial is to be held in another location, such as Alachua County where Williams obtained the largest wrongful death verdict in that county's history for Terry Smith Reynolds. Marie works very closely with everyone involved with a case, including the attorneys, paralegals and support staff.



*There's a lot of team work which goes into each case and I am definitely a team player.*

—MARIE ABOSSO—

GROUPS UNITE TO DECLARE  
TORT REFORM BILL UNCONSTITUTIONAL



## Florida Citizens Take On Big. Business

*In 1999, the Florida Legislature passed a “Tort Reform” law that has significantly undermined the ability of Florida’s citizens to seek compensation when they are victims of negligence.*

**B**ecause the law violates Florida’s Constitution, a group of citizens and attorneys formed a coalition and, in December, filed suit against Governor Jeb Bush and the State of Florida. LRCF@W partner Lake Lytal is one of a handful of attorneys who has been asked to lead this challenge.

The suit contends that the new law deprives citizens of long-held rights. As an example, for almost 80 years Florida law has held the owner of a motor vehicle responsible for any injuries caused by the vehicle; the theory being that anyone who owns something that can kill, maim or injure someone else should bear the responsibility. Now, if a vehicle owner allows someone else to drive his car, and that person drives on the wrong side of the road and kills a young mother, the new law says the family may only collect \$100,000 from the vehicle owner regardless of the severity of the injuries.

Also prior to tort reform, when more than one person was responsible

for a victim’s injuries, the victim could seek economic damages from any of those persons. Tort reform has put rigid, arbitrary limitations on how much a victim may collect for medical bills and lost wages.

This broad, sweeping law also limits the time for seeking compensation when a dangerous product injures or kills. Now, if an airplane has a defect and kills 200 people, no one can collect a penny if the plane is more than 20 years old. Also, an employer can now get away with a hurried interview of a future employee. If employers fail to ask any questions about their employee’s background, they cannot be held responsible if their employee hurts or maims someone.

These are just a few examples of a law passed to suit big business and special interest groups. When enacted, the Legislature ignored Florida’s constitution; Lake Lytal, along with other attorneys from the Academy of Florida Trial Lawyers, will continue to work tirelessly to strike it down.

*Cheryl has always been one of the Firm’s most valuable team members. I don’t know what I’d do without her.*

—DON FOUNTAIN—



**CHERYL KLOECKNER**  
FOURTEEN YEARS

**C**heryl Kloeckner (above with Don Fountain) remembers when her boss was a law school student who spent his vacations doing research for the Firm. Don Fountain is now a firm partner and this year marks Cheryl’s fourteenth anniversary with LRCF@W and her twelfth year as Don’s legal assistant.

Don and Cheryl work almost exclusively on catastrophic products liability cases—such as *McGuire vs. Dunlop* as noted in this issue’s “Cases in Brief.” Due to the inherently complex nature of products liability, Don counts on Cheryl to lead his team through the many aspects of trial preparation. And, because of her knowledge and years of experience, Cheryl often assumes the role of a paralegal, in addition to maintaining the thousands of case documents and the coordination of all depositions, hearings and mediations.

Beyond her responsibilities as a legal assistant, Cheryl is also part of the computer technology team at the Firm and often answers the call for help when staff members are experiencing “technical difficulties.”

Her boss states, “Cheryl has always been one of the Firm’s most valuable team members. I don’t know what I’d do without her. There is nothing in the personal injury arena she can’t handle.”

# Serving Our Community

The Firm dedicates a new score board in honor of Glades Central High School retiring Principal, Dr. Effie C. Gear. Attorney David Prather, Dr. Gear, and Paralegal Lawrence Gordon (below, l-r).



Partners William Williams (l) and Mark Clark (r) accept the *Child Advocacy Award* from AnEta Sewell of WPECTV12 for the Firm's television promotion of summer camp programs for children of below poverty level income families.



Staff members take it in stride at the *American Heart Association Heart Walk* (above) and the *Multiple Sclerosis Society Walk-A-Thon* (right).



Firm staff members gave over 100 gifts to benefit underprivileged children at the *Breakfast with Santa* held at the Palm Beach Zoo. Bob Nichols, Channel 12 (l) and Lake Lytal with Santa.



At Lytal, Reiter, Clark, Fountain & Williams LLP, contributing to the advancement of our community is a fundamental part of our business philosophy. Each member of our firm is active in professional, civic, charitable and religious organizations that make Florida a better place to live, work and raise a family.

We have supported the United Way and its 64 member agencies for nearly fifteen years. By volunteering our time, sponsoring televised public service announcements and conducting an employee campaign, we help extend the reach of the United Way to support the needs and potential of over 400,000 people in our community.

The hiring of a lawyer is an important decision that should not be based solely upon advertisements. Before you decide, ask us to send you free written information about our qualifications and experience.



## ADVOCATE

Lytal, Reiter, Clark, Fountain & Williams, LLP  
Northbridge Center  
10th Floor  
515 North Flagler Drive  
West Palm Beach, FL 33401

PRSR STD  
U.S. POSTAGE  
**PAID**  
WEST PALM BCH, FL  
PERMIT #611