

the **ADVOCATE**
spring.2011



**LYTAL, REITER, SMITH,
IVEY & FRONRATH**



TRIAL ATTORNEYS

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STRONGER Than Ever:

The Law Firms of Lytal & Reiter and Smith Ivey & Fronrath
Are Proud to Announce We've Merged !

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\$11 M

VERDICT UPHELD:

Why Appeals Court
Reversed Own
Decision



P6

\$14 M

CLASS ACTION VERDICT:

Palm Beach County
Citrus Canker Case

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**BECOME
OUR NEXT
REFERRAL
PARTNER**



a history of helping

Scott B. Smith has been elected Secretary of The Palm Beach County Justice Association. **Farrah Fugett-Mullen** has been elected to the Association's Board of Directors.

Daniel Zuniga has been elected President of the Palm Beach County Hispanic Bar Association. **Steve Sanchez** has been appointed as a Paralegal Board Member.

Scott B. Smith and **Steve Sanchez** served as presenters at the Palm Beach County Bar Association Seminar, "Back to the Basics: the Nuts & Bolts of Litigating Auto Negligence and Premises Liability Cases." **Mr. Sanchez** and Paralegal **Karen Kinsley** spoke at the Palm Beach County Justice Association Paralegal Seminar on the topic of pre-suit case handling.

Paralegal **Lawrence Gordon** has been elected to the City Council of Haverhill, FL. He is the first African American to be elected in the history of the town. He has also joined the Board of Directors of Prime Time, an organization aimed at engaging children in meaningful afterschool activities. In addition, Gordon recently received the Champion Gold Medallion Award from his alma mater, Jackson State University for his contributions to the University and for sponsoring a student scholarship for the past 15 years.

Lance C. Ivey was recently featured in Florida Trend magazine after his trip to Haiti to help victims of the devastating 2010 earthquake.

Paralegal assistant **Ene Reiter** completed her Bachelor of Science in Nursing and has passed her Board exams to become an RN-BSN. File clerk **Lidia Chang** completed her Bachelor of Science in Organizational Management and has started on a Master's Degree in Counseling Psychology.



smith



fugett-mullen



zuniga



sanchez



kinsley



gordon



ivey



chang & reiter

The Law Firm of Lytal, Reiter, Smith, Ivey and Fronrath is a proud supporter of local athletic programs. The firm recently sponsored the Palm Beach County Sports Hall of Fame Induction Banquet and became the title sponsor of the Palm Beach County Treasure Coast High School Football All-Star Game.

The firm also sponsored The School Uniform Initiative, an organization dedicated to providing school uniforms to children from financially needy families.

Employees from LRSIF participated in the Susan G. Komen Foundation's Race for the Cure and Passionately Pink for the Cure, raising money for breast cancer research.



lance ivey in haiti



appeals court **reverses** own decision, **upholds** firm's \$11 million verdict

The parents of a 25-year-old chiropractic student killed in a 2004 car crash may soon be able to recover an \$11 Million verdict awarded to them three years ago.

In 2008, Joe Reiter and our team of products liability attorneys tried the case against Mitsubishi Motor Corporation. A Palm Beach County jury found Mitsubishi responsible for Scott Laliberte's death and awarded his family \$11 Million. The case centered around defects in the design of the front passenger-side seatbelt and seat back of a 2000 Mitsubishi Nativa, also known as a Montero Sport.

The 4th District Court of Appeal later threw out the verdict, claiming that trial Judge Elizabeth Maas abused her discretion when she denied Mitsubishi's request to present additional evidence in the case. After looking closer at the case, several appellate court judges reversed their own decision and reinstated the \$11 Million verdict awarded at trial.



cell phone video helps secure **\$800,000**

After a rear-end accident, our client suffered a severe back injury and underwent a two-level fusion. Although the liability was clear, the defendant's insurance carrier disputed the causation of the injuries, claiming minimal property damage to our client's vehicle.

Attorney Scott Smith obtained cell phone video taken from a witness at the accident scene. The video showed significant damage to the defendant's vehicle which helped prove that a large impact took place. Mr. Smith was able to secure an \$800,000 settlement on behalf of his client.



misdiagnosis leads to man's death

A 49-year-old husband and father is dead after doctors failed to diagnose a pulmonary embolism.

After experiencing severe pain in his chest and shortness of breath, our client's husband, a long-distance truck driver, called 911 and was taken by ambulance to the emergency room. Several days later, he went to an urgent care center complaining again of chest pain. There, he was diagnosed with costochondritis (an inflammation of the rib cage) and again sent home. A few days later, he died from an undiagnosed and untreated pulmonary embolism. He left behind a wife and two special needs children that were dependent on his love and support.



Attorney Darla Keen represented his family in a medical malpractice claim. She argued that the doctors should not have sent him home before ruling out the three deadly causes of chest pain.

1. Heart attack
2. Pulmonary embolus
3. Aortic dissection

In this case, doctors ruled out a heart attack but stopped there, despite the fact that commercial truck drivers have an increased risk for developing a pulmonary embolism. Ms. Keen settled the case confidentially on behalf of the family.



find us on facebook

The Law Firm of Lytal, Reiter, Smith, Ivey & Fronrath is on Facebook. Please "like" our page to receive the latest updates on the firm as well as important safety recall information. www.facebook.com/foryourrights

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Partners



Lake Lytal, Jr.

University of Florida College of Law | **Florida Bar Board Certified Civil Trial Attorney** | AV Rated by Martindale Hubbell | **Best Lawyers in America** | Florida Super Lawyers | **Former President, Florida Justice Association** | Florida Justice Association – Perry Nichols Award and Al J. Cone Lifetime Achievement Award



Joseph J. Reiter

Stetson University College of Law | **Florida Bar Board Certified Civil Trial Attorney** | AV Rated by Martindale Hubbell | **Best Lawyers in America** | Florida Super Lawyers | **Former President, Florida Bar Association** | Former President, United Way of Palm Beach County



Lake "Trey" Lytal, III

Stetson University College of Law | **Florida Bar Board Certified Civil Trial Attorney** | AV Rated by Martindale Hubbell | **Best Lawyers in America** | Florida Super Lawyers | **Board of Directors, Florida Justice Association** | Board of Directors, United Way of Palm Beach County



Scott B. Smith

Florida State University College of Law | **Florida Bar Board Certified Civil Trial Attorney** | AV Rated by Martindale Hubbell | **Top 100 Trial Lawyers in Florida, American Trial Lawyers Association** | Florida Super Lawyers Rising Star | **Secretary, Palm Beach County Justice Association** | Board of Directors, March of Dimes, Palm Beach Division



Kevin C. Smith

University of Florida College of Law | **Florida Bar Board Certified Civil Trial Attorney** | AV Rated by Martindale Hubbell | **Best Lawyers in America** | Florida Super Lawyers | **Million Dollar Advocates Forum**



Lance C. Ivey

St. Thomas University School of Law | **Florida Bar Board Certified Civil Trial Attorney** | AV Rated by Martindale Hubbell | **Million Dollar Advocates Forum** | Corporal, United States Army, Paratrooper, 1983-1987



Todd Fronrath

University of Florida College of Law | **Million Dollar Advocates Forum** | Numerous Multi-Million Dollar Verdicts & Settlements



William S. Williams

Stetson University College of Law | **Florida Bar Board Certified Civil Trial Attorney** | AV Rated by Martindale Hubbell | **Florida Super Lawyers** | South Florida Legal Guide Top Lawyers | **Presidential Recognition Award for Leadership, University of Florida** | Charter Member, Delray Beach Historical Society

We've combined our extensive experience and resources to provide aggressive representation for the injured. With a history dating back more than 40 years, our attorneys and staff have diverse backgrounds and a wide range of skills. Just a few of our most notable accomplishments are highlighted below. To see complete biographies, please visit our website at www.foryourrights.com.

We are pleased to welcome Attorneys **Margaret M. Bichler & Matthew E. Haynes**



Margaret M. Bichler

Margaret M. Bichler works as Lytal, Reiter, Smith, Ivey, and Fronrath's Appellate and Trial Support attorney, conducting research on complex legal issues before and during trial and arguing appeals whenever necessary.

After graduating magna cum laude from the Harriet L. Wilkes Honors College of Florida Atlantic University, Ms. Bichler obtained her law degree from Boston College Law School.

From 2008 until 2011, Ms. Bichler served as senior staff attorney to the Honorable Mark E. Polen of the Fourth District Court of Appeal where she became well-versed in all aspects of appellate practice, engaged in extensive legal research on a variety of legal issues and worked on numerous complex civil appeals.



Matthew E. Haynes

Matthew E. Haynes has developed a state-wide reputation as a successful trial attorney. He is Board Certified by the Florida Bar in Civil Trial Litigation and has tried numerous cases involving wrongful death; automobile negligence; premises liability; negligent security; uninsured motorist coverage; employment discrimination; civil RICO violations; First Amendment violations; "whistle-blower" violations; and, breaches of fiduciary duty. Prior to joining our firm, he was also

frequently retained as co-counsel by firms throughout Florida to assist them in presenting cases to juries.

In addition to his active litigation practice, Mr. Haynes has been retained to testify as an expert witness in the field of bad faith litigation and attorneys' fees. He is also a frequent lecturer on the topic of trial practice.

Mr. Haynes is a graduate of Florida State University and Stetson University College of Law.

Associates



Marci Fuentes Ball

University of Florida, College of Law | **AV Rated by Martindale Hubbell** | Medical Malpractice Defense Experience



Jorge L. Maxion

University of Miami School of Law | **17 years Insurance Defense Litigator & Adjuster** | Fluent in Spanish



Margaret M. Bichler

Boston College Law School | **Appellate Attorney**
Former Senior Staff Attorney at 4th DCA



Farrah Fugett-Mullen

Nova Southeastern University Law School | **Insurance Defense Experience** | Board of Directors, Palm Beach County Justice Association



Matthew E. Haynes

Stetson University College of Law | **Florida Bar Board Certified Civil Trial Attorney** | Top Lawyers, Legends Society.com



Shannon Albertz Perez

Nova Southeastern University Law School | **Former Assistant State Attorney** | Florida Justice Association Young Lawyers Board of Directors



Darla L. Keen

University of Kentucky College of Law | **Medical Malpractice Defense Experience**



Daniel Zuniga

Hofstra University School of Law | **Insurance Defense Experience** | President of the Palm Beach County Hispanic Bar Association

Paralegals

Robert Bradshaw

Former Insurance Adjuster | Florida Bar Registered Paralegal

Vicki Brown

Former Insurance Adjuster | Florida Bar Registered Paralegal

Marlene W. Clarke

Has Defense Experience | Florida Bar Registered Paralegal

Lawrence Gordon

First Paralegal Representative of the Palm Beach County Justice Association Board of Directors | Florida Bar Registered Paralegal

W. James Keeley

Former Chief of Police & Railway Accident Investigator, Florida East Coast Railway | Inner Circle of Investigators | Florida Bar Registered Paralegal

Karen Kinsley

Has Defense Experience | Florida Bar Registered Paralegal

Teresa Krellner

Joined firm when established in 1985 | Florida Bar Registered Paralegal

Steven Sanchez

Former Insurance Adjuster | Paralegal Board Member, Palm Beach County | Hispanic Bar

Association | Florida Bar Registered Paralegal

James E. Williams

Joined firm when established in 1985 | Inner Circle of Investigators | Florida Bar Registered Paralegal

Nurse Paralegals

Patty Lewis

Registered Nurse | Former Administrative Clinical Nursing Supervisor, Jupiter Medical Center | Florida Bar Registered Paralegal

Cynthia Mazzuto

Registered Nurse | Former Critical Care Coordinator, University of Pennsylvania Hospital | Florida Bar Registered Paralegal

Chief Investigator

Marty Kerner

Former Deputy Chief of Police



\$1.5 million settlement for wrong-way collision

While driving in broad daylight our client never expected to see a truck driving straight toward him. But that is exactly what happened to him as he was traveling on a major highway near South Bay, Florida.

The defendant was driving in the wrong direction on US Highway 27 in a vehicle owned by an automotive parts company. Despite his attempt to avoid the collision, our seat-belted client was hit on the front and side of his vehicle. He suffered severe injuries to his back and knees and underwent knee surgery.

Prior to the accident, our client had a physically demanding job in the construction industry. At 38 years old, he can no longer work to support his wife and children. Attorney William S. Williams settled the case for \$1.5 Million.



courthouse employee injured by drunk driver

A bailiff at the Palm Beach County courthouse that has seen hundreds of attorneys fighting for their client's rights against insurance companies hired Trey Lytal to represent him when he was hit by a drunk driver.

Our client was stopped at a traffic light when the defendant driver made an extremely wide turn, jumped over the median and crashed into the driver's side of his vehicle. After the accident, the defendant tried to flee the scene but was followed by several witnesses. He was later arrested for driving under the influence and leaving the scene of a crash with injuries.

Our client was rushed to the emergency room with serious neck and back injuries. He endured numerous epidural injections to treat his pain, underwent cervical spine surgery and will likely need additional surgery in the future.

As a result of the accident, our client incurred substantial medical bills and is no longer able to enjoy his previously active lifestyle. Trey Lytal settled the case for \$800,000.

teenager loses arm on family vacation

While vacationing from New York, our client, an 18-year-old college student, decided to visit a West Palm Beach water park for a day of fun with her family. On the way there, the family's trip took a tragic turn. The vehicle suffered a tire tread separation and overturned on Interstate 95. As a result of the accident, our client suffered serious injuries and had to have her arm amputated.

After an investigation by Lytal, Reiter, Smith, Ivey and Fronrath's team of experts, Attorney Lance C. Ivey determined a defective tire was to blame for the accident and represented the young woman in a products liability case against the tire manufacturer. The case settled for a confidential amount.



nearly \$14 million verdict in class action citrus canker case

A Palm Beach County Circuit Court jury has decided the Florida Department of Agriculture must pay nearly \$14 million to Palm Beach County homeowners as a result of the Department's destruction of more than 66,000 healthy residential citrus trees under the failed Citrus Canker Eradication Program (CCEP).

In a non-jury trial in 2007, Palm Beach County Circuit Court Judge Robin Rosenberg ruled that the Florida Department of Agriculture's destruction of more than 66,000 residential citrus trees in Palm Beach County constituted a taking, requiring the State to pay full and just compensation to the Palm Beach County homeowners whose trees were destroyed. In the damages portion of the trial, which took place in March 2011, a jury determined the worth of the trees at \$210 per tree which amounts to nearly \$14 million total including interest. In a nearly identical case in Broward County in 2008, a jury awarded Broward County homeowners \$11.5 million for the destruction of 133,000 citrus trees.

Attorney William S. Williams is one of several attorneys representing the homeowners in this case and similar cases around the State of Florida.



we **invite** you
to become
our next
referral partner



Our team of attorneys is proud to have achieved some of the largest personal injury and wrongful death verdicts and settlements throughout Florida and the United States. In the past five years alone, we've paid more than \$30 Million in referral fees. We truly appreciate the trust our referral partners place in us and refer cases to attorneys who send us business. We accept referrals in the following practice areas.

Auto Accidents

Our firm is known for handling highly complex cases and has recovered some of the largest verdicts and settlements around the State of Florida. While we have a reputation for handling large, complicated cases, we also continue to help thousands of accident victims with less catastrophic injuries. In addition to auto cases, we also handle boating, railroad and aviation accidents.



Trucking Accidents

We have extensive experience handling serious and catastrophic truck, tractor-trailer and commercial motor vehicle accidents. Our attorneys not only understand the many differences between pursuing a truck accident case versus an auto accident case, but also have proven time and time again that our knowledge of the laws regulating the trucking industry have been invaluable to the firm's past and current clients.



Defective Products

Our firm has achieved some of the most significant products liability verdicts in the country and strives to hold corporations responsible for their actions in hopes of preventing future product safety concerns. We have successfully litigated against hundreds of nationally known manufacturers in cases involving defects in vehicle tires, airbags, seatbelts, child seats, furniture, gas grills, medical devices, dangerous drugs and many others. Our firm is also equipped with our own evidence and inspection facility to ensure the evidence in our cases is properly preserved.



Medical Malpractice

Despite caps on damages and other legal obstacles, we are proud to be one of a few firms in the state of Florida continuing to fight for patients' rights in medical malpractice cases. We have a team of attorneys and in-house nurse consultants who specialize in handling medical negligence. We also hire some of the best medical experts in the country to serve as expert witnesses. Our firm has the experience as well as the financial resources necessary to go up against hospitals and major insurance companies.

Nursing Home Negligence

Our firm has successfully resolved hundreds of nursing home negligence cases. Our attorneys understand the sensitivity of these cases and represent those who have been injured from falls, neglect, malnutrition, bedsores, medication errors and physical and verbal abuse. We know the standards that should be in place in nursing homes and strive to hold facilities and staff accountable for their actions.



Premises Liability

Our premises liability attorneys work with top architects, engineers and property management experts to identify and prove fault against the owners of both commercial and private property. We represent clients in several areas of premises liability including slip and fall injuries, dog bites and negligent security. Our attorneys have experience overcoming issues of ownership, responsibility, and causation that can arise during premises liability claims and have the skills necessary to obtain substantial compensation for our clients.



Appellate

Margaret M. Bichler is the firm's appellate attorney. In addition to arguing appeals, Margaret has the advantage of working on a client's case from the beginning. She conducts complex legal research and works with our trial attorneys to ensure the litigation is handled proactively. In her Florida Torts Weekly e-mail, Margaret keeps our referral sources up-to-date on the latest decisions from Florida's appellate courts and Supreme Court. Margaret is also available to share her knowledge of appellate law with clients and attorneys outside the firm who wish to retain her.

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BECOME OUR NEXT REFERRAL PARTNER



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www.foryourrights.com



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recent cases

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auto accidents

\$1.5 Million Settlement

Auto Accident/
Knee Surgery
Palm Beach County
William S. Williams

\$800,000 Settlement

Auto Accident/
Neck Surgery
Palm Beach County
Lake Lytal, III

\$800,000 Settlement

Auto Accident/
Back Surgery
Palm Beach County
Scott B. Smith

\$800,000 Settlement

Auto Accident/
Back Surgery
Palm Beach County
Lake Lytal, III

\$750,000 Settlement

Auto Accident/DUI/
Back Surgery
Collier County
Todd Fronrath

\$587,000 Settlement

Auto Accident/DUI/
Neck Surgery
Palm Beach County
Scott B. Smith

\$373,000 Verdict

Auto Accident/
Underinsured
Motorist Claim/
Soft Tissue Injuries
Palm Beach County
Scott B. Smith

\$575,000 Settlement

Auto Accident/
Neck Surgery
Palm Beach County
Darla L. Keen

\$500,000 Settlement

Auto Accident/
Wrongful Death
Martin County
Farrah Fugett-Mullen

product liability

Confidential Settlement

Tire Failure/Rollover/
Arm Amputation
Palm Beach County
Lance C. Ivey

Confidential Settlement

Tire Failure/Rollover/
Quadriplegic
Palm Beach County
Lance C. Ivey

Confidential Settlement

Tire Failure/Rollover/
Back Surgery/Broken Leg
Palm Beach County
Lance C. Ivey

Confidential Settlement

Tire Failure/Rollover/
Wrongful Death
Palm Beach County
Lance C. Ivey

medical malpractice

\$1.8 Million Settlement

Failure to Diagnose
Palm Beach County
Kevin C. Smith

Confidential Settlements

2 Radiation Burn Cases
Broward County
Kevin C. Smith & Darla L. Keen

Confidential Settlement

Hospital Acquired
Decubitus Ulcer
Palm Beach County
Darla L. Keen

Confidential Settlement

Failure to Diagnose
Pulmonary Embolism
Florida
Darla L. Keen & Lance C. Ivey

class action

\$14 Million Verdict

Citrus Canker
Palm Beach County
William S. Williams

other

\$975,000 Settlement

Work-Related Accident/
Back Surgery
Broward County
Lance C. Ivey

\$585,000 Settlement

Forklift Accident/
Foot Fracture
Charlotte County
Kevin C. Smith



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