

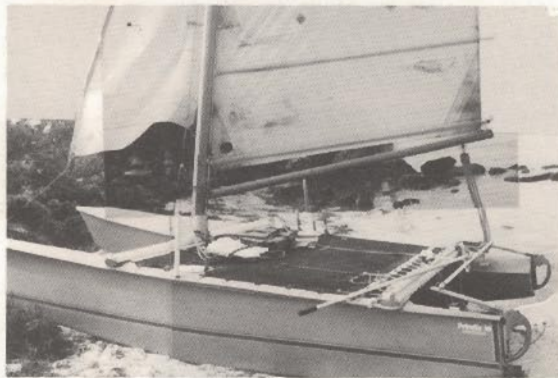
Favorable Verdict In Tampa Despite Bad Law

**(CLIENT POLACKWICH AWARDED
5.6 MILLION DOLLARS AGAINST FP&L)**

Earlier this year, Chris Searcy and John Shipley of our law firm successfully tried a six week case in Tampa against Florida Power and Light. During the trial, the lawyers proved that FP&L had strung its power lines dangerously close to the water's surface in an area adjacent to the Gulf of Mexico. Dr. Bob Polackwich and his stepson, Jonathan Richards, were caught by the wind and currents and their rented catamaran was blown into these lines. They died as a result of their electrocution injuries.

The wife and mother, Mrs. Polackwich, recovered 5.6 million dollars in economic damages, but, due to a quirk in maritime law, no damages were allowed for the widow for the mental anguish of losing her husband and son. In addition, no damages were allowed for mental anguish for the children of Dr. Polackwich. BUT had this case occurred as a result of an incident on land, all of the non-economic damages (i.e.; mental anguish; pain and suffering, etc.) would be allowed under Florida law.

Maritime law is the law of the sea which has evolved from ancient times and is based on a policy that favors shipping interests. Although the issue has not been finally settled by Florida's



Supreme Court, at least one district court of appeal has ruled that various claims including mental anguish will not be allowed in cases when loved ones die in water related incidents. In a state that is surrounded by water and in which much of the recreational activity is related to the water, the injustice of this law screams for a change. The judge's ruling to limit the damages in the Polackwich case to economic damages only is being appealed. We are hopeful that the Appellate Court will see that there is no logic or fairness in the distinction between cases that occur on the Florida sands versus those that occur in Florida waters. ■