

SDSBS attorneys reconstruct accident details to prove how it happened, resulting in \$1.5 million settlement

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Lexus SUV onto an interstate highway at a speed far slower than appropriate for approaching traffic.

During litigation, Mr. Kennedy and the engineering experts hired by SDSBS secured important evidence proving how the accident occurred. By downloading the “black box” computer data from the tractor and the Lexus SUV, Mr. Kennedy was able to reconstruct the accident knowing the relative speeds of the vehicles and the change in velocity after impact. Comparing the “black box” data to the physical evidence at the accident scene was critical and proved how the accident occurred. This evidence showed that the Clark SUV was not stopped prior to the impact, and that the tractor was traveling at maximum acceleration with the cruise control engaged before it crashed into the rear of the Clark SUV.

The plaintiff requested a trial by jury on all issues. Prior to trial, the parties reached a settlement for \$1.5 million. Maynard Clark is still working toward his recovery and making every effort to regain his active life and good spirit. ♦

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SDSBS receives award for commitment to diversity at all levels in the firm

The Palm Beach County Bar Association has presented **Searcy Denney Scarola Barnhart & Shipley** the Honorable Edward Rodgers Diversity Award. The award recognizes individuals and law firms that demonstrate a consistent pattern of commitment to diversity at all levels of the firm; foster an inclusive and equitable work environment; and promote and facilitate education, community outreach, and social engagement with and between people of various ethnic or religious backgrounds, gender, socioeconomic status, sexual orientation, and/or physical and mental capabilities. Law firms and individuals that attain this level of commitment ensure that persons of diverse backgrounds can enter and prosper in the legal field. Over 1,000 lawyers and judges were in attendance. ♦

Misfilled prescription causes serious damage to newborn baby

The medication was designated ‘high alert,’ requiring extreme caution

In April 2011, twins were born at a local hospital. Their mom and dad were thrilled with their beautiful, newborn girls. An examination shortly after birth revealed that one of the twins had been born with a congenital heart condition. The doctor prescribed a medication to help her heart function properly. The local pharmacy, however, misfilled the prescription, giving the newborn baby more than ten times the prescribed dosage. The incorrect medication was administered for a week, causing the baby to become violently ill. When the baby stopped breathing, the mother rushed her to the hospital where she was diagnosed with toxicity at a lethal level, a direct result of the misfilled prescription. The baby’s intestines had become twisted and it was necessary to surgically remove 75% of her small intestines. She was in the hospital’s intensive care unit for almost two weeks.

The medication prescribed for the baby was designated a “high alert medication,” meaning that pharmacies must use extreme caution when filling a prescription because of its potential to cause serious and deadly problems, especially for newborn infants. As a result of the misfilled prescription, the baby suffers a short bowel syndrome and is very weak in her legs, neck, and torso. The damage caused by the error has resulted in the decline of the baby’s physical and mental development, substantially below the growth and development of her twin sister.

The parents sought representation by SDSBS attorneys **Chris Searcy, Karen Terry, and Matt Schwencke** to hold the pharmacy accountable for the grievous injury suffered by their daughter because of its failure to properly and safely provide the medication. Prior to filing a lawsuit, the attorneys resolved the case for a substantial amount of money. The settlement will provide care for the child for the rest of her life. ♦

