

Firm Settles Case for Nearly 20 Times the Policy Limits

Talented, straight-living teen killed in accident caused by irresponsible young driver with poor driving history

Tommy Lacayo was only 17 years old when he was killed in June of 2002 in a car accident just blocks from his home in Port St. Lucie. He was the only son of Tom and Betty Lacayo, longtime residents of Port St. Lucie, and the younger brother to his sister, Carrie Lacayo. Tommy would have graduated with honors at Port St. Lucie High School the following year. Tommylacayo.org, a website established in his honor, describes Tommy as follows:

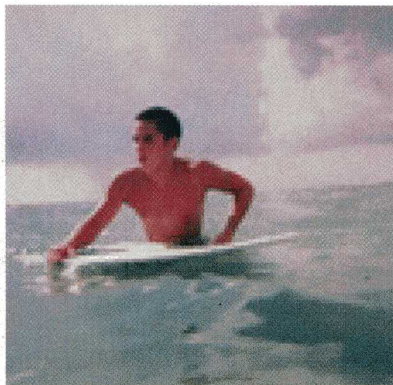
"Tommy was known by family and friends to live each day to the absolute fullest with great compassion and love. Without being judgmental of others, Tommy was Straight Edge, which means he chose a drug and alcohol free lifestyle. He had a deep passion for surfing and is remembered in the surfing community as a "soul surfer". He often commented how surfing made him feel connected to the world and God. Tommy also had a passion for writing music, particularly love songs, and enjoyed playing in his emo/punk band, "Any Day Now." He also loved running cross-country and track and would have served as Captain for both teams during his senior year at Port St. Lucie High. Tommy loved to hunt and fish with his dad. Along with local offshore fishing, Tommy and his dad took several trips together to Canada and Alaska. According to Tommy, he always caught more fish than his dad on these trips. Starting his study of the martial arts at the age of six, Tommy was a student of Uechi Ryu Karate. He earned his black belt at the young age of 15, a feat rarely accomplished in this style of karate. Tommy's

best times were undoubtedly spent in laughter and love with his family and friends and he was truly the best son, brother, cousin and friend a person could ask for."

It all came to a sudden, tragic end on June 20, 2002, when Tommy, while riding as a front seat passenger, was killed because of foolish, irresponsible driving by a teenaged driver with a poor driving history. That evening, Tommy worked at his part-time job at PetSmart, in nearby Jensen Beach, and then went to the home of another teenaged boy to give guitar lessons to some friends. Tommy had to be home by midnight, and needed a ride home. So the 18-year-old host, whose driving record was unbeknownst to Tommy, offered to give Tommy a ride home. Tommy rode in the front passenger seat, wearing his seatbelt and shoulder harness. Two other teenaged boys were seated directly behind Tommy in the backseat. Three other boys were in a second vehicle.

It had been raining that evening, and Port St. Lucie Blvd, the road on which the boys were traveling westbound, was wet. The speed limit was 45 mph. A police officer traveling in the opposite direction estimated the vehicle Tommy was riding in was traveling approximately 60 mph shortly before the crash. Although the boys denied that they were drag racing, evidence indicated otherwise. The traffic homicide investigation by the Port St. Lucie Police Department revealed that, after hitting a large puddle at the base of the south fork of the St. Lucie River bridge, the car Tommy was in crossed the median and crashed into a 1999 Toyota van. The vehicle was completely overturned on the inside lane. Tommy Lacayo was pronounced dead at the scene due to head trauma, and the rear seat passenger seated directly behind Tommy suffered minor injuries.

Insurance coverage was limited. The driver of the car in which Tommy was a passenger only had \$100,000 in liability coverage, and the other vehicle had even less insurance coverage, with only a \$25,000 policy limit. However, after demanding the policy limits, the first carrier failed to tender its limits within the demand period. So a lawsuit was promptly filed by SDSBS attorneys Lance Block and Jimmy Gustafson, both of the Tallahassee office. After Lance Block deposed the defendant driver, the case settled for a total amount of more than \$2 million, including amounts recovered from the Lacayo's underinsured motorist coverage.

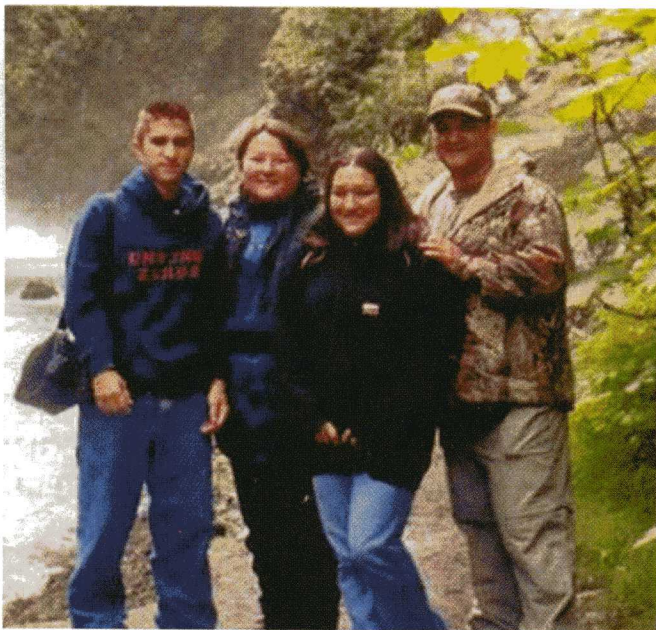


**Over
\$2 Million
Settlement:
AUTO ACCIDENT;
UNDERINSURED
MOTORIST**

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The Lacayo family wasn't alone in grieving Tommy's tragic death. The entire community rallied around the family. Hundreds of friends attended Tommy's funeral in a church that was packed with an overflow crowd. In the meantime, a roadside memorial consisting of hundreds of cards, letters, posters and flowers remained for nearly a year along the roadside and sidewalk where Tommy died. As a result of Tommy's death, his sister, Carrie, who was attending the University of Florida when her brother was killed, decided to study psychology and mental health. She is now a mental health counselor, and specializes in treating families who suffer from intense grief and bereavement.

The family and the community also established the Tommy Lacayo Memorial Scholarship Fund, a nonprofit organization funded by private donations and funds raised from various events, including an annual 5K run held every year near the date of Tommy's birthday. The Fund awards scholarships to members of the high school cross-country and track teams in St. Lucie County, and also is an advocacy group for safe driving. Over 500 runners and walkers of all ages have participated each year. This past year's event, held on December 17, 2005, raised over \$20,000. SDSBS was a proud sponsor of the event. To learn more about the foundation, go to the web at tommylacayo.org. ■



SEARCY DENNEY SCAROLA BARNHART & SHIPLEY, PA

Speaking Opportunities:



Chris Searcy

Chris Searcy spoke at the Colorado Bar Association's 2006 National CLE Conference in Snowmass, Colorado in January 2006. His topic was "Vehicular Accidents on Roadways Under Construction." ■



Greg Barnhart

Greg Barnhart spoke at the 2005 Civil Law Certification Exam by The Florida Bar held at the Tampa Marriott in February 2006. His topic was "Opening Statements and Closing Arguments." ■
Mr. Barnhart also spoke at the Academy of Florida Trial Lawyers Workhorse Seminar held at the Renaissance Orlando Resort in February 2006. He spoke on "Persuasive Points, Positions and Arguments to Debunk and Combat the Defense Arguments on Non-Economic Damages in the Plaintiff Attorney's Rebuttal Summation." ■



Earl Denney & Jack Scarola

Earl Denney and Jack Scarola participated as judges in the Association of Trial Lawyers of America's Trial Litigation Moot Court Competition held in November 2005 at the Palm Beach County Courthouse. Law students were graded on their knowledge of the facts and the law, and the way they handled themselves during their presentations. Following the competition, the judges gave the students their critiques and the benefit of their trial experience. ■



David Sales

David Sales spoke at the Attorneys Information Exchange Group Auto Focus Seminar held in Napa Valley, California, in October 2005. His topic was "Airbag Defect Trial." ■



Darryl Lewis

Darryl Lewis spoke at the Association of Trial Lawyers of America's "New Approaches to Damages" seminar held at the InterContinental Chicago in Chicago, Illinois, in October 2005. He provided a demonstration for "Damages in Opening Statements." ■



Harry Shevin

Harry Shevin was the moderator for the Palm Beach County Trial Lawyers Association seminar "Technology for the Law Office" which took place in February 2006 in West Palm Beach, Florida. Mr. Shevin serves as the Treasurer for the Palm Beach County Trial Lawyers Association, and served as the Chairman of the Seminar Committee. ■