

Leasing Company Found Liable for Young Woman's Tragedy

On June 27, 1998, Jamie Dearing and four of her friends were traveling in a 1999 GMC Suburban from Orlando to Miami, anticipating a relaxing weekend. Ms. Dearing was a back seat passenger in the vehicle. While traveling on State Road 417, with the cruise control set at approximately 75 miles per hour, the driver and front seat passenger of the Suburban attempted to change seats. In doing so, they lost control of the vehicle and slid sideways into a grassy median. The tires dug into the sand in the median and the vehicle rolled over twice, finally coming to rest back on its wheels.

Ms. Dearing, who was 27 years old at the time, was ejected from the SUV and found lying in the median, unable to move. The force of the first rollover thrust her partially through the passenger window and into the ground, causing her permanent paralysis from the chest down.

Chris Searcy and John Shipley were retained by the Dearings to handle the case. Chris Searcy believed that the "long term" lease agreement for the Suburban did not comply with Florida law. Florida Statute 324.021 requires a leasing

company to lease a vehicle for a minimum of one year in order to be insulated from responsibility for the actions of a driver operating the vehicle. The person or entity leasing the vehicle from the company must also carry minimum insurance limits.

The judge on the case granted the defendants motion for summary judgement, finding the lease did comply with the statute. However, Chris Searcy and appellate attorney Joel Eaton from the law firm of Podhurst, Orseck, Josefsberg, Eaton, et al in Miami, were able to appeal the decision. On May 26, 2000, the Fifth District Court of Appeals overturned the lower courts decision. They determined that the leasing company was in fact, vicariously liable for Ms. Dearing's injuries, caused by the drivers of the vehicle.

On May 11, 2001, a confidential settlement was reached on behalf of Ms. Dearing, which will pay for her past and future medical expenses and afford her financial comfort for the rest of her life. She also hopes to once again enjoy, in some capacity, activities such as volleyball, horseback riding, and snow sports.

Continued on page three.



The 1999 GMC after the accident.

A letter written by
Jamie Dearing's
mother, Susy.

Continued
from page two.

May 29, 2001

Dear Chris:

Last Memorial Day, Roger and I spent the day with friends at the beach. When we came home there was a message from you on our answering machine. When we returned your call, you shared with us the wonderful news about Jamie's legal suit being successful. It took a year from that time but Jamie is soon to receive a settlement that will give her life-long financial security.

I will always remember you coming into her room while she was in intensive care in Orlando. She was sleeping at the time and you just stood for a few minutes and looked at her. I believed then and have never changed my mind, that you cared about my daughter and would do what you could to help her.

You, along with John Shipley, were a lifeline for Roger and I during the most terrible time in our lives. I had experienced loss before, a brother and my mother, but Jamie's injury and subsequent paralysis, changed not only her life forever but her family's too. I love her beyond words and to see her suffer and not be able to do anything about it, is anguish beyond description.

But, thanks to your tireless efforts, Jamie now has hope for the future. The settlement will not change the fact of her disability but will enable her to have greater choices in how she wants to live her life. I will be forever grateful to you, John, and the other people in your firm, who worked so hard on my daughter's behalf. For the first time in almost three years, I feel a sense of happiness for Jamie and that is a wonderful thing.

I believe God helps us by the people He sends into our lives and you will always be proof of that for Roger, Jamie, Brennan and myself. God bless you always and know that you will forever have a special place in my heart.

With deepest gratitude,

Susy Dearing