

\$10 million verdict for injuries caused in multi-vehicle accident

Four-car pileup left plaintiff partially paralyzed in all four extremities

On July 9, 2012, 68-year-old Astley Simms was driving his pick-up truck westbound on West Broward Boulevard in Broward County, Florida. At the same time, Harry Kraft was driving a 2011 Nissan vehicle at a high rate of speed, also westbound on the same road, behind Mr. Simms and several other vehicles. Nearing the intersection of NW 69th Avenue, Mr. Kraft's vehicle rear-ended a Chevy Blazer just behind Mr. Simms, ramming the Chevy into the back of Mr. Simms' truck. The impact of that crash was so severe that it caused a four-vehicle pileup. Severely injured, disoriented, and unable to control his truck, Mr. Simms collided with another vehicle further down the road.

Mr. Simms later testified that upon initial impact, he felt pins and needles in his arms and legs, and found himself unable to lift his foot off the accelerator and unable to control the truck. When emergency personnel arrived at the scene, he was transported to Broward General Hospital where the doctors diagnosed a spinal cord injury. The injury

left him partially paralyzed in all four extremities. Due to the reckless and negligent driving by Mr. Kraft, Mr. Simms suffered severe injuries, aggravation of a pre-existing condition, pain and suffering, disability, medical expenses, and loss of earnings. Mr. Simms asked Todd Rosen of Todd Rosen Law, Miami, Florida, and SDSBS attorneys **Chris Searcy** and **Jack Scarola** to represent him.

In the personal liability action filed against Mr. Kraft, the defendant submitted a pre-trial offer of \$100,000. Defense argued that Mr. Simms' injuries were caused after he left the scene of the initial, low-impact collision, and that he negligently drove at 35 mph into a stopped van one-half mile down the road. The jury rejected the argument. Attorneys Rosen, Searcy, and Scarola pursued the case into court and in January 2014, after a two-week trial before Judge Carlos Rodriguez in the 17th Judicial Circuit in Broward County, the jury returned a compensatory award of \$10,096,567. ♦

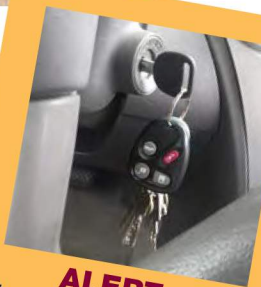
\$2.5 million awarded for death resulting from nicotine addiction

Award is the 11th verdict for SDSBS against Big Tobacco!

On March 28, 2013, a Broward County, Florida, jury returned a verdict in favor of John Sammarco, Sr., the widower of Theresa Sammarco, a lifelong Marlboro smoker who died of lung cancer as a result of being addicted to cigarettes. The jury returned a total compensatory damage award of \$2.5 million in favor of Mr. Sammarco, who lost his beloved wife of

41 years, Terry. She was just 61 years old when she died. SDSBS attorneys **Jack Scarola**, **Hardee Bass**, and **Patrick Quinlan** tried the three-week trial against Philip Morris. It marked the 11th plaintiff's verdict for SDSBS against Big Tobacco. The rejection by the defendant of a pretrial settlement offer meant that Mr. Sammarco will also be able to recover attorneys' fees and costs, expected to easily exceed \$1.5 million.

Consistent with the cigarette industry's goal of capturing young smokers in order to have "replacement smokers" lined up when smoking-related diseases killed other customers, Terry Sammarco began smoking cigarettes in 1952 when she was just 15 years old. *(Continued on page four.)*



ALERT:
We are now handling defective ignition crash cases from GM's 2.6 million car recall.
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SEARCY DENNEY SCAROLA BARNHART & SHIPLEY PA
ATTORNEYS AT LAW



... "light" or filtered cigarettes were even more dangerous for smokers ...

\$2.5 million awarded for death resulting from nicotine addiction

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Like a majority of American smokers in the 1950s, Terry switched to filtered cigarettes believing that filters would help protect her from any harmful effects of smoking. Starting at only about 3% of the cigarette market in the early 1950s, filtered cigarettes represented 80% of the market by 1970. Unfortunately for Terry and millions of other smokers, filtered cigarette smokers were, in most instances, exposing themselves to more harm than smokers of non-filtered cigarettes. They were unaware of this; Philip Morris and its co-conspirators knew of the danger, yet publicly maintained that filtered cigarettes could "keep out the bad stuff." History would repeat itself in the 1970s, when "light" cigarettes were introduced in the marketplace, boasting less tar and nicotine. However, "light" cigarettes – like filtered cigarettes – did not do what the industry claimed they did. In fact, as proven at trial in this case, the changes in the design and composition of cigarettes since the 1950s resulted in a substantial increase in adenocarcinoma, the type of lung cancer from which Terry suffered and died. Thinking she was smoking a "safer" cigarette, Terry smoked Marlboro

Lights in the 1970s, 80s and 90s. In 2014, the evidence shows that design changes in cigarettes (promoted by the industry to counter health concerns) resulted in a product that is even more dangerous than the cigarettes Terry Sammarco first began smoking in the 1950s.

Starting at age 15, Terry smoked heavily for the next 45 years of her life, managing to quit for good only after starting chemotherapy and radiation for her lung cancer in 1997. The evidence of Terry's addiction was so overwhelming that Philip Morris hardly challenged this point at trial. In fact, even defense witnesses agreed that Terry was addicted. Despite her addiction, Terry tried numerous times to quit smoking, including hypnosis, gum, the patch, and cold turkey. When Terry couldn't quit, she would become so frustrated and upset that she would cry. Terry's inability to quit smoking was no surprise to Philip Morris and its co-conspirators. As numerous, previously confidential, cigarette company documents revealed, at the same time the cigarette conspirators were publicly denying that nicotine is an addictive drug, they were internally acknowledging its powerfully addictive properties and calculating how best to take economic advantage of those properties by manipulating the nicotine levels in cigarettes to get smokers hooked and to keep them hooked.

Sadly, Terry lost her battle with lung cancer in 1998, leaving behind a family to whom she had been extraordinarily devoted. Today, over 440,000 Americans are dying each year of smoking-related diseases. And the death projections for the upcoming century continue to grow. ♦

2014 Edition of South Florida Legal Guide selects SDSBS as a Top Law Firm, and ten SDSBS attorneys as Top Lawyers

The 2014 edition of the *South Florida Legal Guide* selected SDSBS as one of their "Top Law Firms." The publication also recognized ten SDSBS attorneys as "Top Lawyers" – **Chris Searcy, Earl Denney, Jack Scarola, Greg Barnhart, John Shipley, Brian Denney, Mariano Garcia, Chris Speed, Karen Terry, and Cal Warriner**. These attorneys had also been recognized in the previous two editions of the Guide. "Top Lawyers" nominate "Top Law Firms" by annual ballots submitted to the Guide. "Top Lawyers" are selected in a peer nomination process. ♦



Chris Searcy



Earl Denney



Jack Scarola



Greg Barnhart



John Shipley



Brian Denney



Mariano Garcia



Chris Speed



Karen Terry



Cal Warriner