



Unlicensed, uninsured driver borrows car

Owner considered liable for

collision with injuries, damages

On September 27, 2019, Jerry Rodman (not his real name) was driving north on Military Trail in West Palm Beach, Florida. Unexpectedly, another driver came out of a parking lot and slammed into Mr. Rodman's car. The impact was so violent that Mr. Rodman's car was pushed over the median and into oncoming traffic. As a result of the crash, he suffered serious and permanent injuries including multiple cervical and lumbar herniations. He sought diagnoses and treatment from a local orthopedic surgeon. The physician administered injections to help control his pain, and recommended that Mr. Rodman have a C4-C7 anterior cervical discectomy, fusion, and bilateral L4-5 microdiscectomy with laminectomy.

Immediately after the crash, Mr. Rodman called SDSBS attorney **Andrea Lewis** who had represented him in an unrelated matter. Mrs. Lewis discovered that the at-fault driver had a horrendous driving record, an invalid driver's license, and no insurance. Mrs. Lewis contacted the owner of the vehicle who had loaned her car to a person that she knew or should have known was a dangerous driver. Ultimately, Mrs. Lewis was able to secure a \$475,000 settlement for Mr. Rodman without the need for a lawsuit or protracted litigation. Although Mr. Rodman will never fully recover from the traumatic experience, the settlement has provided the financial resources necessary to obtain medical care for his injuries. Today, Mr. Rodman lives a quiet life in Delray Beach and is focused on moving past the unfortunate situation. ♦

Hospital negligence results in horrific burns on newborn baby

Emma Smith (not her real name) was born a perfect little baby in December 2018. Her parents, John and Jean Smith (not their real names) welcomed Emma with open arms. They were thrilled to have a little girl.

The day after Emma's birth, a technician came into Emma's hospital room to perform a routine blood test. Emma's mother was using the bathroom when she heard her little baby crying hysterically. Jean rushed out of the bathroom fearing that something was terribly wrong. The technician had had difficulty drawing blood from Emma. The hospital had run out of heating pads, the parents later learned, so the technician had used hot water bags and hot towels, placing them on Emma's feet and thighs in an effort to get her veins to open. The bags and towels were left on the infant too long, causing second- and third- degree burns on her skin. After the incident, a doctor came to check on Emma. When the baby's clothing was removed, the doctor was shocked to see burns all over her thighs and feet. Emma had very little skin left on these areas. Both the parents and the doctor were speechless.

After questioning by hospital personnel, the technician admitted what she had done. The extensive burns caused Emma excruciating pain, and she suffered from such severe dehydration that she could not sleep, feed, urinate, or defecate for days. Admitted to the neonatal intensive care unit for treatment, she was given morphine for sedation and intravenous fluids to replace the loss of fluids from the burns on her feet. Emma had to endure painful surgical debridements. The physicians ordered steroids and strong ointments in efforts to heal her burns and provided compression stockings to wear. A pediatric surgeon who examined Emma in January 2019 noted that she had deep partial and full-thickness scald burns. He recommended fat injections and botox fillers for her damaged heels, and noted that her ankles and feet were hypopigmented. The photographs of her injuries were horrifying.

Emma remained hospitalized for months after her birth. Instead of enjoying, cuddling, and playing with their new baby, the parents were now Emma's medical caretakers. They learned how to clean her wounds and change her dressings and perform stretches on her lower body to avoid contractures or permanent tightening of the tissue. They changed Emma's compression stockings every day for the first year of her life. Emma has permanent scarring on her thighs and feet, and it is unknown if she will need skin grafts or further surgery in the future. She still suffers pain, holding her feet and crying in her crib.

John and Jean Smith contacted SDSBS attorney **Karen Terry** and asked for her assistance in holding the hospital and its personnel responsible for the terrible injuries caused by their negligence. Ms. Terry's research noted that the Florida legislature had become concerned about skyrocketing medical malpractice insurance premiums and had remedied the situation by passing Florida Statute 766 regarding medical malpractice. This statute provides a distinct advantage to defendant healthcare providers by allowing the defendants to demand binding arbitration in the pre-suit period, thereby capping a plaintiff's non-economic and economic damages. The statute prohibits a plaintiff from getting full recovery for injuries.

During the pre-suit period, the defendants admitted that they were negligent and demanded binding arbitration. In doing so, the non-economic damages were capped at \$250,000. The plaintiffs rejected the offer and Ms. Terry filed suit. Once suit was filed, the non-economic damages were capped at \$350,000. Shortly after the suit was filed, the case was settled for a confidential six-figure amount, greater than the caps allowed. With legal action behind them, her parents can now focus on Emma's recovery. ♦