

SPOHRER & DODD ATTORNEYS AT LAW

The Practice: PRODUCT LIABILITY & MOTOR VEHICLE ACCIDENTS

Unsafe Automotive & Consumer Products • Trucking & Automobile Accidents

Defective Products Cause Catastrophic Accident

A young woman from Norfolk, Virginia, was traveling I-75 enroute to Florida when the tread on her Firestone tire separated and she lost control of her Ford Explorer. The vehicle rolled several times before ending up on its side in the median. The driver's window was open, so despite being belted in, the young woman's legs were ejected and pinned under the car when it finally came to rest. She received serious injuries to both legs, and ultimately lost one to amputation.



Image from Spohrer & Dodd's "Tire Safety" video featured on our website and YouTube

Our attorneys undertook a thorough investigation of the accident and inspection of the failed tire, discovering that product defects were to blame. Attorney Steve Browning explains: "Accidents and severe injury are caused by defective products more frequently than is realized or reflected in litigation. In this case, we determined that both the tire and automobile manufacturer were liable. On the eve of trial, both defendants offered settlement commensurate with our client's injuries and needs."



Steve Browning examines airbag in Explorer

MAXIMIZING CLIENT RECOVERY

- Spohrer & Dodd has vigorously represented clients injured by unsafe products and motor vehicle accidents for over three decades. Committed to maximizing recovery for clients, our work has resulted in multi-million-dollar verdicts and settlements, changes in the law and in the way products are made.
- Senior Partner Bob Spohrer is board certified by The Florida Bar as a Civil Trial Specialist, and Senior Partner Roger Dodd is board certified by the National Board of Trial Advocacy in both Civil and Criminal practice. Mr. Spohrer and Mr. Dodd each have over 30 years of courtroom experience.
- Our attorneys have successfully handled a wide range of product liability cases involving dangerous children's toys, defective cribs, child safety seats, tires, and passenger restraint devices, roof crush, vehicle rollovers, faulty home appliances, unsafe sporting goods and recreational items, dangerous tools and industrial machinery. Spohrer & Dodd attorneys possess the experience required to obtain maximum recovery in cases against the U.S. Government, known as Federal Tort Claims.
- Our attorneys know that vehicular accidents with catastrophic injuries are often not a simple roadway collision, but instead are caused by a product defect including a failure in the design, function or crashworthiness of automotive products and components. Our firm's skill in appropriately identifying and prosecuting vehicular injuries as product liability claims has ensured that clients receive a fair and needed level of compensation even when their injuries and damages are far in excess of most automotive liability policies.
- Spohrer & Dodd is often called on by other attorneys locally and nationally to handle complex claims against consumer products manufacturers and retailers, automotive and component manufacturers, trucking companies, individual drivers and their respective insurance companies.

The cases reported in this publication resulted in over \$6 million in fees shared with co-counsel.

Automotive And Consumer Product Liability

Our Team

Robert F. Spohrer



Robert Spohrer is the President and Senior Partner of Spohrer & Dodd. He is board certified by The Florida Bar as a Specialist in both Civil Trial Law and Aviation Law.

Mr. Spohrer has handled thousands of cases involving aviation accidents, defective products, professional negligence, and insurance law, and obtained verdicts and settlements in state and federal court of more than 100 million dollars for his clients. In the U.S. Supreme Court he won a landmark ruling in a medical product liability case that overturned the defense claim of "preemption" and gave consumers the right to challenge faulty FDA-approved medical products.

Mr. Spohrer is a member of the exclusive Inner Circle of Advocates, an invitation-only organization of the top 100 trial attorneys in the country. He is listed in *Florida Trend Magazine's* "Legal Elite," in the *Best Lawyers in America*. Every year since the program's inception in 2006, he has been selected to the Florida "Super Lawyer" list -- a prestigious achievement based on peer nominations.

Jay M. Howanitz



Jay Howanitz focuses his legal practice on automotive and other defective consumer products, premises liability, workplace accidents, trucking and automobile accidents and other personal injury claims.

Mr Howanitz earned his Juris Doctorate, cum laude, from the Florida Coastal School of Law. In addition to his J.D., Mr. Howanitz holds a M.A. from McDaniel College.

Settlement Reached In Eye Injury From Counterfeit Sunglasses

Joe Pellegrino spotted the pair of Oakley sunglasses while he was in a gas station. The price of \$15 was very attractive and the glasses looked identical to the Oakley glasses sold at designer sunglass stores. As he tried them on, the difference became dramatically apparent. Part of the plastic ear-stem fractured and shot into his eye, which immediately began to bleed. It turned out that Joe had damaged his cornea in the simple act of trying on a pair of counterfeit designer sunglasses that were being sold as the real thing. He required surgery and was told that he was at risk for certain eye diseases.



Jay Howanitz speaks to the press regarding the case

Mr. Pellegrino brought his case to Jay Howanitz who began an immediate investigation into the circumstances and applicable laws. Jay learned that the gas station owner bought the glasses from a supplier who dealt in counterfeit designer products. "The copyright and trademark infringements involved in selling counterfeit products make it a crime. In this situation, the product can also be dangerous and cause serious injury," explains Jay, who filed claims for fraud, deceptive and unfair trade practices, as well as negligence against the retailer who sold our client the counterfeit Oakley sunglasses. Jay was also successful in raising a claim for punitive damages. The case concluded with a settlement that fairly compensated Mr. Pellegrino for his injuries and damages.



"Not-so-fabulous" fakes

Husband Compensated For Wife's Death By "Big Rig" Manufacturer

Tammy Tucker and her husband Steve operated a Peterbilt semi tractor-trailer. In the early morning hours, while she was at the wheel and he was asleep in the cab, Tammy encountered an unexpected patch of ice. Although she was no stranger to driving on ice, when she attempted to correct for the slide, the cab was jerked around by the interaction of the trailer. As it slid sideways, Tammy's shoulder hit the driver's door and it unexpectedly opened. She lost her balance; falling partially out of the door. Within seconds the entire rig tipped over on its left side. No longer able to hold on to the wheel, Tammy was ejected out of the truck and crushed by its weight.



Client's truck at the South Dakota accident site

Steve Tucker survived, believing what had occurred was just a horrible accident. While at the funeral service for Tammy, Steve learned that a recall notice had just come out from Peterbilt related to a faulty latch on the same door that had unexpectedly come open and thrown his wife to her death.

Steve Browning took the case, and flew out to the accident site in South Dakota to conduct a thorough investigation, which included an examination of the door on the Tucker's truck. He gathered evidence that proved that the door latch was defective. "Peterbilt took a hard line -- their product was not defective and they did what was required by sending out a recall notice. Of course it was obvious to us that companies do not send recall notices out on products that are not defective. This, coupled with the results of our investigation, demonstrated their culpability," said Steve Browning, who reached a confidential settlement with Peterbilt on behalf of Steve Tucker and his children.

"I appreciate everything Steve Browning did for us. Under the horrible circumstances, working with him and the firm was a positive experience and led to the best outcome possible."

... Steve Tucker

Dangerous Toy Causes Fire And Death Of Two Children



"Disco Light" Toy

The death of two small children in a home fire started by a defective "disco light" toy was at the center of a lawsuit handled by Attorney Steve Browning against several companies, including the distributor and retailer.

In the early morning hours, two children under eight were asleep in their room. Their newly-acquired toy, a "disco light," an electrified sphere that emits colored lights in flashing patterns, was plugged into a wall socket. The "disco light" caught fire.

Asleep in another room, their mother was unaware of the fire until she smelled smoke and carried her children outside. Unfortunately, the

children were overcome by carbon monoxide poisoning from the smoke and could not be revived.

Steve Browning comments on the cause of this tragedy: "Children are too often the victims of unthinkable things. This was a toy -- it should not have been built to get hot enough to catch fire. We investigated and found this product was manufactured in China. Clearly it did not meet the strict codes that should have been imposed on it before being shipped to retailers in the U.S. It is one more example of dangerous imported products being sold to children."

Vigorous discovery and prosecution ultimately resulted in a confidential settlement with multiple defendants on behalf of the family of the deceased children.

Truck And Automobile Accidents

Jury Awards \$4 Million For Death Of Young Woman In Trucking Accident

A young life was lost in a collision with a truck at a roadway construction site. 17-year-old Brooke Ladue was pulling out of a neighborhood onto a state road when an oncoming Mack truck with one headlight and a driver exceeding the speed limit crashed into her Honda. The driver had also exceeded the number of hours he was supposed to drive in a specific time period.



News broadcast features Bob Spohrer during Ladue trial

The site of the accident was at an intersection that was part of a road widening project. The intersection was cluttered with construction barrels and debris and a 10-foot mound of crushed rock that made it impossible for Brooke to see the oncoming truck. Despite these facts, the official investigation concluded that Brooke was at fault in the accident.

Brooke's parents, Ted and Carolyn Ladue, brought their case to our firm, asking us to help vindicate Brooke for the accident and to help bring related public safety issues to light. Attorneys Bob Spohrer and Steve Browning investigated the accident and discovered negligence and liability with two defendants – the truck driver's company and the roadway construction company. The case concluded with a jury award of \$4 million.

\$2.3 Million Recovered For Traumatic Brain Injury Caused By Negligent Trucker

Our client, an award-winning obstetrical nurse, sustained a traumatic brain injury in a trucking accident after a food service delivery driver negligently turned into her path. She took evasive action to try to avoid the imminent crash but was unable to avoid striking the truck's trailer, which blocked all three lanes of the highway. The roof was sheared off her sedan as it slammed underneath the defendant's trailer, nearly decapitating her.

After spending almost a month in a coma, our client awoke to find she had suffered cognitive and personality changes. She was no longer the nurse that, months earlier, was commended for providing excellent care for the hospital's newborns. After 18 months of litigation, Attorney Barry Newman negotiated a settlement that funds an annuity that provides our client with financial assistance for life.



Client's car after truck accident

As a 30-year solo practitioner, I have been most fortunate to have associated with Bob Spohrer and his firm in a number of large and complex personal injury cases. The professionalism and responsiveness to both me, as the referring attorney, and my clients, has been uniformly of the highest caliber. Spohrer & Dodd will continue to be my personal choice and my only recommendation to my fellow attorneys in such matters.

. . . Gary A. Benson, Esq.

Traumatic Brain Injury Victim Receives \$15 M Annuity

Attorney Steve Browning settled a case on behalf of a young girl who was rendered grossly and permanently disabled when the driver of a commercial delivery van struck her family automobile at an intersection. The seven-year-old victim was seated in the back seat on the passenger side – the accident's main point of impact. She sustained life-changing traumatic brain injury.

Steve Browning aggressively prosecuted the case on behalf of this young child and her family, successfully resolving it in just over one year from the date of the accident. He explains: "The defending law firm refuted our claim of negligence and liability for months.

Thank you so much for all you have done for our family. You are all a very gifted group of attorney's and we thank you for your efforts . . ."

. . . Mother of Injured Child

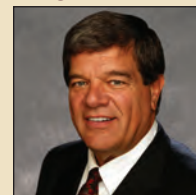
They claimed that the child's mother caused the accident while crossing the intersection. Ultimately, the facts we presented at mediation brought the case to a positive conclusion. We reached a settlement sufficient to purchase an annuity that covers all of the child's future medical and life-care needs."



Family van after accident

Our Team

Roger J. Dodd



Senior partner Roger Dodd is an internationally-known trial attorney, author, lecturer, consultant and recognized expert on cross-examination techniques. He focuses his legal practice primarily on serious or catastrophic personal injury, wrongful death, trucking accidents and medical malpractice. Mr. Dodd is Board Certified by the National Board of Trial Advocacy in both civil and criminal practice and is a member of The Florida Bar and the State Bar of Georgia.

Listed among the nation's most elite lawyers in *The Best Lawyers in America*, Mr. Dodd is co-author of the best-selling title ever published by Lexis-Nexis: *Cross-Examination: Science and Techniques*. Every year since the program's inception in 2004, he has been selected to the Georgia "Super Lawyer" list – a prestigious professional achievement recognition based on peer nominations. Mr. Dodd is a member of the American Trial Lawyers Association as one of the "Top 100 Trial Lawyers" in America, and serves on the National Advisory Board of the Association of Interstate Trucking Lawyers of America.

Barry E. Newman



Mr. Newman is a partner in the firm. He is board certified in Aviation Law by The Florida Bar and holds an AV® peer-review rating from Martindale Hubbell, the highest peer rating an attorney can achieve. Mr. Newman is admitted to practice before the Florida courts and the Federal courts for the Northern and Middle Districts of Florida. His primary focus is on Product Liability Claims, Premises Liability, and Aviation Law.

Mr. Newman is a commercially-rated pilot and received his Juris Doctorate with honors from the Florida Coastal School of Law, where he also teaches as an Adjunct Law Professor.

Federal Motor Vehicle Accident Claims

Our Team

Steven R. Browning



A partner in the firm, Steve Browning primarily represents individuals who are seriously injured as a result of dangerous or defective products, such as tire failures and other automotive defects that cause accidents and injuries. His law practice also emphasizes cases involving automobile and truck accidents, mass torts, premises liability issues, and nursing home abuse and neglect.

Mr. Browning was one of the first graduates of the University of Florida's rigorous J.D. and M.B.A. program. His background in both business and law provides the firm with unparalleled insight on litigation involving complex commercial issues.

Federal Judge Finds In Our Clients' Favor

For many years our firm has successfully handled the unique and rigorous requirements of claims in federal court against the U.S. government. This practice includes representing military dependents and retirees in medical malpractice claims against military doctors and hospitals around the world. An example of our experience in the federal tort arena is the verdict obtained by Attorney Steve Browning on behalf of Julia and Ken Terry.

Mrs. Terry received permanent neck injuries when a Secret Service Agent and government employee rear-ended her during the course of his duties. Steve Browning took the case, filed the required pre-suit notice and began to prepare the case for trial.

The government, through the U.S. Attorney's Office, vigorously defended the claim by focusing on our client's pre-existing medical condition. The defense team required Mrs. Terry to endure a battery of exams with an orthopedic surgeon, neurologist, neuropsychologist and vocational rehabilitation specialist. They also hired a biomechanical engineer to testify that the force of the collision was not sufficient to cause Mrs. Terry's injuries.

Working with Mrs Terry's treating doctors and a network of other experts, Steve gathered testimony that countered the defense's barrage of negative evidence and proved causation of the injury. He presented his case in front of U.S. District Judge Timothy Corrigan who rendered a judgment in favor of our clients. "Judge Corrigan's ruling awarding Julia and Ken Terry nearly \$500,000 was fair and commensurate with the nature of the injuries sustained," explained Steve Browning.



Federal Judge Awards Accident Victim \$2.25 Million

For 30-year-old Mike Tewkesbury, it was a life-changing day. He was in his "dream job" at Northrop Grumman Corporation in St. Augustine, working as an aircraft mechanic. While on his way to pick up his daughters at a day care center, his car was t-boned by a vehicle driven by a U.S Army Recruiter. Traveling northbound, the recruiter made a left turn at a traffic signal-controlled intersection just as Mike's vehicle, which had the right-of-way, was crossing through the intersection from the other direction. It happened so suddenly and unexpectedly that Mike had no chance to stop or avoid being hit.



Steve Browning with Mike Tewkesbury

Although his totaled vehicle had been rammed on the driver's side, he was wearing a seat belt and appeared to escape with only minor cuts and bruises. He counted himself lucky – then. By the following morning Mike Tewkesbury was in excruciating back pain.

Over the next three months Mike sought medical treatment, including physical therapy and was given "mountains" of medication, including a phen-tolol patch. He was diagnosed with muscle strain and ligament strain; an

MRI showed a bulging disc in his lower back. It was determined that he had suffered a herniated disc and a "micro-shave" was performed in that area to give him relief. His back was reconstructed with rods and screws. This procedure relieved some pressure, but ultimately a morphine pump that has to be replaced every five years was installed into his abdomen. The pain and need for frequent medical treatment forced Mike to resign from his position.

The Army Recruiter who hit Mike denied responsibility for the accident, claiming that Mike had run a red light and produced a fellow Army Officer to back up his claim. It was at this point that Mike brought his case to Steve Browning.

During his investigation, Steve discovered that the Army's internal investigation of the accident found the recruiting officer at fault for the collision. Steve learned that he had been charged \$3000 for repairs to the Army vehicle. The case was heard in a four-day bench trial by a U. S. District Court Judge. Ultimately, Federal Judge Harvey E. Schlesinger ruled in favor of Mike Tewkesbury and awarded him a total of \$2.25 million.

"Steve Browning and his associates bent over backwards for us. I was kept informed every step of the way throughout the case. I felt very confident and knew that I had totally competent representation."

. . . Mike Tewkesbury

SPOHRER & DODD

Trial Attorneys

Singular Focus on Challenging Cases

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Spohrer & Dodd Provides Co-Counsel:

- Case Evaluation
- In-House Physician & Nurse
- Network Of Experts
- In-House Pilot/Aviation Expert

The case results reported in this publication are unique to each case and are not indicative of the merits of any other case or the possible results that may be obtained.

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