

Petition

Via Fax

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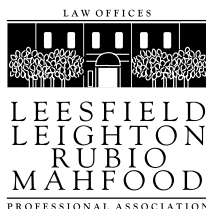
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Depositions on Foreign Soil...



Worldwide travelers are visiting the United States in record numbers. Florida is the destination for over 30 million visitors. This issue of *Petition* is dedicated to assisting trial lawyers who are handling **cases from other places.**

Trial counsel must now take depositions all over the world. LLRM Partner Ira Leesfield and Associate Tom Scolaro just completed a case from **Nottingham, England** and last week filed on behalf of an **Italian** law student who was shot and paralyzed in Florida. Partner George Mahfood just returned from **Denmark** where he was required to take numerous depositions in the case of *Hutton v. Norwegian Cruise Line*. Please see valuable travel tips and deposition procedures for foreign discovery (this page.)



Valuable Tips in Litigating Out-of-State/Foreign Cases

Travel costs can be controlled by utilizing the following web sites:

Airline Travel: www.travelweb.com

Discount Travel: www.all-travel.com

Hotel Travel: www.travelweb.com

International Services - Finding the Right Investigator-Court Reporter-Translator in a Foreign Jurisdiction

See: www.lawinfo.com/biz/privateinv.html

Court Reporters: Court Reported Net.com
<http://showcase.netins.net/web/crn/>
phone: (888) 303-3376 for world wide service

American Translating Services:
www.am-translating.com/index2.html

American Embassies: <http://travel.state.gov>



Procedure for Taking Depositions Out of State and in Foreign Countries

Federal Rule of Civil Procedure 28(b) provides four options in which to proceed to take a deposition in a foreign country. They may be taken **(1)** pursuant to any applicable treaty or convention, **(2)** pursuant to a letter of request, **(3)** on notice before a person authorized to administer oaths in the place where the examination is held or **(4)** before a person commissioned by the court.

The notice or commission may designate the person before whom the deposition is to be taken either by name or descriptive title.

The commission or letter of request shall be issued on application and notice and on terms that are just and appropriate. It is not necessary to show that the taking of the deposition in any other manner is impractical or inconvenient in order to secure a commission or letter of request.



Ira H. Leesfield • John Elliott Leighton • Maria L. Rubio • George G. Mahfood • Robert B. Boyers
Patricia M. Kennedy • Mark A. Sylvester • Thomas Scolaro

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Cases From Other Places

Italian Law Student Left Paralyzed in Fort Lauderdale, Florida



Last month, LLRM filed a negligent security action on behalf of an **Italian** law student who was shot while visiting a secured community in Broward County, Florida. Again, depositions on foreign soil will be necessary to prove the damage portion of this case.

Partner Maria Rubio has just returned from **Costa Rica** conducting discovery in the rape of a 16 year-old at Miami International Airport. Meanwhile, George Mahfood was taking depositions in **Denmark** advancing the class action case of *Hutton v. Norwegian Cruise Line Limited*. In recent years, members of our firm have traveled to **Germany, France, Spain, Israel, Japan** and throughout **Central** and **South America** to obtain discovery on behalf of visitors injured in the United States.

Indianapolis Family Received \$3 Million Award

In this very hard fought negligent security case, Partner John Leighton brought financial security to our client's family, providing medical care and replaced earnings for this young paraplegic who was shot at a local bank.



Meanwhile, in **Nottingham, England**, Elaine Roots obtained a **\$500,000 settlement** through the efforts of Ira Leesfield and Tom Scolaro for extensive upper arm injuries. Elaine and her family were visiting Florida from the United Kingdom. Her husband, who was driving a Dollar Rent-A-Car vehicle, turned the wrong way, resulting in a

head-on collision and Elaine's injuries. *Roots v. Dollar Rent-A-Car Systems, Inc.*, Case No. 99-CA-5346-D, Manatee County, FL.

Previously, Claire Morbey, also from **England**, received an **\$800,000 settlement award** through special efforts of LLRM Senior Litigator, Patricia Kennedy.

Also in September, the Garson family of **New York** received a **\$325,000 settlement award** at mediation for the loss of Pearl Garson, age 77. Mrs. Garson was struck by a privately owned bus in Broward County, Florida. Partners Robert Boyers and Ira Leesfield were instrumental in obtaining financial security for Lee Garson, an adult child who, for medical reasons, was totally dependent upon his mother.

In **Houston, Texas**, Partner John Leighton teamed up with ATLA Section Chair Steven Laird to recover an **\$880,000 settlement award** in a medical negligence case on behalf of the decedent's family. *Estate of Jane Doe v. ABC Hospital*.

Partner George Mahfood continues to litigate in Miami-Dade County on behalf of the **Michigan** family of Jill Piotrowski who drowned during a cruise related scuba diving event sponsored and organized by Royal Caribbean Cruise Lines. The case has been set for mediation under the Federal Death on the High Seas Act ("DOHSA").

Miami-Dade County is required venue for many cruise lines. Note: Passenger tickets of many cruise lines require action be brought in Miami-Dade County, Florida within **one year**.

As we go to press, Mark Sylvester and Ira Leesfield have filed suit on behalf of the Anderson/Unger families who live in Soddy Daisy, **Tennessee**. Charles Anderson and William Unger were killed in a tractor trailer head-on collision in Gainesville, Florida. Our firm is joined by ATLA Governor Ronald Berke from Chattanooga in pursuing this action in Alachua County, Florida.

Last year, Partner George Mahfood joined by ATLA's stalwart John Day, from Nashville, Tennessee, obtained a **\$32 million settlement** in a consumer class action filed in **Memphis**.

A **Marathon** widow recovered a **\$975,000 settlement award** for the wrongful death of her 50 year-old husband. Partner Robert Boyers completed this case on November 4, 2000.

The above results are representative of some recent filings on behalf of out-of-state/out-of-country plaintiffs by LLRM. For additional information on litigating abroad, please contact us at Leesfield@aol.com or 1-800-836-6400.

Key West Happenings!

A capacity crowd filled Mangoe's Restaurant for the Class Action Seminar conducted by LLRM and the Monroe County Bar Association on November 9th in Key West. The lecture discussed the ethical considerations of consumer class action litigation. Later that evening, our firm hosted its annual reception at its Key West offices honoring the Monroe County Bar Association. Patricia Kennedy noted "there was not a single conch fritter left." For a copy of the Class Action lecture, please contact George Mahfood at Leesfield@aol.com or 1-800-836-6400.

