

Petition

Via Fax

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Topical "Tropical" Torts

Florida welcomes over 30 million visitors a year, who, along with our resident clients, deserve meaningful protection against unwarranted injuries. This issue of *Petition* highlights a few of the "tropical" case results we hope have served to improve the safety and enjoyment of visitors and Floridians alike.

Visiting Crime Victim Awarded \$3.25 Million

Our firm was privileged to represent a 25 year-old man who was shot and severely injured as a result of negligent security, lighting and equipment at an apartment building parking lot. The perpetrators were never apprehended. Our settlement will assist this paraplegic plaintiff in rebuilding his life. Doe vs. Anonymous Corp. A leading Florida case on inadequate security is *Wal-Mart Stores, Inc. vs. McDonald*, 687 So.2d 1304 (Fla 1996)

Spa Injuries

Our Miami-Dade County client received severe internal injuries from a malfunctioning suction jet in a lap pool located at a local spa. Defendant failed to monitor, calibrate and maintain the pool's circulation system.

Her **\$850,000** settlement joins a **multi-million** dollar confidential settlement in the Florida Keys on behalf of a brain damaged child whose mother suffered thermal exposure from a malfunctioning hot tub during her pregnancy.



Florida Rental Car Liability: Key Cases Florida Statutes §324.021(9)(b)2

Florida Consumer Action Network v. Bush,
Case No. 99-6689, Second Judicial Circuit

Trial court struck down tort reform act including rental car liability caps as act violated Florida's single subject rule.

Susco Car Rental System of Florida v. Leonard,
112 So.2d 832 (Fla. 1959)

Vicarious liability of rental car company for negligent acts of those renter permits to drive car, despite contract where renter certified no one else would drive.

Roth v. Old Republic Insurance Company,
269 So.2d (Fla. 1972)

Rental car company's insurance, which covered renter, also covers for negligence of driver permitted to use car by renter despite contract between company and renter to the contrary.

Dockery v. Enterprise Rent-A-Car Company,
796 So.2d 593 (Fla. 4th DCA 2001)

Injured pedestrian not required to prove car rental company consented to driver's operation of rented vehicle when driver not listed on rental agreement. Rental company has non-delegable obligation to



United Kingdom to Magic Kingdom - Rental Car Liability

Our clients arrived from the United Kingdom to visit **Central Florida**, only to have their vacations and lives interrupted by the negligence of rental car operators. Verdicts and awards in the amount of **\$800,000** on behalf of Claire Morbey and **\$500,000** on behalf of Elaine Roots partially represent the importance of careful background checks before renting to unqualified drivers. Further south in the **Florida Keys**, Budget Rent-A-Car paid our client, the Rahn family, **\$975,000** for the wrongful death of a beloved husband. (See Page 1 for leading cases.)

Cases from the Caribbean

Our **Florida** practice in the Caribbean basin has protected the financial future of traveling families injured in Florida or in foreign ports. In Puerto Rico, we recovered **\$8 million** for the Rivas/Padilla families when their single engine tourist plane crashed, resulting in major injuries. Previously, in the Dominican Republic, a gas explosion took the life of Regina Schulz, and severely burned her husband. The Schulz's confidential recovery in a Miami-Dade County courtroom was made possible by overcoming defendant's forum non conveniens arguments. (See box below.)

FLORIDA FORUM NON CONVENIENS

Fla.R.Civ.P. 1.061 – Choice of Forum

Owens-Corning Fiberglass Corp. v. Ballard,
739 So.2d 603 (Fla. 4th DCA 1998)

Sanwa Bank, Ltd. v. Kato,
734 So.2d 557 (Fla. 5th DCA 1999)

Woods v. Nova Companies Belize Ltd.,
739 So.2d 617 (Fla. 4th DCA 1999)

Kinney System, Inc. v. Continental Insurance Company, 674 So.2d 86 (Fla 1996)

Key West Office Tops \$10 Million

No survey of "Tropical Torts" would be complete without including the work of our Key West office. Recoveries in excess of **\$10 million**, including a **\$3 million** federal verdict for the drowned family of Ivan Grayson, joined by recoveries of nursing home

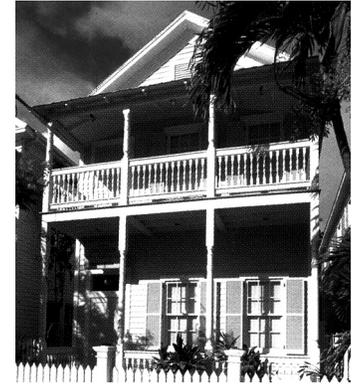
victims Johnson v. Key West Convalescent Center - **\$1 million** - and a myriad of tourist related injuries, including a crash of a Bellanca stunt single engine plane, resulting in an **\$800,000** for the Walker family.

Key West Happenings

Leesfield Leighton Rubio Mahfood & Boyers will host a reception for the **Academy of Florida Trial Lawyers Board** Retreat on November 14th. Board members . . . get ready for the Sunset Cruise, cocktails and island food at our Key West home.

The firm will also present its **Fifth Annual Conch Fritters and Case Evaluation Luncheon Seminar** at Mangoes Restaurant in Key West on November 15th. Monroe County Bar Association members, RSVP at 800-836-6400 or info@Leesfield.com. CLE credit available.

We are again honored to support the **Key West Summer Baseball Program**, its young players and their coaches.



Key West Office



For more information about our firm's practice, and community work, and valuable research tools, please visit us at **www.Leesfield.com**.