



LEOPOLD & KUVIN^{PA}
CONSUMER JUSTICE ATTORNEYS

2010 PROFILES IN JUSTICE

DEDICATED TO FIGHTING INJUSTICE

The Consumer Justice attorneys at Leopold-Kuvin, P.A. have over 100 years of combined legal experience dedicated to fighting injustice. Our attorneys have earned a national reputation for helping clients access the civil justice system and stand as equals against the most powerful corporations. In 2010 Leopold-Kuvin continued our tradition of working tirelessly on behalf of clients who had fallen victim to the negligence of individuals, insurance companies and corporations. The Profiles reveal cases where we successfully achieved justice for our clients in Products Liability, Medical Malpractice, Managed Care Abuses, Premises Liability and Class Action cases.

WE CO-COUNSEL CASES THROUGHOUT FLORIDA AND NATIONWIDE



Theodore J. Leopold



Spencer T. Kuvin



Leslie M. Kroeger



Gregory S. Weiss



Daniel A. Thomas





BRUSCINO VS. CONFIDENTIAL DEFENDANT *MEDICAL MALPRACTICE*

Just before Labor Day weekend 2008, Dominic Bruscano, only 59 years old, was brought into a local hospital and diagnosed as suffering from a colonic obstruction. He needed surgery, but the hospital had a policy that only emergency surgeries were performed on weekends and holidays, and because Dominic's condition was not deemed to be a medical emergency, he was scheduled for surgery the following Tuesday.

In the days awaiting surgery, Dominic's condition progressively worsened, but the hospital still failed to take action. By the time he got into surgery, serious hospital protocols had been neglected, including the most fatal of all, an incorrect application of the induction sequence during anesthesia. The combination of these factors ultimately led to Dominic aspirating fecal matter during anesthesia, causing his untimely death. Carelessness by hospital staff and the anesthesiologists led to Dominic's demise, taking him from his wife, Mary, of 30 years and their 2 children.

In September 2010, Leopold-Kuvin successfully negotiated a confidential settlement.



JESSICA CARBONE VS. SANCTUARY COVE LUXURY APT.

PREMISES LIABILITY

Around 1:30 a.m. on July 1, 2007, North Palm Beach Resident Jessica Carbone awoke to the chilling sounds of someone entering her apartment in the Sanctuary Cove Apartment complex. Bobby James Broomfield III, a maintenance employee entrusted with the keys to Jessica's apartment, brutally attacked and repeatedly raped Jessica in her own apartment before taking her to a vacant apartment to continue the attack.

Broomfield was sentenced to three life sentences after a jury found him guilty of armed sexual battery, grand theft and kidnapping.

The criminal trial, however, was not able to hold all culpable parties responsible. Leopold-Kuvin proved in a civil case against Sanctuary Cove that Broomfield was hired and given full, unmonitored access to the residents' apartments without a reference check. Had it conducted such a check, Sanctuary Cove would have learned that Broomfield had been fired by his previous employer after having a violent outburst. Furthermore, Sanctuary Cove had specifically denied Jessica's request to install a keyless interior deadbolt lock on her door. Had it not been for Sanctuary Cove's reckless conduct in giving a violent man unrestricted access to her home, Jessica Carbone would not have been subjected to such a horrific ordeal.

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BRUCKER VS. LOWES HOME CENTERS

CLASS ACTION

Thousands of homeowners across the United States have been faced with the shocking reality that defective drywall caused corrosion to electrical systems in their homes. The U.S. Consumer Product Safety Commission issued a statement that the only remedy for this domestic disaster was to remove and replace the drywall and electrical wiring; an extremely costly undertaking. A class of Lowes customers who had purchased defective drywall from the home improvement superstore filed suit to recover the costs to fix their homes.

An initial settlement was offered to plaintiffs, providing a maximum of \$4,500 comprised of cash and gift cards. This was woefully inadequate for customers who were facing enormous expenses in order to properly remediate their homes. Leopold-Kuvin led a team of attorneys to amend the initial settlement and form an enhanced benefits group designed to provide sufficient support for claimants. The enhanced benefits group provides several additional million dollars of funding, and further provides up to \$100,000 in payment to claimants. Claimants also have the right to disagree with the determination of the claims administrator and work with Lowe's to come to a mutually acceptable claim amount while retaining the right to opt out of the settlement at any time.





COLE VS. FORD MOTOR CO.

PRODUCTS LIABILITY

At the young age of 22, Brian Cole was a rising star in the world of professional baseball. The New York Mets were building the team around him and predicting he had All-Star potential like baseball greats Albert Pujols and Torri Hunter.

That potential came to a tragic end on March 31, 2001 as Brian, along with his 17- year old cousin seated in the passenger seat, was driving his 2001 Ford Explorer from the Mets spring training facility in Port St. Lucie, Florida to visit their family in Mississippi. While driving on I-10, a car veered into Brian's lane and he swerved to avoid it. Due to the 2001 Ford Explorer's defective design, the vehicle rolled over and Brian was killed after he was ejected from the vehicle despite being fully seatbelted. Ford was aware that its Explorers have a history of rolling over in normal driving conditions, as well as that the seatbelts it installed in its Explorers are defective in that they might fail to restrain a fully belted occupant during one of these foreseeable rollovers.

In September 2010, a Mississippi Jury awarded \$131 million in the trial against Ford Motor Company. The jury found that the 2001 Ford Explorer was defective and Ford Motor Company was 100% at fault for Brian Cole's death. The case settled for a confidential amount just after the verdict on compensatory damages and before closing arguments on punitive damages were to take place.

Unfortunately, because there are an unknown number of Ford Explorers still on the road with these defects, this tragedy has the potential to reoccur.



WALTERS vs. THIRD PARTY ADMINISTRATOR *WORKERS' COMPENSATION/DENIAL OF CARE*

Over 25 years ago, Peter Walters suffered a catastrophic injury at work that left him paralyzed from the waist down and confined to a wheelchair for the rest of his life. Fortunately, his workers' compensation insurance began providing him with the medical treatment, equipment and services needed for his care and well-being. But in 1997, the Florida Workers' Compensation Insurance Guaranty Association took over his policy and contracted with a Third Party Administrator (TPA) to service its workers' compensation claims.

The Third Party Administrator led Peter down a destructive path of manipulation and bullying, violating several Florida statutes in its effort to deny him of the care and treatment that he had medically required for many years. Since his original injury in 1982, Peter had developed a meaningful relationship with his primary treating physician, and trusted the physician's treatment recommendations. The TPA found those prescribed treatments to be too costly, and therefore unnecessary, and subjected Peter to multiple independent medical examinations until it finally received a report that supported discontinuing Peter's prescribed course of treatment. For six years, the TPA coerced Peter, denying and interfering with his ability to receive necessary medical care and treatment, causing him to suffer additional physical injuries, as well as severe emotional distress.

In May 2010, Leopold-Kuvin successfully negotiated a confidential settlement.



MICHEL VS. GOODYEAR & AUTO MANUFACTURER *TREAD SEPARATION/TIRE AGING*

In June 2008, Don Michel was driving his family back to Tampa after a birthday party in Miami, when one of his tires suffered a tread separation. Unable to control the SUV because of its stability and handling problems, the vehicle went out of control and overturned. Don's wife Jessica, who was sitting in the backseat with their 4-week old baby, was killed in the accident. Don, a school bus driver, was left to raise three young children under the age of 6.

The tragedy that struck this young family could have been prevented had they been aware that the tires on their SUV were 7 years old and defectively manufactured. Tire aging is a significant factor in the degradation of rubber, especially in hot climates like Florida. The SUV had been serviced a couple of months before, but no warning had been given regarding the age of the tires or the danger posed thereby.

If Don had known that the vehicle's tires exceeded the industry's safety recommendations, he would have been given a chance to save his wife. His tragic story is proof positive that the age of tires and the margin of safety should be disclosed to all consumers to keep roadways safe and prevent these fatal accidents.

In November 2010, Leopold-Kuvin successfully negotiated a confidential settlement.



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