

Law Office Notes

Panter & Panter attorneys actively participate in our community to help "Put Something Back". Mitchell Panter and David Sampedro recently participated in Law Week at Palmetto Senior High School by speaking to Senior High Students about the legal profession. Discussions ranged from the Bill of Rights to School Safety and Privacy Issues in the schools. David Sampedro also spoke to several fourth grade classrooms at a local elementary school during Career Week.

Mitchell Panter recently spoke at the Dave & Mary Alper Jewish Community School to the preschool class about

"The Planet Lawless" and the need for rules and laws. He also spoke at Leewood Elementary School about the role and responsibility of lawyers.

Brett Panter and Mitchell Panter continue their active participation on the lecture tour. Recently, Brett Panter spoke at the seminar entitled "How to Successfully Make and Manage Objections at Trial in Florida." The National Business Institute sponsored this seminar. Mitchell Panter lectured at the seminar entitled "Litigation Case Management for the Florida Paralegal", sponsored by Institute for Paralegal Education.

Moffa

Continued from Page 3

may prevent the need to remove the entire breast or receive chemotherapy. We need to get the message out that more than 90 percent of breast cancer cases are successfully treated when detected early. Early

detection is what makes the difference between a breast cancer survivor and a statistic."

To learn more about breast cancer and mammography:

<http://www.nci.nih.gov>
National Cancer Institute

<http://www.fda.gov/cdrh/faclist.html>
a list of certified mammography facilities

National Cancer Institute
1-800-4-CANCER
(1-800-422-6237)

American Cancer Society
1-800-227-2345

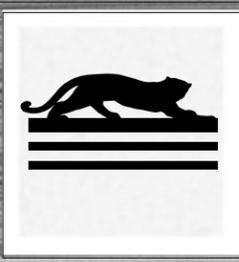
NOTE: The accounts of recent trials, verdicts and settlements contained in this Newsletter are intended to illustrate the experience of the firm in a variety of litigation areas. Each case is unique, and the results in one case do not necessarily indicate the quality or value of any other case.

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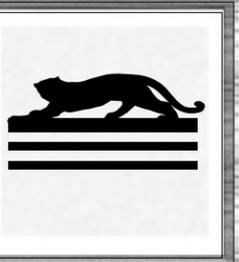
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PANTER & PANTER, A LAW FIRM DEDICATED TO PROTECTING FLORIDA'S FAMILIES* Volume VI, 1999

Settlement For \$695,000 Provides Financial Security For Elderly Clients

During the summer of 1996, Eileen Falciano went to her doctors with complaints of chest pain. Eileen Falciano was 71 years old and living with her husband, John Falciano, who was 88 years old. They lived together happily and independently

in a single family home in Lake Alfred, Florida.

Eileen had heart surgery only days after her initial complaints. The surgery was successful. Eileen Falciano received heparin which is a blood thinner, both before and after her

Continued on Page 2



Eileen Falciano

TORT Reform Will Hurt Those Most In Need

Just imagine if you were driving down I-95 on your way home and a negligent driver in a rental car suddenly and negligently loses control of the car and crashes into you causing you to become catastrophically injured.

Under the current law, established in 1920 by the Florida Supreme Court, the rental car company would be liable for the negligence of the individual who was renting their car.

The rental car company knows that the use of its automobiles on the highways in the State of Florida poses extraordinary risk and that rental car companies profit by placing their cars on the highway. They are thereby exposing all the citizens of the State of Florida to significant risk. This law and reasoning is what is referred to in legal doctrines as the Dangerous Instrumentality Doctrine.

The Florida Supreme Court

stated that it is believed to be a common opinion among many that the automobile constitutes a dangerous machine and that the operation of the motor vehicle on the public thoroughfare is necessarily hazardous.

Unfortunately, Florida's legislature prepared HB777, which will abrogate to a great extent liability of the rental car agencies based on this 80 year old doctrine known as the Dangerous Instrumentality Doctrine. HB777 which is known as Tort Reform limits the liability of rental car agencies to \$100,000.00 per person, \$300,000.00 per

Continued on Page 2



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Settlement

Continued from Page 1

surgery. After surgery her platelet count went far below the normal range and continued to go down. Platelets play an important role in blood coagulation. A hematologist consult was ordered but canceled by the cardiac surgeon defendant.

Several days after the first hematology consult was canceled, the hematologist came back and did a consult and determined that Eileen had heparin induced thrombocytopenia (platelets decreasing due

to heparin). At this time, the heparin was discontinued immediately. The heparin should have been discontinued several days earlier and probably would have avoided the catastrophic damages that Eileen suffered because of the heparin induced thrombocytopenia. Eileen had to have her left arm below the elbow amputated and one-third of her right foot and several toes on her left foot amputated.

Panter & Panter proved that these damages were the result of the late diagnosis of heparin induced thrombo-

cytopenia with thrombosis.

Panter & Panter feels strongly about representing the elderly and we were proud to represent the Falcianos. This case was settled before trial for a total of \$695,000.00 which provided the Falcianos with the level of financial security enabling them to get the type of help they needed at their home and to continue to live independently without being financially or otherwise dependent on family members or the state and local government.

TORT Reform

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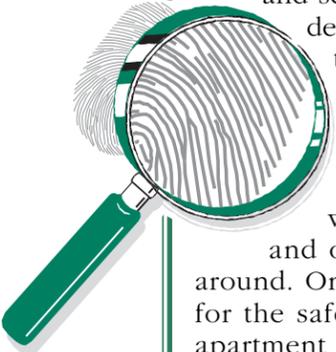
incident plus \$500,000.00 additional for economic damages if the lessee or operator has less than \$500,000.00 insurance, combined limits. Tragically this Bill was signed into

law on May 26, 1999 by Governor Bush.

This law will severely hurt the most catastrophically injured victims who are in need of compensation. Catastrophically injured patients will not be able to recover adequately from

rental car companies who profit by having their cars on the street. These victims will become wards of the State and taxpayers dollars will have to pay for their medical care and other expenses associated with their catastrophic injuries.

Negligent Security Case Settles For \$350,000.00



On Christmas Day, 1996, Jane Doe went to work out in her apartment complex gym. She felt safe and secure. Prior to deciding to rent the apartment, Jane Doe was told by the rental agent that the complex was safe, secure and one of the best around. One of the reasons for the safety was that the apartment complex allegedly performed "background checks" on potential tenants, ensuring the safety of the other tenants at the

premises.

Jane Doe was attacked and assaulted by the son of a tenant at the apartment complex, who was a convicted felon.

Management knew that the son lived in the complex, his name was on the tenant application, but not on the lease.

The defendants argued that they did more than any other complex in the area and that they could not be held accountable. Panter & Panter and Jane Doe thought otherwise.

On behalf of Jane Doe,

Panter & Panter resolved the case for \$350,000. Panter and Panter argued that the defendant failed to conduct a proper background check on the attacker.

The law in this case clearly indicates that once a responsibility was undertaken, the management company had a duty to completely and properly perform that responsibility. Jane Doe was provided with just compensation for the defendants failure to live up to their words.

\$250,000 Settlement For Negligent Supervision of Maintenance Worker

Leonelo Rodriguez was a maintenance worker for a management company which was under contract to perform all of the maintenance for Kenland Walk Property Owners' Association.

On July 9, 1996, Mr. Rodriguez was asked by the management company he worked for to change a light bulb on one of the tennis courts located on the property of the condominium association. Mr. Rodriguez asked the president of the condominium association for approval prior to

performing this task. Mr. Rodriguez climbed up an extension ladder approximately 15-20 feet and unfortunately lost his balance and fell.

Mr. Rodriguez suffered several fractures to vertebrae in his back and a laminectomy with decompression was performed. Mr. Rodriguez also herniated several discs and fractured his left elbow and wrist.

Several attorneys refused to handle Mr. Rodriguez's case due to the complex issues involving worker's compensation immunity,

comparative fault, and establishing liability. Panter & Panter filed suit based on the condominium association's failure to supervise Mr. Rodriguez appropriately and its failure to provide Mr. Rodriguez with the appropriate equipment to perform his tasks.

The case was eventually settled at mediation for \$250,000. Mr. Rodriguez's worker's compensation lien was reduced from \$170,217 to \$35,000. Mr. Rodriguez was able to use the settlement funds to provide some financial security for his future.

Terry Moffa, RN., CCRN-R...Protecting Your Health

Panter & Panter welcomed a new addition approximately two years ago, their Nurse Reviewer, Terry Moffa, R.N., CCRN-R. Prior to coming to Panter & Panter in 1997, Nurse Moffa provided patient care in intensive care units, primarily in Cardiovascular Surgical Units. She was also a member of Tampa General Hospital's "Special Staffing Team", where she worked in many different medical specialties.

When asked for ideas on how we can avoid being the victim of medical malpractice, Nurse Moffa suggested the following: "Check your physician's background, education, board certification and his/her history of malpractice claims. Ask questions about the care provided and

familiarize yourself with the medications you use and their side effects. Provide a complete and honest medical history to all care givers."

There are opportunities to decrease risks of common health problems and personal injury.

Breast cancer is the leading type of non-skin cancer in U.S. women, with 176,300 new cases projected to occur in 1999. On average, a woman's lifetime risk of developing breast cancer is about 1 in 8.

The major risk factor for breast cancer is aging, it is more likely to develop as you grow older. Some additional risk factors are: a personal history of breast cancer or a family history of a mother or sister who developed breast cancer,

particularly if they had it at an early age; and first full-term pregnancy after age 30 (or no pregnancies.)

It is estimated that approximately 43,300 women will die of breast cancer in 1999.

Screening for breast cancer includes breast self-examination, clinical (by your health care provider) breast examination, and mammography. National Cancer Institute recommends that women in their 40s or older get screening mammograms on a regular basis, every one to two years.

Nurse Moffa added, "regularly scheduled mammograms can decrease a woman's chance of dying from breast cancer. For some women, early detection

Continued on Page 4