



Working Man Gets Bionic Hand

By Brett A. Panter and David Sampedro

On December 8, 2006, Gustavo Adolfo Garcia, a Honduran worker, was catastrophically injured on a construction site when a crane came into contact with a live overhead power line. As a result, electricity ran down the cable and into Gustavo's hands because he was handling the load on the opposite end. Gustavo was rushed to Jackson Memorial Hospital where the doctors had to amputate his right arm below the elbow. This was a devastating life altering injury for Gustavo who was only 26 years old and had his whole life ahead of him. Gustavo has a common law wife in Honduras and a young child. Not only was he suffering horribly from this injury but he feared the day he would return home and his wife and child would see him as an amputee unable to provide for them.

Brett Panter and David Sampedro spent the better part of 2 1/2 years seeking justice by getting the compensation necessary for Gustavo to restore his life as best as possible. More than a year after his accident and after incurring \$100,000 in expenses to get the best experts in the country to investigate this accident some of the defendants paid \$2.1 Million to settle this case.

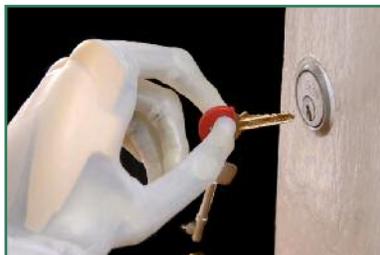
The \$2.1 Million settlement will enable Gustavo to buy a bionic arm. Touch Bionics is a leading company in prosthetic devices and manufacturer of the latest prosthetic breakthrough device – the I-limb Hand. The I-limb has 5 individualized motors for every single finger. Touch Bionics also has a silicone customized hand and, through a process called "cosmesis", Gustavo will be able to get a lifelike hand. The "cosmesis" process deals with the cosmetics of the hand and enables artists and technicians to create a hand that closely resembles Gustavo's other hand. When Gustavo finally gets his I-limb, he will be able to have a very functional hand. After he is reunited with his family in Honduras, they will see him as their father that they have always known rather than an amputee.

Brett and David aggressively pursued this case to trial. The trial proceeded against Florida Erectors, Inc. Florida Erectors was the sub-contractor who was responsible for supervision, direction and control of the crane operator and the crane at all times while the crane was on the job site.

Florida Erectors denied all liability and attempted to blame this accident on the crane operator and the crane company. It was this issue that required Brett and David to seek justice from a jury. This case went to trial on May 11, 2009 and was completed on May 22, 2009. A jury found that Florida Erectors was negligent and rendered a verdict in the amount of \$3.6 Million.

It was a hard fought trial that lasted two weeks. Brett and David presented expert testimony and witnesses which helped establish the fact that Florida Erectors was responsible for the direction, control and supervision of the crane and the jury, after hearing all evidence, agreed with them.

Brett and David's goal was and always is complete justice for all of their clients including Gustavo Garcia and his family. (Read about our trial on the opposite side.)



Touch Bionics I-limb Hand

Referrals

The personal injury law firm of Panter, Panter & Sampedro has a long history of commitment to fighting for the rights of seriously injured people. We have 6 lawyers, 16 support staff and the resources required to represent injured people against very resourceful opponents. Many of our cases, including Gustavo Garcia's, are referred to us by other lawyers. This case was referred to us by Attorney Barry Stein, a worker's compensation specialist. Our firm honors the Florida Bar rules related to referral fees. We have paid millions of dollars in referral fees to our referring lawyers. The Garcia case was an example of our commitment to justice for our clients. We were dedicated to helping Mr. Garcia get the money needed to purchase an I Limb (the best prosthetic device on the market). The I limb will restore Mr. Garcia to as normal a life as he can have with an amputation of his dominant right arm. In this case we entered into settlements with the crane company and the general contractor, but the subcontractor who was responsible for supervision of the crane company refused to accept their responsibility. Accordingly, in our relentless pursuit of justice we went to trial against Florida Erectors. We were in trial for 2 weeks and a jury rendered a verdict of 3.6 million dollars. Brett Panter and David Sampedro were the trial lawyers from the firm. Josh Wintle, the firm's associate, provided trial assistance. Panter, Panter & Sampedro welcomes referrals from other lawyers. Our promise is to give your clients our best efforts and fight for justice for each of our clients.

Panter, Panter & Sampedro, P.A.,

is located in Pinecrest at 6950 North Kendall Drive at the Panter Building, on the corner of Kendall and U.S. 1.

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TOP VERDICT

Jury awards worker \$3.6M,
finds subcontractor negligent

Daily Business Review

June 04, 2009

By: Review staff & VerdictSearch

Jury Verdicts & Settlements

Jury awards worker **\$3.6 million**, finds subcontractor negligent

Case: Gustavo A. Garcia and Jorge Mejia v. George's Crane Service Inc., Gregorio Gonzalez, RC Construction & Investments Inc., and Florida Erectors.

Case nos: 06-27692 and 06-27690

Description: Workplace negligence

Filing date: Dec. 21, 2006

Trial date: May 18-29, 2009

Verdict amount: \$3.6 million

Settlement amounts: \$2.4 million

Judges: Miami-Dade Circuit Judges Mark King Leban, who handled the settlement and trial, and Ivan Fernandez, who was originally assigned the case.

Plaintiff attorneys: Brett Panter and David Sampedro, Panter Panter & Sampedro, Miami

Defense attorneys: Francisco Angones, Angones McClure & Garcia, Miami; Arthur Cohen, Arthur Cohen P.A., Pembroke Pines

Details: Gustavo Garcia and Jorge Mejia were working as temporary employees at a Miami construction site at 2157 NW 18th Terrace, helping a crane operator as a crane lifted large concrete beams to be used on an apartment building in December 2006.

The operator allowed the cable on his crane to come in contact with an electrical line, shocking Mejia and Garcia. Mejia was knocked unconscious, had a heart attack and suffers memory loss. Garcia lost his right arm and the use of two fingers on his left hand. They sued George's Crane Service, which owned and operated the crane; RC Construction, the general contractor; Gonzalez, who owned the site at Northwest 22nd Avenue and 18th Terrace; and subcontractor Florida Erectors, which hired George's Crane.

George's Crane and RC Construction settled, and Gonzalez won summary judgment against both plaintiffs in March. Florida Erectors won summary judgment against Mejia after he pursued a worker's

compensation claim.

Garcia's claim proceeded to trial against Florida Erectors.

Plaintiff case: Panter and Sampedro argued Florida Erectors failed to properly supervise the crane's operation, failed to provide a safe working environment, failed to establish a safe system for operating the crane, failed to warn Garcia of the dangers involved, failed to hire safe subcontractors, failed to provide Garcia with adequate tools and failed to properly train its employees. The complaint included a single count against Florida Erectors for negligence.

Defense case: At the trial in May, Angones argued George's Crane as the crane operator's employer was responsible for the accident and not Florida Erectors. He had no further comment.

Outcomes: The jury deliberated for six and a half hours before finding negligence by Florida Erectors in the two-week trial. The panel returned a verdict of \$3.6 million.

Under settlements reached in March, Garcia received \$2.1 million. George's Crane paid \$1.65 million and RC Construction paid \$450,000.

Both companies paid a combined \$300,000 to Mejia.

Comments: "You can't equate any type of verdict, regardless of its size, to losing a part of your body, it's certainly not going to equate the pain and suffering and the loss that he went through," Sampedro said. "The verdict reinforces that notion that everyone at a construction site has an obligation to provide those who work there with the tools to safely complete the task that's assigned."

Post-settlement: Florida Erectors has filed a motion for a new trial. The parties also are in the process of resolving a declaratory judgment action filed by First Commercial Insurance, which insured Florida Erectors, to determine whether Florida Erectors is covered under a \$1 million liability insurance policy. The outcome of the action could affect the collectability of the award.



Brett Panter and David Sampedro

UPON REQUEST —

Opening Statements by **Mr. David Sampedro** and Closing Arguments by **Mr. Brett A. Panter** can be provided.