

## Panter, Panter & Sampedro Scholarships

The Law Firm of Panter, Panter & Sampedro, is proud to be a sponsor of several scholarships in our community. Our firm is the sponsor of the Panter, Panter & Sampedro, P.A./Pinecrest Business Association Scholarship in which a local high school student receives funds to assist with their college tuition. Applications are submitted from local high school students and selected based upon community involvement, academics and financial need. As the Past President of the Pinecrest Business Association, Mitchell Panter is working with the group to select the recipient for this annual award.

PP&S is also a sponsor of the Panter, Panter & Sampedro, P.A./South Miami Kendall Bar Association Scholarship. This award is presented to a law student in our local community that exhibits the necessary criteria including academic excellence and financial need. As the Past President of the South Miami Kendall Bar Association, Mitchell Panter is working with the group to select the recipient and to present the recipient with the annual award.



### Federal Trucking

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state and federal regulations governing commercial motor vehicles and soon learned that the employer for the driver had failed to ensure that the driver was free of any physical or organic condition that might affect his ability to operate a commercial motor vehicle. In fact, through discovery Mr. Sampedro was able to determine that the driver of the vehicle had

been issued a temporary license because of his previous medical condition. Accordingly, at the time of the accident, he was not "physically qualified" to drive a commercial motor vehicle according to state and federal laws.

Mr. Sampedro filed a Motion for Summary Judgment, which was granted. After Summary Judgment was granted, the case was settled for \$575,000.

Panter, Panter & Sampedro is accepting pharmaceutical and medical device cases including: **Levaquin (Achilles tendon ruptures), Trasylol (kidney failure), Avandia (heart attack and congestive heart failure), Medtronic leads (lead fractures), Drug Eluting Stents (heart attack).** Call us for more information: (305) 662-6178 or Toll Free: (800) 593-6178.

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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## Family Settles for \$20 Million in Benefits *Hospital Settles Claim in Extended Pre-suit*

On Monday, November 6, 2006 a beautiful young six year old girl entered the emergency room of a Florida hospital. She was triaged and admitted. Her parents explained to hospital personnel that their daughter had a medical history of asthma and previous hospitalizations at the very same hospital. During her hospitalization, she was seen by an emergency room doctor, critical care doctor, pulmonologist, ARNP nurses and other doctors and nurses.

This young girl developed complications with her airways as a result of thick mucus. She

was in the hospital for several days and woke up with labored breathing, severe anxiousness and congestion. After 3 days in the hospital she had a major mental status change. She began mumbling phrases such as "I am seeing angels in the room." After continuous problems she awoke again coughing up large amounts of mucus. The doctors and staff at the hospital attempted to suction her. Her extremities stiffened and she had a major arrest three days after she was admitted to the hospital. Unfortunately she suffered a hypoxic brain injury and remained severely

brain damaged.

Brett Panter handled this matter. With the help of experts from around the country he put together a pre-suit settlement documentary. Ultimately after an extended pre-suit, Mr. Panter obtained a settlement of **\$20 Million** in benefits which will secure the family's ability to cope with the substantial lifelong expenses of caring for a child with permanent brain damage.

Mr. Panter did not stop here, he put together a team of guardianship lawyers, investors and financial experts to help with this child's needs for her entire life.

## Industrial Tragedy Kills Husband and Father *Family Obtains a \$1 Million Settlement*

On August 1, 2005 Tragelus Labranche went to work to support his family as he had done so for his entire life. Tragelus was married to his wife for 18 years and fathered 4 children. On the day of the tragedy he reported to work as he had done for many years at the Coreslab Structures Miami, Inc. plant in Medley, Florida and was sandblasting large concrete panels at the time of his death. Tragelus was breathing air that was supplied by a large and very old air compressor. While doing his job and unbeknownst to him he began to breathe carbon monoxide which caused

his untimely death.

Panter, Panter & Sampedro, P.A. worked with the Finizio Law Firm to investigate and find out why this tragedy occurred and who was responsible.

The investigation revealed that there would be more than one theory of liability and more than one defendant.

Brett Panter reviewed the evidence and established two theories of liability. First, the Arle Company failed to maintain the compressor in an appropriate and safe manner causing a hose to rupture and set in motion the events which cost Tragelus his life.



Arle denied liability.

The second theory was that Arle sold Coreslab the wrong equipment for the type of work being done. Arle failed to provide an appropriate cut off switch in case of noxious and/or dangerous or deadly gases.

Ultimately, the oil hose broke and toxic smoke escaped and vaporized. It was this vaporized air that went through multiple lines which Tragelus Labranche used to breath and which was

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## Maintenance Company Pays a Million Dollar Settlement

### Case Goes on Against Manufacturer

Mr. Edgar Adderley, known by his friends and family as "Fiyah," was a young physically fit husband and father of 3 children. On January 9, 2004, he went to work as he usually did. Fiyah was a tree cutter with advance training as an arborist, who loved to work hard and play hard. Fiyah was working in a bucket extended from a Terex Telelect lift when suddenly and unexpectedly part of the lift connected to the truck collapsed. Fiyah's life was forever shattered when he suffered spinal injuries and became a paraplegic.



Panter, Panter & Sampedro, P.A. along with the Finizio Law Firm began an extensive investigation requiring them to travel around the country to retain experts who could explain how this incident happened and what could have been done to prevent it. At this stage of the litigation the case is still pending against Terex Telelect, their subsidiary companies and Forestry Equipment of Virginia, a company involved in the chain of distribution of the lift, and the assembly of the lift.

The settling defendant, Mark's

Automotive, Inc., maintained the lift. There were allegations that Mark's failed to maintain the lift appropriately and their negligence contributed to the horrible tragedy that the entire Adderley Family experienced on January 9, 2004 and continues to experience forever.

This partial settlement will help Fiyah finance his medical expenses and replace the complete loss of his income as result of this tragedy.

Mark's Automotive tendered their policy limits of **\$1 million**.



### Dal Singh Joins the Firm

Panter, Panter & Sampedro, P.A. is proud to announce that Dal Singh has joined the firm as an associate. Dal joins Chris Carrazana in representing various health

care providers in first party claims.

Mr. Singh was a Doctor of Chiropractic Medicine prior to going to law school. His knowledge of the medical field provides him with a unique insight into representing our clients.

### Industrial Tragedy

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the source of toxic fumes responsible for his death. After an extensive investigation and with the aid of qualified experts and discovery, the defendants agreed to settle for a total of **\$1 Million**. The Million Dollar settlement will not replace Tragelus Labranche's life, however, the settlement will help ease the financial burden caused by the absence of the main provider for this family.

## Federal Trucking Regulations Steer Settlement

On September 13, 2004, Jackie Walker was driving to work early in the morning after dropping her granddaughter off at school. While driving on the road she noticed a large truck veer out of control and come straight at her. When the police arrived, Jackie had to be rushed to Jackson Memorial Hospital Trauma Center unconscious and with horrifying orthopedic injuries. As the police investigated the accident they found that the driver of the truck had died of an apparent heart attack.

Unable to work and receiving an insurmountable amount of medical bills, Jackie contacted David Sampedro. While investigating the case Mr. Sampedro discovered that the police believed that the driver of the truck had an unfortunate heart attack moments prior to the collision which resulted in a sudden and unexpected emergency.

Mr. Sampedro investigated

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## Courtroom History

The Miami Herald recently wrote an article entitled "From Legal to Regal." This article centered around the largest courtroom in the historic Dade County Courthouse which underwent a huge restoration to bring it back to the glory of its origin in 1928.

Courtroom 6-1 has hosted some of the most famous legal proceedings in the country, including: the trial of the notorious mob boss Al Capone, the largest jury award ever obtained against big tobacco, the death sentence of a depression era would be presidential assassin, and exposure to brazen voter fraud during a mayoral election.

Mr. Brett Panter, Senior Partner of Panter, Panter & Sampedro, P.A. tried the Alamo case in this courtroom where he represented the families of 3 British sailors and obtained a \$7.7 Million verdict. The case was ultimately appealed to the Third District Court of Appeal and brought to the Florida Supreme Court. After



Photo Credit: 11th Judicial Circuit Historical Society/Historical Museum of Southern Florida

years of litigation the case was affirmed and judgment was entered against Alamo Rent-A-Car for more than \$9 Million.

Panter, Panter & Sampedro, P.A. is proud to be part of one of the most historic courtrooms in Florida. It is anticipated that Courtroom 6-1 will reopen sometime in 2008. It will be an archetypical southern courtroom usually only seen in Hollywood movies.

## Accolades And Lectures

The law firm of Panter, Panter & Sampedro, P.A. is proud to announce that Brett Alan Panter, its senior partner, has been named one of the Super Lawyers in the State of Florida. Through attorney-driven research and independent polling, Law and Politics chooses Super Lawyers in numerous states, never exceeding five percent of practicing attorneys in any one state. [www.SuperLawyers.com](http://www.SuperLawyers.com)

### Lectures

Brett Alan Panter spoke in June, 2007 for the National

Business Institute both in Miami and in Ft. Lauderdale on the topic of "Handling the Auto Injury Claim".

Brett also spoke in December, 2007 for National Business Institute on the topic of "Strategies for Finding, Preserving and Using Evidence to Support Your Case." This seminar provided seven credits to intermediate level lawyers.

For the second year in a row David Sampedro has been asked to provide his insight to South Florida trial attorneys about the nuances associated

with truck accident litigation. In addition, this coming summer he will be traveling to Philadelphia to speak at the American Justice Association Annual Meeting where he will be a featured speaker and discuss personal injury with attorneys from around the country.

Brett Panter has been recertified in Civil Trial Law by The Florida Bar, Board of Legal Specialization and Education. Mr. Panter has maintained this certification for twenty consecutive years.