

In The News...

Some of the settlements and awards our clients have received:

\$2.6 million – for lack of care in a hospital emergency room

\$2 million – to back seat passenger injured when a semi-trailer ran stop sign and rear-ended her vehicle

\$1.75 million – to victim of driver who caused accident when talking on cell phone

\$1.25 million – to victim of crash caused by truck driver who was not properly trained

\$1.2 million – to children of woman killed in 3-car crash

\$925,000 – to woman whose insurance company failed to act in her best interests after an accident

\$700,000 – to man injured by truck traveling in wrong lane

\$555,000 – for nursing home patient with bedsores and other injuries that ultimately led to his death

\$500,000 – to disabled woman injured due to ambulance company's carelessness

\$462,500 – for victim of rollover accident

\$450,000 – to a woman who lost her sense of smell after being thrown from a moving vehicle

ACCIDENT LAW OFFICES OF


**Philip
DeBerard**

OUR MISSION: Devoted to excellence, justice and maximum compensation for victims of serious injuries, neglect and wrongful death.

\$1,000,000 Settlement in Toddler Death

A 3-year-old child was riding his bicycle in his apartment building's parking lot on a quiet Sunday morning with his parents close by, watching. "Slow Children at Play" signs were posted, and there were speed bumps to slow down drivers.

Suddenly, the driver of a 1-ton business truck with dual rear tires "gunned" his engine, pulled straight out of a parking space, and unknowingly ran over the child, killing him. The driver wasn't even aware of the tragedy until he was chased down.


The truck driver had been out all night partying, arriving at the apartment complex at 6:30 am. He saw the child riding his bike when he arrived, and no obstructions blocked his view, so he was clearly negligent. The driver's business insurance company settled the case for the entire policy limits of \$1 million. 

Insurance Company Pays Pedestrian \$900,000

Eugene Castle, a seasonal resident of Okeechobee, came to Florida every winter for the last 17 years to enjoy fishing and boating. In March 2008, he was taking his morning walk along State Road 441 in an area commonly traveled by pedestrians. He was waiting on a grassy median strip, which was not marked as a crosswalk, for traffic to pass. A van pulled out of the neighboring gas station and accelerated into the inside lane, violently striking Mr. Castle and knocking him to the ground, unconscious.

Trauma Hawk quickly arrived at the scene and transported Mr. Castle to St. Mary's Hospital. He had suffered a severe closed head injury – now referred to as a Traumatic Brain Injury – and remained in a coma for 17 days.

He came out of the coma, but fishing or even sitting on the lake in his boat is no longer an option, just a dream of the past. He cannot drive, mow the grass, or simply be alone and now needs around the clock care, a responsibility his loving wife of 50 years has undertaken. Sadly for both him and his wife, he is not expected to improve.

The Accident Law Offices of Philip DeBerard negotiated a settlement with the driver's Canadian insurance company for \$900,000, which at least will help with Mr. Castle's care in his last years. 



Contact our firm at 800-299-8878 with any questions or concerns about the drugs below.

- **Bisphosphonates like Fosamax or Zometa** for osteoporosis or osteonecrosis of the jaw
- **Raptiva for psoriasis** – a fatal brain disorder (PML)
- **Reglan (metoclopramide)** – permanent involuntary muscle movement (tardive dyskinesia)
- **Yaz birth control pills** – blood clots, stroke, heart attacks, gallbladder disease, pancreatitis
- **Trasylol heart surgery drug** – kidney failure and death
- **Zelnorm (tegaserod) irritable bowel syndrome with constipation** – cardiac problems, such as angina, heart attacks, and stroke
- **Antibiotics** – liver damage
- **Arthritis drugs such as Remicade and Enbrel** – lymphoma (lymph cancer) in children
- **Zimmer's Durom hip replacement** – pain, additional surgery
- **Avandia diabetes drug** – heart attacks, heart failure



FREE
"Safety First"
Phone Pad

Call or email us at:
info@flainjurylawyer.com

Please provide your name and mailing address.

Birth Defects From Antidepressants

Two common antidepressants, **Paxil (paroxetine)** and **Zoloft (sertraline)**, have been linked to birth defects when they are used in the first three months (first trimester) of a pregnancy. Paxil and Zoloft are also used to treat anxiety disorders, obsessive-compulsive disorder (OCD), and panic disorder.

In particular, the incidence of cardiovascular defects – particularly ventricular septal defects – is doubled in babies born to women who were taking those drugs. Before an infant is born, the left and right ventricles of the heart are not separated. As the fetus grows, a muscular wall (septum) forms to separate the heart's two ventricles. If the wall does not completely form, a hole (ventricular septal defect) remains. If the ventricular septal defect is small, it typically repairs itself, but surgery is recommended for septal defects to prevent future heart-related problems.

If you or a loved one took Paxil or Zoloft while pregnant, and the baby was born with a birth defect, call the Accident Law Offices of Philip DeBerard today.



ICD Problems

Lead problems have plagued many implantable cardiac defibrillators (ICDs), including:

- **Medtronic's Sprint Fidelis.** In 2007, Medtronic stopped selling its Sprint Fidelis lead wires after hundreds of reports from patients whose ICD shocked them unnecessarily or failed to deliver a needed shock. At least five patient deaths were linked to the devices. Unfortunately for patients, this is not a one-time problem; the leads can fracture over time, and many patients still have a Fidelis lead in their heart.

ICDs are life-saving devices that can sense an abnormal heart rhythm and then deliver an electronic shock to reset the heart to a normal beat. But if the device fails to fire at the right moment, a patient can die. And unnecessary shocks can be more than a nuisance; they can be painful.

Medtronic said the following models of Sprint Fidelis leads are at risk of fracture: 6930, 6931, 6948, 6949. If you or a loved one have an ICD with a recalled Sprint Fidelis lead, you may have valuable rights.

- **Boston Scientific's Cognis and Teligen ICDs.** The bond holding two parts of these devices – the header and the case – can sometimes loosen, particularly when the device is squeezed between the chest muscles and the rib cage. No deaths have been reported yet, but the FDA said the weakened bond intermittently can cause the device to operate improperly. Only devices implanted sub-pectorally have been reported to be at risk for weakened connections, but other issues with the Teligen header have also been reported. If you have one of these devices, you should check with your doctor – and give the Accident Law Offices of Philip DeBerard a call to see if you have any legal rights.



Fleet's Oral Laxatives

This company's over-the-counter Phospho-soda oral laxatives were taken off the market after the FDA warned that they had been linked to kidney failure, dialysis, and death. These bowel preparations are often prescribed or taken before surgical procedures, such as colonoscopies. If you or a loved one took a Phospho-soda laxative product and developed kidney damage, you may have a valuable legal claim for:

- *Medical expenses*
- *Disability*
- *Emotional distress*
- *Cost of care*
- *Pain and suffering*
- *Loss of quality of life*
- *Lost wages*

Zinc Poisoning from Denture Cream

More than 30 million Americans wear dentures, and many of these regularly use denture adhesive products. However, serious zinc poisoning can occur with the use of over-the-counter denture adhesive cream products, including Super Poligrip and Fixodent. Elevated zinc levels can result in the depletion of the body's copper, causing myeloneuropathy. Symptoms can include numbness, pain, spasticity of the extremities, and unsteady gait. Untreated, myeloneuropathy may progress to a debilitating level. Give us a call if you or loved ones have been diagnosed with zinc overload/poisoning following use of denture cream products.





"Philip DeBerard is the only business partner who recognizes and uplifts students at Morningside Academy," said Paul Humburg, principal of Morningside Academy Upper School, who is also the proud father of three Eagle Award winners. "We are thankful for this program and the devotion of Mr. DeBerard to the students and the school."

250th *You Are One of a Kind Eagle Award* presented to Morningside Academy student

Since its inception in 1996, attorney Philip DeBerard has recognized 250 students at Morningside Academy in Port St. Lucie with an Eagle Award. These are all students who distinguished themselves through scholarship, leadership, and acts of service. They are students who soared above the crowd through their strength of character, service to others, and commitment to their church. Many of these are students who have overcome obstacles in their life and, despite the barriers, have progressed academically. The 250th student was 9-year-old Erick Lora.

New Electronic Billboard Donated Space Benefits Local Charities

The Accident Law Offices of Philip DeBerard donated part of its new electronic billboard in Stuart to local charities – the United Way, Red Cross, and Food for Families.

“It gives us great pleasure to help these charities share their messages with the public,” said Philip DeBerard. **”**
“I hope this innovative method of advertising will help people keep these worthy causes in mind.**”**




United Way
 United Way of Martin County would like to thank the Accident Law Offices of Philip DeBerard for generously donating air time on the new digital billboard located on the northeast corner of Kanner Highway and Monterey Road in Stuart during November and December.

Shopping Plaza Owner and Okeechobee Utility Authority Pay \$850,000 to Okeechobee Woman

A shopping center owner and a water company recently learned an important business lesson when they had to pay an Okeechobee woman \$850,000 because of their negligence regarding safety standards and their failure to prevent hazardous conditions.

In February 2004, Patti Simmons' vehicle was parked behind the Okeechobee Plaza shopping center, owned by Royal & Sons. A heavy rainstorm had flooded the dark, unlighted parking lot. Unfortunately, Ms. Simmons stepped into an uncovered meter hole and fell, causing serious neck and back injuries that left her permanently disabled and unable to return to her job as a beautician.

The lid to the meter had floated away in the storm because the Okeechobee Utility Authority had failed to properly attach or maintain it. The shopping center parking lot had been in an unsafe condition for a very long period time prior to this incident, and the owners did not make an attempt to rectify the dangerous conditions or take corrective measures.

"The property owners have an obligation to keep their property safe," commented attorney Philip DeBerard. "Just as property owners have a responsibility to prevent dangerous conditions, so too must land and business owners act when inclement weather creates adverse conditions on a property." 

Social Media Alert



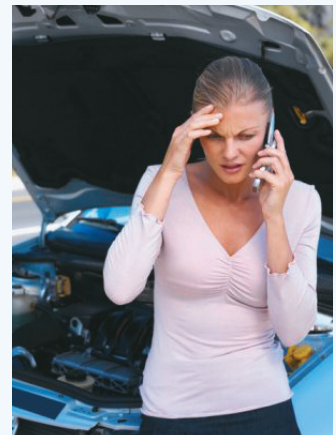
Personal information disclosed on your social media sites can enable defense attorneys to do "surveillance" and monitor your activities. Please call our office for further information.

follow us on twitter

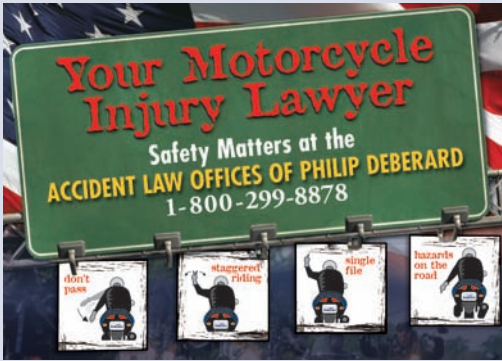


What to Do If Your Vehicle Breaks Down

- Signal, slow down gradually, and carefully pull off the road onto the shoulder
- Switch on emergency/safety flashers
- Raise vehicle hood
- Never stand behind or directly in front of your vehicle
- Remain in your vehicle unless you think your vehicle may be struck from behind
- Call or wait for assistance



Six Reasons Why You Need Uninsured Motorist (UM) Coverage (whether your vehicle is a car, a truck, or a motorcycle)



1. More than 50% of drivers on Florida roads have little or minimal insurance.
2. Many Florida drivers *have no auto insurance at all*.
3. With UM coverage, your own insurance company may pay for bodily injuries you or your passengers suffer when the other driver is at fault and has:
 - a. no insurance.
 - b. too little insurance to cover all your damages.
4. You are the victim of a hit-and-run accident.
5. Although UM coverage is not mandatory in Florida, it is a relatively inexpensive safeguard.
6. In Florida, your Personal Injury Protection (PIP), or no-fault, benefits carry only a \$10,000 limit. So there may be instances when your no-fault benefits will not cover a loss in full.

How to Avoid Road Rage

Road rage is “violent or visibly angry behavior” by a driver which can result in crashes or other incidents on roadways. It also is called an “extreme case of aggressive driving.” If you encounter someone with road rage:

- **Keep a cool head**
- **Avoid eye contact**
- **Never make obscene gestures**
- **Call the police**
- **Do not become frustrated or stressed out**
- **Get out of the left lane for other fast moving vehicles**
- **Avoid confrontation**



We would like to send you important legal updates via email occasionally. Please email us at info@flainjurylawyer.com with your updated email address.

View our TV commercials on our website at: www.flainjurylawyer.com or www.tractortraileraccident.com,

or on YouTube by typing *philipdeberardlaw* in the search box.



ACCIDENT LAW OFFICES OF

Philip DeBerard

STUART: 286-1000

FORT PIERCE: 464-8000

OKEECHOBEE: 467-7100

VERO BEACH: 770-0001

JUPITER: 748-8887

TOLL-FREE: 800-299-8878

The hiring of an attorney is an important decision and should not be based solely upon advertisements. Before you decide, ask us to send you free written information about qualifications and experience.

P.O. Box 3326 • Stuart, FL 34995

ADVERTISEMENT

PRSR STD
U.S. POSTAGE
PAID
STUART, FL
PERMIT NO. 726