

As Seen in...

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## \$1 Million Settlement in Death of 3-Year-Old

**Okeechobee:** An Okeechobee family has accepted \$1 million policy limits in a wrongful death lawsuit. Their toddler was riding his bike when a truck driver struck and killed him.

On a quiet Sunday morning in the parking lot of the Town Center Apartments in Okeechobee, FL, the parents of a three-year-old boy thought he was in a safe place to ride his bicycle. The parents were standing close by, watching; signs saying "Slow Children at Play" were posted; and there were speed bumps throughout the complex to slow down drivers.

Yet, the driver of a 1 ton business truck with dual rear tires "gunned" his vehicle, pulled straight out of the parking space, and unknowingly ran over the small child's bike, killing the boy instantly. The driver of the truck was unaware of the tragedy and had to be chased down to get him to stop.

The night before this tragedy, the truck driver had been partying in West Palm Beach, not arriving home until 6:30 am. He went to the apartment complex to drop off a friend, and he admitted seeing the child riding his bike in the parking lot when he arrived.

Witnesses said there were no obstructions in the way, so the driver should have seen the child and his bicycle, making the driver negligent. The young boy suffered massive head trauma, which resulted in his death. **Tony Goodman**, an attorney with the **Accident Law Offices of Philip DeBerard**, said, "This incident showed blatant disregard for responsible driving in a vicinity where small children play on a regular basis. We hope this settlement will make a difference, emphasizing how motor vehicle drivers must take responsibility for pedestrians."

The defendant's business insurance company accepted responsibility for the defendant's actions, settling the case for the entire policy limits of \$1 million. **Attorney Philip DeBerard** said, "This accident robbed his family of a young and spirited son due to the careless driving of one person. No amount of money can ever take the place of the little boy whose life was cut short so tragically."

The **Accident Law Offices of Philip DeBerard**, [www.flainjurylawyer.com](http://www.flainjurylawyer.com) practices in the area of Personal Injury and Wrongful Death, serving Okeechobee, Stuart, Jupiter and Fort Pierce.

## What's a Sense of Smell Worth?

**Port St. Lucie:** For a Port St. Lucie woman, a sense of smell was worth \$450,000. That's the amount **Stuart attorney Philip DeBerard** obtained for her in an insurance settlement.

The young woman fractured a bone in her middle ear when she unbuckled her seat belt and attempted to get out of her boyfriend's parked car. In an effort to keep her from leaving the vehicle, her boyfriend slammed on the gas pedal, accelerating instead of stopping, ignoring a stop sign, and making a sharp turn at 20 miles per hour. The force of this maneuver threw the young woman out of the car and onto the pavement, where she violently hit her head and fractured the right temporal bone in her auditory canal (middle ear).

The injury left the 18-year-old woman with anosmia – a permanent loss of smell – and a partial loss of taste. Prior to this accident, the young woman was very healthy and active, attending school and working part-time. Now, she will not be able to smell the flowers on her wedding day, the salt air at the beach, the special smell of a freshly clean and powdered baby, or even a dangerous gas leak in her house.

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## Insurance Company Pays Injured Pedestrian \$900,000

**Okeechobee:** Eugene Castle, a seasonal resident of Okeechobee, treasured coming from Elizabethtown, Indiana, to Florida every winter for the last 17 years. His passion for fishing and boating allowed him to retire and do what he most loved as a professional sport fisherman.

In March 2008, Castle 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 Castle and knocking him to the ground, unconscious.

Trauma Hawk quickly arrived at the scene and transported him 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. Castle now needs around the clock care, and his loving wife of 50 years has taken on that full-time responsibility, ending her retirement as well. Sadly for both him and his wife, he is not expected to improve.

**Stuart attorney Philip DeBerard** negotiated a settlement with the driver's Canadian insurance company for more than \$900,000 which at least will help with Mr. Castle's care in his last years.

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ACCIDENT LAW OFFICES OF

**Philip DeBerard**

[www.crashinjuries.com](http://www.crashinjuries.com)

Stuart: ..... 286-1000  
Fort Pierce: .... 464-8000  
Okeechobee: ... 467-7100

Vero Beach: .... 770-0001  
Jupiter: ..... 748-8887  
Toll-Free: 1-800-299-8878

## \$342,700 Awarded Client At Trial

**Stuart FL:** According to the 2008 Florida Department of Highway Safety and Motor Vehicles, alcohol-related fatalities, crashes and injuries have decreased in the past few years, but Port St. Lucie resident Matthew Rudow wasn't that lucky. His car was violently struck on the driver's side by an uninsured, drunk driver. Rudow often thought about dropping his uninsured motorist coverage, but his accident taught him how important that coverage is.

**Stuart attorney Philip DeBerard** hopes that other drivers can learn from Rudow's experience and that it will encourage them to be sure they always have uninsured motorist coverage on their vehicles.

In the accident, Rudow suffered serious neck and back injuries that caused severe pain and headaches and left him unable to work any longer. According to his physician, surgery will be required in the future and, due to the problematic location of his spinal disc herniation, he must travel to a specialty hospital. Rudow's has his life, but it has been changed forever.

Fortunately, Rudow made a smart decision and purchased Uninsured

Motorist coverage on his own auto insurance policy. **"Unfortunately, his own insurance company refused to fairly evaluate his claim, despite repeated efforts to negotiate on his behalf, and we had to take his case to trial to be heard by a jury," DeBerard explains. After a four-day trial, the jury awarded Rudow \$342,700.**

Uninsured/Underinsured Motorist Coverage was initiated in 1961, enabling consumers to obtain coverage insuring themselves against injuries caused by other drivers. Florida law requires that insurance companies offer Uninsured Motorist coverage in equal limits to the amount of bodily injury coverage afforded under the policy, but the minor extra cost – and it is usually a very minor cost – is rejected by many drivers in order to save money on their insurance bill.

In Rudow's situation, Uninsured Motorist coverage will help pay for his future treatment. "All drivers should contact their insurance agent and include Uninsured Motorist coverage on their auto policy to protect them against the uninsured drivers on the road," attorney DeBerard recommends.



## 250th Student Wins Eagle Award

### Lora wins Morningside award

The 250th Morningside Academy "You Are One of a Kind Eagle Award" student winner, Erick Lora, 9, was recognized on Oct. 22.

**Stuart attorney Philip DeBerard** first introduced the Eagle Award in 1996 to honor students who "aim high and soar like an eagle" in their academic and personal lives.

Each year for the last 14 years, teachers at Morningside Academy, a private Christian school in Port St. Lucie, nominate students they think meet the specific criteria set forth by DeBerard for this award. The guiding principle of the "You Are One of A Kind Eagle Award" is recognition of students who have distinguished themselves through scholarship, leadership, and acts of service. These are students who soar 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 newest group of Eagle Award winners received a certificate of accomplishment and an engraved Bible from attorney DeBerard in a ceremony in the school chapel. The winners were Nathaniel Miller, Billy Vega, Karina DelToro and Erick Lora.

