

## Newsletter

May 13, 2008

In spring 2008, Babbitt, Johnson, Osborne & Le Clainche, advanced its 40-year tradition of disciplined, fearless advocacy in serving our clients and protecting the public. Stay tuned for updates. We'll keep you posted.

These are some of the highlights in the last three months:

- The firm secured a \$40 million verdict on behalf of the orphaned son of a wealthy investor who murdered his wife.
- The firm is representing the family of an honor student killed in a nighttime pile-up on I-95 in a suit alleging that a construction zone on I-95 was unreasonably dangerous.
- The firm is representing families of those seriously injured or killed after using Trasylol, an anti-bleeding drug pulled from the market by Bayer in November 2007.
- The firm is representing a rape victim who has stepped forward to expose the secret working of one of the nation's most exclusive private clubs, accusing it of negligence and fostering "an atmosphere of hate";
- The firm has won an appeals court victory in its 51/2-year effort on behalf of tenants gouged by landlords with illegal fees.

Keller verdict: On Feb. 29, Ted Babbitt and Stephan Le Clainche secured a \$40 million verdict on behalf of 13-year-old Fredchen Keller, whose late father Fred Keller murdered his mother Rosemarie Keller in 2003.

Fred Keller, who amassed a fortune in commercial real estate, died last year while serving a life sentence in prison for murdering his ex-wife Rosemarie Keller and shooting her brother, Wolfgang, Keil in November 2003 less than two weeks after a judge had awarded Rosemarie Keller, 34, half of Fred Keller's assets. Keller family members had fought over the share of the proceeds, but Fredchen was awarded the greatest share of the fortune.

I-95 construction death: Nearly anyone who has driven through the Palm Beach County I-95 construction obstacle course has suffered a close call.

In January, the roadway construction led to tragedy for a Palm Beach Gardens High School honors student and his family, when Brian Davis was killed in a four-car chain collision in a construction zone with poor lighting. He was driving home from an English study class on Othello, was taking five advanced placement courses and had applied to three Florida universities.

In late April, the family sued the engineer and contractor for negligence.

"This case is about the duty of a contractor and engineer to protect the public from hazards and sudden stops and starts, particularly in a construction zone with poor lighting on a high-speed roadway," said Joe Johnson, who represents the family in the case. "Had appropriate measures been taken, Brian Davis would still be here today with a promising life ahead of him."

and recently secured a \$10 million jury verdict on behalf of the family of a Florida State University student whose defectively designed Kia Sportage rolled over on I-95.

**Trasylol:** The firm is representing families of the anti-clotting drug Trasylol, which was finally pulled from the market after a Canadian clinical trial was halted after an alarming death rate among patients who took the drug. Some experts have linked Trasylol to as many as 20,000 deaths. The US Judicial Panel on Multidistrict Litigation (MDL) recently consolidated 18 lawsuits filed in 14 federal courts and transferred them to the West Palm Beach-based court, a move requested by plaintiff attorneys. Babbitt Johnson Osborne & Le Clainche is involved in these cases and will provide updates as events transpire.

**Rape at the Everglades Club:** For 90 years, the Everglades Club on Worth Avenue in Palm Beach has been one of the most exclusive, and secretive, in the nation.

That started to change in early 2006, Everglades Club pantry chef Melissa Legare fought off a rapist in her dormitory quarters. Co-worker Esdras Carnoa was convicted of the rape and is serving 20 years.

In February 2008, Melissa Legare bravely stepped forward, sued the club for negligence and said that the club's climate of discrimination and segregation bred resentment that poisoned the atmosphere of the club and made it a more dangerous place for employees, who were segregated by nationality and race.

"When you create an atmosphere of discrimination, you create an atmosphere of hatred," said Ted Babbitt, who represents Legare with attorney Stephan Le Clainche.

In May 2008, a judge dismissed Everglades Club's efforts to dismiss and divide the case, and the suit is proceeding. The case has received widespread media attention.

**Tenants' cases:** Samantha Moss got a new job and wanted to leave her Boynton Beach apartment in 2004 with 30 days, her landlord – real estate giant Olen Properties, Inc. — pushed back. She called Ted Babbitt, who filed a proposed class action suit on her behalf. In 2006, a trial judge upheld the suit, and on April 18, 2008, the 4th District Court of Appeal, backed him, moving the case closer to trial.

Babbitt Johnson Osborne & Le Clainche has successfully represented tenants in class actions against landlords charging illegal fees since 2002. In that time, the firm has erased more than \$85 million in bad credit information from tenants' records in its actions against the most powerful landlords in America.