

Verdicts & Settlements

Million-dollar verdicts make great headlines. But it takes something more to make great law firms. We find our success not just in the recoveries our clients have received – a \$10 million jury verdict in an automobile case; a \$5 million award in a product liability case; a \$10 million settlement in a medical and hospital negligence case. We find it in our commitment, in every case, for every client. Whether a client has been physically injured by someone else's negligence, or financially injured as a result of fraud or other means, our trial lawyers fight for their interests with the skill they've developed over four decades -- and the compassion they had long before.

From class actions, to product liability, business litigation, and catastrophic injury cases, we've built a reputation as a go-to firm for sophisticated litigation matters. We can stack our record against any other law firm, but our values stand apart. Dedication, hard work, and the ability to learn something new from every case we try: It's not just a philosophy. It's a competitive advantage.

We want to win the jury's vote, but we want to win your respect, too. That's why we carefully choose the cases we accept, to ensure that every matter we handle gets the resources it demands and the attention it deserves. It's how we maximize our recoveries – and our relationships with clients. Your case may be your number-one priority. Our clients are ours.

For further information, please [click here](#) to read about some of our past verdicts, settlements, and case studies.

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Loss of Parental Support and Guidance-\$40 Million

A Palm Beach County jury took one hour to award 13-year-old Fredchen Keller \$40 million from the estate of his late father, who murdered his mother.

Ted Babbitt and Stephan Le Clainche of the West Palm Beach plaintiff trial law firm Babbitt, Johnson, Osborne & Le Clainche, P.A., argued the case on the boy's behalf.

Auto accident/products liability/rollover: \$10 million

Our team was pleased to help the parents of a 19-year-old college student tragically killed in a vehicle rollover accident win a \$10 million jury verdict. While driving home from college, the Florida State University student swerved to avoid a car that had come into her lane. Unfortunately the student's 1995 Kia Sportage sports utility vehicle flipped over six times. The victim, who was wearing her seat belt, died of head injuries. The jury agreed with plaintiffs that the Kia Sportage was negligently designed. Indeed, the jury found that several design defects contributed to the co-ed's death, including instability, roof collapse, and a faulty windshield that popped out during the rollover.

Medical malpractice/brain injury: \$10 million

Our team negotiated a \$10 million settlement for a two-year-old girl from Central Florida who suffered serious brain damage while undergoing heart surgery. To correct a congenital heart defect, the child's father had planned to have his daughter undergo an elective cardiac operation at a Gainesville, Florida hospital. Unfortunately, the family's HMO insisted that the child go to its out-of-state "pediatric heart surgery center." Improper temperature monitoring led to the child's injury. Discovery revealed that the surgeon had not performed an operation on a child for nearly 20 years and that the operating team lacked adequate experience with the particular operation.

Medical malpractice/brain injury: \$6.24 million

We helped our client, an infant, obtain \$6.24 million to help compensate the victim for brain injury suffered during a twin delivery. The physician and nurses had failed to recognize that the child was suffering oxygen deprivation.

Medical malpractice: \$6 million

Our team obtained a \$6 million verdict, including attorney's fees and costs, for the loved ones of a mother who died as a result of surgical mismanagement of a urological procedure. Tragically, the nurses had incorrectly assembled the machine to be used during surgery -- instead of sucking in air, the machine blew out air. The surgeons, who had attended a three-day course to operate the machine, failed to recognize that they had filled the patient's body with air, resulting in her death.

Medical malpractice/brain damage: \$6 million

We went to bat for our client, an alcoholic, who suffered brain damage when she went into a seizure as a result of the d.t.'s. She was forced to become sober "cold turkey" instead of being given Valium, which would have avoided the seizure.

Products liability: \$5 million

\$5 million was awarded to our client, a 45-year-old painter who was partially paralyzed due to a faulty part on a cherry-picker type machine. The manufacturer recognized that the part needed to be replaced but only informed its direct purchasers of the problem and never notified those to subsequent purchasers. The defect could easily have been fixed with inexpensive parts.

Products liability/brain injury: \$2.75 million

Our team helped obtain a \$2.75 million award against Japanese manufacturer of a defective helmet. Our client, a motorcyclist, suffered brain injury when a vehicle turned in front of him and the retention strap on his buckled helmet came undone. The helmet flew off, and he struck his head on the pavement. Plaintiff alleged that the helmet manufacturer did not provide proper instructions or take proper precautions to prevent misthreading of the helmet strap.

Negligent security: \$2.5 million

Our client, a learning disabled 18-year-old, was molested by a security guard while her mother visited a relative in the hospital. The security company had allowed the security guard to remain on the job despite numerous incidents of misconduct including off color remarks and bizarre statements. The security company also failed to perform adequate employment screening which would have revealed the guard's three outstanding warrants for violent crimes.

Business Litigation Consultation

Recently, our team came to the aid of a company in its defense of a complex negligence case. Significantly, over 40 lawsuits arose while the company's owners were in the process of selling the company and its several separate entities. Drawing upon decades of experience representing victims of nursing home negligence, abuse and neglect, our team provided a bird's-eye view of the case from the plaintiff's perspective.

Our experience-based appraisal of the matter and identification of potential theories of liability led the company to realistically assess the merits of the litigation it faced. Our timely and constructive advice enabled the company to develop an effective strategy to resolve the disputes quickly and in the best interests of the company.

Working closely with forensic accountant and trained valuation analyst Dave Ellrich of Moore, Ellrich and Neal, our team produced a damages computation and provided advice that enabled all parties to reserve funds for the pending lawsuit upon sale of the business, as well as to minimize the company's exposure to any future lawsuits.

Automobile accident: \$1.2 million

verdict in automobile case as a result of 50-year-old postal worker's vehicle being struck while at work resulting in multiple level disc surgery.

Automobile accident: \$1.1 million

award for death of 35-year-old involved in automobile accident on an interstate highway. Death resulted from defendant truck driver's failure to maintain an appropriate speed.

Products liability: \$5 million

award for 45-year-old painter who was paralyzed from the mid-thighs down as a consequence of a faulty part on a cherry-picker type of machine. The manufacturer recognized that the part needed to be replaced but only informed its direct purchasers of the problem and never notified those to whom the machine had been sold from the original owners. The defect caused the bucket to separate from the boom and was easily fixed with inexpensive parts.

Products liability/brain injury: \$2.75 million

award against Japanese helmet manufacturer for defect in helmet retention strap resulting in brain injury to motorcycle rider. Plaintiff was injured when a vehicle turned in front of him and the retention strap on his helmet came undone. The helmet flew off, and he struck his head on the pavement. Witnesses indicated that the helmet was buckled prior to the injury. Plaintiff alleged that the helmet manufacturer did not give proper instructions or take proper precautions to prevent misthreading of the helmet strap, which would make the strap appear to be tight until involved in a severe force such as that resulting from an accident.

Negligent security: \$2.5 million

for retarded 18-year-old girl who was molested by a security guard while her mother visited a relative in the hospital. The security company allowed the security guard to remain on the job despite numerous incidents of misconduct including off color remarks to his supervisor and bizarre statements concerning aliens. The security company also failed to do a proper employment screening. Had the employment screening been done, it would have revealed the security guard had three outstanding warrants from another state for violent crimes.

Medical malpractice/wrongful death: \$4 million

as a result of the death of a 36-year-old Haitian dishwasher and mother of four. The patient suffered an embolic fluid air bubble while giving birth to her fourth child. An argument ensued between the obstetrician and the anesthesiologist as to whether or not to do an emergency surgery, as a consequence of which the operation was delayed.

Medical malpractice/brain injury: \$3.4975 million

settlement for brain injury to an infant Haitian immigrant whose mother died during delivery. The child was injured when doctors failed to perform a cesarean section in a timely fashion.

Medical malpractice: \$2.4 million

Verdict for 70-year-old female survived by her husband. Two radiologists, two gastroenterologists and a general surgeon failed to diagnose a perforated colon, which had occurred during an enema procedure resulting in the spillage of fecal material into the abdominal cavity and death.

Medical malpractice: \$2 million

recovery for elderly woman whose rectum was removed because of a misdiagnosis from pathology slides which indicated that she had cancer of the rectum when in fact she did not.

Medical malpractice: \$2 million

award for 27-year-old unmarried male, who was not diagnosed with subacute bacterial endocarditis. A portion of the heart valve vegetation embolized, resulting in a loss of visual fields, and heart valve replacement surgery was required due to the failure to arrive at a timely diagnosis. The primary claim was brought against the plaintiff's HMO because of it would not approve an echocardiogram study at a well-established hospital with a highly reputed cardiology department but, instead, directed the plaintiff to a hematologist/oncologist for the performance of the echocardiogram. The ultrasound technician who completely misread a vegetation on the heart valve.

Medical malpractice: \$1.875 million

award for death of 50-year-old man who died during recovery from plastic surgery operation as a result of excessive anesthesia. Physician hired a service, which provided a nurse who had just graduated from nursing school and who failed to recognize that the patient was suffering severe lack of oxygen after the procedure and, therefore, failed to call the doctor.

Medical malpractice: \$1.84 million

against a surgeon for failing to recognize complications, which developed from obesity surgery resulting in death. This surgeon had a long history of poor surgical outcomes, as well as numerous medical malpractice lawsuits and, as such, the hospital where these surgeries took place made a substantial settlement contribution for improperly allowing this surgeon to perform obesity surgery despite his many unacceptable surgical outcomes.

Medical malpractice: \$1.6 million

verdict for 55-year-old against neurosurgeon for improper spinal cord surgery. Plaintiff was involved in an automobile accident, which was his fault. He was taken to the hospital unable to move his lower limbs. There was a dispute in

testimony as to whether or not he was getting better prior to the surgery. After the surgery plaintiff had permanent paralysis.

Medical malpractice: \$1.6 million

recovery against an orthopedic surgeon as a result of mismanagement of an operation, which resulted in below-knee amputation to a 35-year-old lawn maintenance supervisor. The surgeon failed to recognize that after his operation on plaintiff's leg for a severe lawn mower injury, the circulation to the lower leg was cut off for an extensive period of time. The nurses consistently warned the physician but he ignored the warnings.

Medical malpractice: \$1.2 million

recovery against a family physician for failure to diagnose cauda equina syndrome resulting in bladder incontinence and sexual dysfunction in a 46-year-old male. The plaintiff had injured his low back as a construction laborer and despite a classic presentation for cauda equina syndrome, the defendant failed to order an MRI or refer the plaintiff to a spine surgeon. The correct diagnosis was made approximately two weeks later following an MRI study, which demonstrated a large disc herniation impinging upon the plaintiff's spinal cord. The defendant offered to participate in arbitration pursuant to Florida's medical malpractice statute and thereby limited the plaintiff's noneconomic damages to \$350,000.

Medical malpractice: \$1 million

award for death of 25-year-old unmarried mother of two, who died as a result of a botched breast augmentation operation. The award was against the employer of the surgeon, who gave excessive amounts of a numbing agent (Xylocaine) during operation.

Medical malpractice: \$1 million

award for death of 22-year-old asthma patient against emergency room doctor for failure to recognize seriousness of asthma complaints as a consequence of which that patient went into respiratory arrest.

Medical malpractice: \$1 million

for the death of a 74-year-old retired nurse against a general surgeon for perforating the abdominal aorta and the inferior vena cava during the insertion of the initial trocar for an elective laproscopic gall bladder removal. Prior to this surgery, the Defendant had never performed this operation on a human but instead the surgeon had attended one weekend course where he removed the gall bladder from a pig. The course sponsor and the American College of General Surgeons had guidelines in place suggesting that surgeons first observe a set number of these laproscopic surgeries followed by a period during which the surgeon is to be proctored. Despite these guidelines, the Defendant surgeon had never performed this surgery on a human and with the insertion of his first trocar, he penetrated the aorta and inferior vena cava of the deceased plaintiff.