



The ADVOCATE

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Passenger Train Collision Results In \$7 Million Settlement

Civil trial attorneys understand that cases involving any type of train accident are some of the most difficult to litigate. It takes a complete and comprehensive effort to investigate these cases. They can also become a strain on a law firms' resources as the costs alone are hundreds of thousands of dollars.

Lake H. "Trey" Lytal, III fought hard for his client and received a \$7,000,000 settlement after she was struck by a passenger train when the crossing gates and warning lights failed due to neglectful maintenance. Tairia Lee was driving across the railroad tracks



at 25th street in West Palm Beach, when the train suddenly hit her broadside. There were no warning lights and the crossing gates failed to drop. Although this case was in litigation for over three years, it was finally settled October 4, 2019 for \$7 Million. This settlement will ensure that Mr. Lytal's client is taken care of for the rest of her life.

The law firm of Lytal, Reiter, Smith, Ivey & Fronrath has the expertise and the resources to handle these extremely difficult cases. Call them at their West Palm Beach, Florida office at 561-655-1990.



Lake "Trey" Lytal, III
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Lance Ivey Takes Fight For Family To Tallahassee

On January 17, 2015, Herminio Padilla, Jr. sadly fell into a waste water tank and drowned. At the time of this unfortunate occurrence,

Mr. Padilla was an employee at the East Central Regional Water Facility (ECR).

Mr. Padilla was survived his three children who were all over twenty-five years of age. Pursuant to the Workman's Compensation Laws in the State of Florida, unfortunately all the family was entitled to was a \$7,500 funeral expense.

Partner, Lance C. Ivey, decided to sue the owners of the ECR, the City of West Palm Beach, Palm Beach County, City of Lake Worth, City of Riviera Beach, and Town of Palm Beach as he could not sit idly by and allow this patently unfair and tragic situation to victimize the family twice.

During discovery, it was learned that all five defendants contributed to Mr. Padilla's salary and benefits; thus, they were all employers



Lance C. Ivey, Esq.
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(continued on page 4)



Attorneys Lytal And Kellam Settle \$100,000 Policy Limit Case For \$7,500,000

The firm's client, Jane Doe, was a passenger in a vehicle travelling on Interstate 95. Her



vehicle was struck and forced off of the roadway, causing the vehicle to roll. Ms. Doe was ejected and suffered catastrophic injuries. She suffered a burst fracture to her spine that damaged her spinal cord, paralyzing her. Ms. Doe was rushed for emergency care and then to emergency surgery.

Ms. Doe is now paralyzed and bound to a wheelchair for life. She was a nurse and is the mother to a minor child. Attorneys Trey Lytal and Christopher Kellam were brought in to litigate the case against the person responsible for the crash. The tortfeasor had automobile insurance policy limits of only \$100,000 which would have only covered a small fraction of Ms. Doe's medical bills. Trey and Chris nevertheless felt the case was worth much more due to the way the claim was handled initially by the insurance company.

Insurance companies owe a duty in Florida to timely and fairly compensate victims of negligence. When the tortfeasor's insurer failed to timely pay Ms. Doe's claim, the insurer breached its duty of good faith. Trey and Chris were able to force an early settlement for a total of \$7,500,000. This settlement was 75 times the policy limits that were available to protect the tortfeasor. While no amount of money could make Ms.

Doe whole given her injuries, the team at Lytal Reiter was able to recover for Ms. Doe a sum of money that will ensure she is properly taken care of for the remainder of her life.

At Lytal, Reiter, Smith, Ivey & Fronrath, we fight for every client. The firm worked as a team to make a recovery that far exceeded initial expectations. The firm held the insurer accountable for its failure to treat Ms. Doe fairly. If you have a case with low policy limits, massive damages and a delay on the part of the insurance carrier in tendering the policy limits, call our team to help fight for your client's rights. Call them at their West Palm Beach, Florida office at 561-655-1990.



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Partner, Todd Fronrath And His Team Uncover Dram Shop Details Leading To \$2.4 Million Recovery



Todd Fronrath, Esquire, Chase Nugent, Esquire and Daniel Jensen, Esquire have obtained a \$2.4 million recovery for the parents of a young man killed in a tragic motor vehicle crash. The motor vehicle crash was caused by an intoxicated minor

who had been illegally served alcohol at a bar. After conducting an investigation into the circumstances surrounding the bar's decision to serve alcohol to a minor, the firm filed a lawsuit against the bar. During litigation, it was discovered that the bar served the minor to the point of intoxication without taking any steps to verify her age. After the minor became intoxicated, the bartender allowed the minor to drive away from the bar. The tragic

crash occurred within minutes after the intoxicated minor left the bar.

During the criminal investigation, the police found a fake ID on the minor following the crash. In response to the lawsuit, the

bar alleged that the minor used a fake ID to obtain the alcohol. If true, the use of a fake ID would have eliminated the bar's liability. However, Mr. Fronrath was able to prove that the bar served the minor without ever asking for any type of ID and that the bar failed to properly train its employees to prevent the illegal sale of alcohol to minors.



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Daniel C. Jensen



Chase Nugent
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Group Home Accepts Responsibility For Sexual Assaults

In February 2019, Kevin Smith was contacted by our clients parents about a sexual assault on their daughter while she was living at a group home. She had lived at the group home following a brain injury. In 2015 she alleged that she had been sexually assaulted by an employee of the facility. The accused refused a DNA sample and no action was taken against him by the authorities or by the facility. The resident became pregnant and gave birth to a son. In 2018, she again alleged an additional assault by the same man, and DNA confirmed he was the father of her child. He was then arrested by the Brevard County Sheriff's Department and the law firm filed suit against the facility for the violation. Lytal, Reiter, Smith, Ivey & Fronrath worked closely with law enforcement and the media in order to make sure the employee was charged with a crime for the sexual assault on our client. She was assisted in being relocated to a safe facility away from the danger and the memories of the group home. Shortly after filing the lawsuit, negotiations resulted in a multi million dollar, confidential settlement which will result in relocating the client to a private home with her parents and family, along with her son. The charges against the employee are still pending and the law firm of Lytal, Reiter, Smith, Ivey & Fronrath is working in every way possible to assist the State



Attorney in prosecuting the claims against him. As a result of the failure of the group home to keep her safe and allow these assaults and impregnation to have occurred, members of the group home's board of directors have also resigned or have been dismissed.



Kevin C. Smith
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\$3 Million Settlement For Woman Who Died Of Legionnaires' Disease

Lytal, Reiter, Smith, Ivey & Fronrath partner, Lance C. Ivey, represented the mother of a deceased young woman who died of Legionnaires' disease. After several traumatic days in and out of Palm Beach County emergency medical clinics, the 37-year-old woman died in a hospital from the disease contracted from a hot tub while traveling out of state. Legionnaires' disease is not easily detected which may have led to a misdiagnosis by the clinics and hospitals, possibly causing the disease to fester even longer without the correct treatment.

Mr. Ivey and his team of in-house investigators and experts were able to gather evidence from the scene and after numerous lab reports and months of intense work, the reports came back positive for the bacteria. The evidence was presented to the defendant and their law team. The results were conclusive and a settlement of \$3,000,000 was agreed upon. The lawyers requested the name of the defendant be withheld.

"It takes a very dedicated team to conduct this type of investigation and this type of illness can be passed off as something completely different. We needed to find the answers to her death, thankfully we did," expressed Mr. Ivey.

About Legionnaires' disease:

Legionnaires' disease is a severe form of pneumonia – lung inflammation usually caused by infection. Legionnaires' disease is caused by a bacterium known as legionella.

You can't catch Legionnaires' disease from person-to-person contact. Instead, most people get Legionnaires' disease from inhaling the

bacteria. The legionella bacterium also causes fever and a milder illness resembling the flu. Separately or together, the two illnesses are sometimes called legionellosis. Pontiac fever usually clears on its own, but untreated, Legionnaires' disease can be fatal. Although prompt treatment with antibiotics usually cures Legionnaires' disease, some people continue to experience problems after treatment. The bacterium *Legionella pneumophila* is responsible for most cases of Legionnaires' disease. Outdoors, legionella bacteria survive in soil and water, but rarely cause infections. Indoors, though, legionella bacteria can multiply in all kinds of water systems – hot tubs, air conditioners and mist sprayers in grocery store produce departments.

Most people become infected when they inhale microscopic water droplets containing legionella bacteria. This might be the spray from a shower, faucet or whirlpool, or water dispersed through the ventilation system in a large building. Outbreaks have been linked to a range of sources, including:

- Hot tubs and whirlpools on cruise ships
- Grocery store mist machines
- Cooling towers in air conditioning systems
- Decorative fountains
- Swimming pools
- Physical therapy equipment
- Water systems in hotels, hospitals and nursing homes



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Family *(continued from page 1)*

under the Workman's Compensation Doctrine. After years of litigation and the firm spending thousands of dollars in costs, Mr. Ivey was able to negotiate a \$400,000 settlement prior to any summary judgments filed by the defendants could be heard. The settlement also required that the City honor Mr. Padilla's death with a plaque on a park bench and renaming a street after the decedent - Herminio Padilla, Jr. Memorial Way.

Since the defendants in this case were all sovereign entities, the settlement required Mr. Ivey and his client to travel to Tallahassee, Florida to present their case through the Claims Bill process. Mr. Ivey prevailed, and Governor Ron DeSantis signed off on the bill. Presenting a Claims Bill can be a very difficult process with many hours of preparation prior to presenting. Mr. Ivey has prevailed on behalf of numerous clients and is well versed in the process.

If you would like more information on this case or would like to refer a case to Mr. Lance Ivey, contact him at Lytal, Reiter, Smith, Ivey & Fronrath, 561-820-2240 or email him at livey@foryourrights.com.

In The News

June 2019 completed Lake H. "Trey" Lytal, III's year long tenure as President of the Florida Justice Association. Trey's very successful term was met with a new Governor for the State of Florida, new Senate President and new Speaker of the House. He spent months in Tallahassee where he raised money for the continued work of the FJA, met with politicians on current laws and attended numerous political functions designed to help those citizens who need legal representation the most in the state all while handling a massive case load back home in West Palm Beach. Job well done!

In The Courtroom Or In The Community, We're Always Here To Help.

These words continue to resonate through the firm. Several new community outreach projects have been launched which center around education and developing an ongoing dialogue with those High School students who are considering college. The partners, associates, paralegals and administrative personnel are also involved with meeting college students looking to move into the job market after graduation.

The Jupiter Police Foundation, founded by partner Kevin Smith and Community Outreach Coordinator, Dave Schultz, had its second annual fund raiser at Trump National Golf Club in Jupiter. They raised over \$150,000 for the foundation.

The LRSIF All Star High School Football game took on a whole new level with the live broadcast of the game by ESPN 106.3 West Palm. This game has provided exposure to many student athletes who have received scholarships at Division 1 and 2 schools around the country. The 2019 game will be played in mid-December and there are some big announcements to be made as we get closer. Check out the LRSIF Facebook page to keep updated.

Five Lytal, Reiter, Smith, Ivey, & Fronrath Lawyers Named The Best Lawyers in America

West Palm Beach, FL.—Lytal, Reiter, Smith, Ivey, & Fronrath continues to be recognized as one of the best personal injury law firms in the nation as five partners in the firm were honored by the most prestigious peer-review ranking organization. Best Lawyers named Joe Reiter, Lake H. "Trey" Lytal, III, Kevin Smith, Bill Williams, and Lance Ivey as Best Lawyers in the personal injury, plaintiff category.

Best Lawyers is the only peer-reviewed attorney ranking guide to the leading legal talent across the globe. The well-respected organization just released the 2020 Edition of "The Best Lawyers in America." Lytal, Reiter, Smith, Ivey, & Fronrath first received recognition from Best Lawyers in 1989. The firm has consistently been recognized as a leader in personal injury law ever since.

Director of Administration Kevin Ryan and Director of Marketing and Public Relations Greg Martini congratulated this year's honorees and said, "This is an extremely prestigious award given only to the highest performing and well-respected attorneys across the country."



Kathy Connor is officially the incoming (2020) Community Service Chair for the Paralegal Association of Florida (Treasure Coast, FL Chapter). Congratulations Kathy for all your efforts.



Kelsey Burke is 2020 President of the Palm Beach County Hispanic Bar Association.

Welcome To The Team

Lytal, Reiter, Smith, Ivey and Fronrath welcomes our new attorneys Trent J. Swift and Bill T. Viergever to the firm as well as paralegals Ivette Sanchez and Leslie Cooper along with Troy Fleming, the firm's newest Legal Investigator. Also adding to the list of support staff is Ali Yakubowski, Victoria Rivera, Caitlin Mills, Sofia Villamil and partners assistants, Reagan Navarro and Lisa Netherland. Welcome to the LRSIF family.



Trent J. Smith



Bill T. Viergever



Ivette Sanchez



Leslie Cooper



Troy Fleming

KENYA HARVEY v. FPL – Verdict \$1,876,060



On Oct. 29, 2015, our client, Kenya Harvey, a laborer, was repairing a boiler at West County Energy Center on State Road 80 in Loxahatchee, Florida. The plant is owned and operated by Florida Power and Light Co. (FPL).

The FPL power plant featured spring hangers that were holding up pipes. While Kenya was working at the power plant, a 70-pound spring hanger fell on top of him. He suffered injuries to his neck, back and shoulder. Kenya

received treatment for his injuries including physical therapy, pain management, and surgical procedures to his shoulder and neck.

On behalf of our client, we filed a lawsuit against FPL, claiming the company was negligent

in its maintenance of their power plant; specifically, the spring hanger. During the course of litigation and during trial, FPL argued that a third-party company, the manufacturer of the power plant, was at fault for this incident. FPL also insinuated throughout the trial that Kenya was also to blame for what happened. Prior to trial, FPL only offered Kenya \$70,000 to settle his case.

Partner Lake H. "Trey" Lytal, III and attorney Daniel Jensen took the case to trial here

in Palm Beach County. After a week-long trial, the jury came back with a verdict. The jury found that FPL was fully liable for the accident, finding the power company 100% at fault. The jury awarded our client \$1,876,060.98 which included past medical bills, future medical care, and past and future pain and suffering.

As a result of the verdict, our firm was entitled to attorney's fees and costs based on a proposal for settlement which had been filed. FPL eventually agreed to settle Kenya's case for \$2,000,000.



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\$10,000 POLICY LIMIT; \$358,473 VERDICT

In a case of hotly-disputed liability, a Palm Beach County jury returned a \$358,473 verdict on behalf of Tina Bikos on August 28, 2019. Ms. Bikos was represented at trial by Matthew E. Haynes and Jason McIntosh.

On November 21, 2016, Tina Bikos was returning home from dinner with her family. Ms. Bikos testified that as she approached the intersection of Northlake Boulevard and Macarthur Boulevard, she turned left on a green arrow. As she entered the intersection, she was struck by a car driven by the Defendant. The Defendant claimed that he had the green light, and that Ms. Bikos did not have a green turn arrow.

From the outset, the Defendant's insurance company denied liability, forcing Ms. Bikos to trial.

Ms. Bikos sustained fractures to her left wrist and ankle, requiring surgical fixation. Fortunately, the surgeries were successful, and Ms. Bikos only sought treatment for 6 months after the crash.



Before trial, paralegal Mindie Fusca located and interviewed two witnesses to the crash – an off-duty police officer and his wife. These independent witnesses testified unequivocally at trial that Ms. Bikos had the left-turn arrow, and that the Defendant ran the red light. Despite this testimony, the Defendant testified that Ms. Bikos ran the red light.

After a 3 day trial, the jury returned a verdict in the amount of \$358,473. Plaintiff's post-trial motions for costs and fees are pending.



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Joseph J. Reiter
Kevin C. Smith
Trent J. Swift
Bill T. Viergever
William S. Williams

Paralegals

Robert Bradshaw
Kathryn B. Connor
Leslie T. Cooper
Troy Fleming
Lisa D. French
Mindie Fusca
Emilia "Jo" Hunerberg
Teresa Krellner
Amarys Reyes
Ivette Sanchez
Steven Sanchez
David Schultz
Kimberly Simpson
James E. Williams

Nurse Paralegal

Cynthia Mazzuto

Chief Investigator

Marty Kerner

Is Your Vehicle Safe... Are You Sure?

According to the U.S. Department of Transportation/National Highway Traffic Safety Administration (NHTSA), in 2014, a record 63.9 million vehicles were recalled. An additional 2.2 million vehicles were recalled for equipment related safety issues. 7.6 million car seats and 368,720 tires were also recalled. Recalls are issued when a manufacturer or NHTSA determines that a vehicle, equipment, car seat or tire creates an unreasonable safety risk or fails to meet minimum safety standards. Manufacturers of these products are required to fix the issue related to the recall by repairing or replacing it, offering a refund or repurchasing the vehicle.



Even more incredible, one third of all recalled cars and trucks don't get repaired. This translates to 1 out of every 7, or 36 million vehicles still on the road having a defect that has not been repaired.

When buying, leasing or renting a vehicle for your family, ensuring the safety of that vehicle is critical. As it applies to the integrity and safety of a vehicle, do not rely solely on the assurance of the party from whom you are buying, leasing or renting the vehicle. Be sure to check for any recall notifications related to any safety defects and have those defects addressed immediately before the vehicle is operated.

The National Highway Traffic Safety Administration has created a tool which allows consumers to enter a Vehicle Identification Number (VIN) to quickly learn if a specific vehicle has not been repaired as part of a safety recall in the last 15 years.

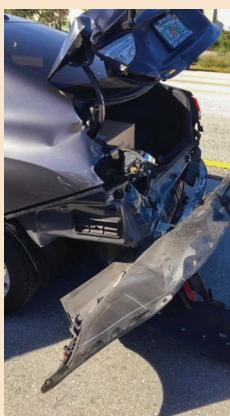
<https://vinrcl.safercar.gov/vin/>



Steven Sanchez
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JANE DOE v. JOHN DOE – Palm Beach County, FL

CONFIDENTIAL SETTLEMENT



In December of 2018, our client was involved in an automobile accident on I-95. The Defendant driver, traveling at a high rate of speed, collided into the back of our client. Our client suffered serious injuries to her neck and back.

As a result of the offers from the insurance companies in the case, our firm filed suit against the Defendant driver.

Attorney Daniel Jensen aggressively litigated our client's case and set it for trial. Just before trial, at mediation, Mr. Jensen was able to settle with the insurance company and defendant, obtaining a great result for our client.



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Recent Cases

MOTOR VEHICLE

\$7,500,000 Settlement

Auto Accident/Insurance bad faith
Palm Beach County
Lake H. "Trey" Lytal, III

\$7,000,000 Settlement

Auto Accident/Train
Palm Beach County
Lake H. "Trey" Lytal, III

\$2,400,000 Settlement

Motor vehicle accident /DRAM shops
Palm Beach County
Todd Fronrath

\$1,500,000 Settlement

Auto Accident/Leg & Foot Injury
Palm Beach County
Lake H. "Trey" Lytal, III

\$1,400,000 Settlement

Pedestrian Accident/Multi Bodily Injuries
Palm Beach County
Joseph J. Reiter & Lake H. "Trey" Lytal, III

\$820,000 Settlement

Motorcycle Accident/Head & extremity
fractures
Palm Beach County
William S. Williams

\$750,000 Settlement

Auto Accident/Back Surgery
Palm Beach County
William S. Williams

\$750,000 Settlement

Auto Accident/Neck Injury
Palm Beach County
Lake H. Lytal III

\$650,000 Settlement

Auto Accident/Neck Injury
Palm Beach County
Lake H. "Trey" Lytal, III

\$545,000.00 Settlement

Automobile Accident/Neck & Back Injury
Palm Beach County
William S. Williams

\$500,000 Settlement

Auto Accident/Wrongful Death
Palm Beach County
Lake H. Lytal III

\$450,000 Settlement

Auto accident/Neck Surgery
Palm Beach County
Chase Nugent

\$405,000 Settlement

ATV Rollover/Leg Fracture
Glades County
Lake H. Lytal III

\$400,000 Settlement

Motor vehicle accident - lumbar rhizotomies
Palm Beach County
Todd Fronrath

\$400,000 Settlement

Motor vehicle accident - lumbar injections
Palm Beach County
Todd Fronrath

\$375,000 Settlement

Auto accident/Cervical Fusion
Palm Beach County
Chase Nugent

\$358,473 Verdict

Auto accident -Wrist & ankle fractures
Palm Beach County
Mathew Haynes & Jason McIntosh

\$340,000 Settlement

Trucking Accident/Back surgery
Miami-Dade County
Jason A. McIntosh

\$287,500 Settlement

Auto Accident/lumbar rhizotomies
Palm Beach County
Jason A. McIntosh

\$250,000 Settlement

Pedestrian Accident/Knee & Back
Palm Beach County
Jason A. McIntosh

\$260,000 Settlement

Auto accident/lumbar rhizotomies
Broward County
Chase Nugent

\$250,000 Settlement

Auto accident/Neck Surgery
Martin County
Chase Nugent

\$250,000 Settlement

Auto accident/Back & Neck
Palm Beach County
Chase Nugent

\$200,000 Settlement

Auto accident/Shoulder & Wing Scapula
Palm Beach County
Chase Nugent

\$200,000 Settlement

Auto accident/Lumbar injury
Palm Beach County
Kelsey C. Burke

\$200,000 Settlement

Auto accident/Neck Injury
Palm Beach County
Chase Nugent

\$200,000 Settlement

Auto Accident/Neck and back injuries
Martin County
Christopher W. Kellam

\$150,000 Settlement

Auto accident - Shoulder Surgery
Palm Beach County
Chase Nugent

\$140,000 Settlement

Auto accident/Fractured Wrist

Brevard County
Chase Nugent

\$150,000 Settlement

Auto Accident/Back Injury
Martin County
Christopher W. Kellam

\$120,000 Settlement

Auto Accident/Neck & back
Martin County
Christopher W. Kellam

\$110,000 Settlement

Auto accident/Fractured Ribs
Palm Beach County
Chase Nugent

\$1,000,000 Settlement

Failure to diagnose pediatric infection
Palm Beach County
Kevin C. Smith & Darla Keen

\$750,000 Settlement

Failure to diagnose pediatric meningitis
Palm Beach County
Kevin C. Smith & Darla Keen

CONFIDENTIAL SETTLEMENTS

Motor vehicle v. bicyclist/Lumbar

Surgery
Alachua County
Todd Fronrath

Elevator accident/ Fractured Shoulder

Palm Beach County
Todd Fronrath

Assault and Negligence

Brevard County
Kevin C. Smith

Auto Accident/Back Fracture

Orange County
William S. Williams

Auto Accident/Shoulder & Neck

Palm Beach County
William S. Williams

Auto Accident/Pedestrian

Palm Beach County
William S. Williams

Premises Liability/Neck Injury

Palm Beach County
William S. Williams

Auto Accident/Ride Share Service / Head Injury

Palm Beach County
Jason A. McIntosh

NURSING HOME NEGLECT

\$250,000 Settlement

Negligent wound care
Lee County
Darla Keen

PREMISES LIABILITY

\$150,000 Settlement

Fractured hip & fractured wrist
St. Lucie County
Christopher W. Kellam

\$72,500 Settlement

Back injury
Palm Beach County
Christopher W. Kellam



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