

LEGAL UPDATE

CUNNINGHAM BOUNDS LLC

FALL 2016

Cunningham Bounds Recovers
\$6.5 Million for Client Injured
in Head-On Collision

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Cunningham Bounds Recovers **\$6.5 Million** for Client Injured in Head-On Collision

After getting off work on a clear afternoon on July 30, 2014, the plaintiff was driving to a local clothing store to make a purchase for her granddaughter. All of a sudden, the plaintiff's full-sized sport utility vehicle was hit head-on in her lane of travel by a Smith Oil Company truck. The Smith Oil truck hit the plaintiff's vehicle with such force that the vehicle was propelled backward approximately 30 feet and then onto its side. Eyewitnesses to the accident stated that the Smith Oil Company truck, driven by employee Dennis Eugene Endsley, Jr., had swerved over the centerline multiple times before the crash.

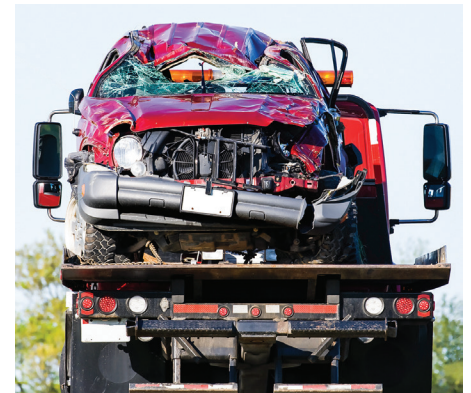
As a result of the crash, the plaintiff was traumatically injured, suffering among other things: a ruptured aorta, a ruptured intestine, a lung injury, broken wrists, a broken hand, six broken ribs, and broken bones in her left leg and foot. She endured multiple surgeries and incurred more than \$250,000 in medical bills.

Cunningham Bounds filed suit in Shreveport, Louisiana and discovered

that on the day of the crash Smith Oil Company had received at least one, and possibly two, telephone calls from concerned motorists about Endsley's unsafe driving of the Smith Oil Company truck. These reports were communicated to upper management, but they did not follow up with the callers. The investigation also uncovered that when Endsley returned to the office after these calls had been received, he was observed by co-workers as lethargic, sleepy and "out of it." One or more employees told management that he was not acting right and should not be driving. Again, management did nothing. Instead, the company sent him home in his assigned company vehicle, thus resulting in the head-on collision with the plaintiff.

Cunningham Bounds took more than 25 depositions of witnesses - including experts - in Louisiana, Arkansas, Alabama and South Carolina. Several weeks before the June 20, 2016 jury trial was set to begin in Shreveport, Louisiana, a \$6,500,000 settlement

was obtained by Cunningham Bounds on behalf of its clients. George W. "Skip" Finkbohner, III and Toby D. Brown served as counsel for the plaintiff.



Founded in 1958, Cunningham Bounds has been representing plaintiffs for over 55 years. We have a long and successful history of helping people who have been injured or harmed by the wrongdoing of others. Our firm was born out of the desire to create change and improve lives. We thoroughly prepare each case. We leave no stone unturned, no evidence untouched, and no detail unexamined. This precision and focus ensures that we present each client's very best case to the jury. Today, our goal remains as it was in 1958 - to achieve the best possible result for each client by holding people and companies accountable for their wrongdoing.

Accolades



Skip Finkbohner was named Mobile, Alabama's *Best Lawyers*® 2017 "Lawyer of the Year" in the category of Plaintiffs' Personal Injury Litigation. "Lawyer of the Year" recognitions are awarded to individual attorneys with the highest overall peer-feedback for a specific practice area and geographic location. Only one lawyer is recognized as the "Lawyer of the Year" for each specialty and location.

In addition, 13 of Cunningham Bounds' personal injury lawyers were selected by their peers for inclusion in *The Best Lawyers in America*® 2017 list. *Best Lawyers* lists are compiled based on an exhaustive peer-review evaluation. Over 79,000 leading attorneys globally are eligible to vote, and more than 12 million votes were received to date. Lawyers are not required or allowed to pay a fee to be listed; therefore, inclusion in *Best Lawyers* is considered a singular honor.



David Wirtes was recently appointed to a 4-year term as a Trustee of the Pound Civil Justice Institute. The Pound Institute is dedicated to ensuring access to justice for ordinary citizens.

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Cunningham Bounds Named Best Trial Lawyers in Local Awards

Mobile's independent weekly newspaper, *Lagniappe*, recently announced its 2016 Readers' Choice "Nappie" Awards, and the lawyers of Cunningham Bounds were named "Best Lawyers to Sue the Pants Off Someone." More than 1.4 million votes were cast in this year's contest, which establishes the community's preferences for local professional services in Mobile and Baldwin counties.

Lagniappe's weekly publication has a circulation of 30,000 copies, reaching 90,000 readers with each issue. It has been published continually since July 24, 2002.



Takata Airbag Recall: Your Safety May Be At Risk



With approximately 34 million vehicles affected, the Takata airbag recall is the largest and most complex safety recall in U.S. history, and it keeps expanding. Fourteen different automakers have recalled vehicles, model years 2002 – 2015, to replace frontal airbags on the driver's or passenger's side – or both. *These airbags may deploy explosively, injuring or even killing vehicle occupants.* The affected airbags have been linked to at least 13 deaths and 100 injuries in the United States.

At the heart of the problem is the airbag's inflator, a metal cartridge loaded with propellant wafers, which in some cases has ignited with explosive force. If the inflator housing ruptures in a crash, metal shards from the airbag can be sprayed throughout the passenger cabin. According to the National Highway Traffic Safety Administration ("NHTSA"), these inflators become unsafe over time, and deteriorate even faster when exposed to humidity and variations of temperature.

Recently, the NHTSA alerted owners of certain 2001-03 Honda and Acura vehicles to stop driving their cars, citing new data showing the vehicles' Takata

airbag inflators have as much as a 50 percent chance of exploding in a crash. Repairs for the millions of defective vehicles are being prioritized based on the age of the vehicle and the geographic area in which the vehicle is located.

A recent study by Kelly Blue Book found that despite the publicity surrounding the massive Takata airbag recall, many consumers are unaware that their vehicle is on the recall list. Our website www.cunninghambounds.com/who-we-are/resources/blog has more information on the Takata airbag recall. These defective airbags are dangerous and could be life-threatening. We urge you to check to see if your vehicle is on this recall list, and if it is to contact your dealership immediately for repairs. If someone you know is injured or killed by a defective airbag, please call Cunningham Bounds so that we can investigate whether there is a claim that may be pursued.

As of publication date for this newsletter, vehicles included in the Takata airbag recall included:

- Acura • Audi • BMW • Cadillac • Chevrolet • Chrysler • Daimler Trucks North

- America (Sterling Bullet) • Daimler Vans USA LLC (Sprinter) • Dodge/Ram • Ferrari • Ford • GMC • Honda • Infiniti • Jaguar • Jeep • Land Rover • Lexus • Lincoln • Mazda • Mercedes-Benz • Mercury • Mitsubishi • Nissan • Pontiac • Saab • Saturn • Scion • Subaru • Toyota • Volkswagen (VW)





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The following language is required by Alabama Rules of Professional Conduct:
"No representation is made that the quality of the legal services to be performed is greater than the quality of legal services performed by other lawyers."

In Our **Community**



Save the Date! Join Us in Supporting **Our Sisters' Closet**

Cunningham Bounds is a sponsor of Our Sisters' Closet "PurseWithPurpose" fundraiser scheduled for November 3rd at Heron Lakes Country Club, 5:30 – 8:00 p.m. Our Sisters' Closet helps disadvantaged women by providing free interview and workplace clothing. For more information and to purchase event tickets, visit www.oursisterscloset.org.

Cunningham Bounds Sponsors **2016 Vintage Affair Gala**

Cunningham Bounds served as a Hope Sponsor for the recent Vintage Affair Gala which benefitted the American Cancer Society. Firm partner, Robert Mitchell, served on the event committee. The American Cancer Society helps people get well and stay well, find cures, and fight back against cancer.