

THE LAW LETTER

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\$1.6 MILLION SETTLEMENT REACHED FOR INJURED AIRLINE EMPLOYEE

Firm Partner Jake Schickel and Co-Counsel John Fagan recently obtained \$1.6 million in compensation for a client seriously injured while on the job at Jacksonville International Airport (JIA). A long time employee for US Airways, Catherine Grosser was performing her duties as a baggage handler when her life was irrevocably changed by injury.

Construction Chaos

JIA was undergoing construction on May 28, 2002, a project headed by a group of construction contractors engaged by the Jacksonville Airport Authority. The work plan included demolition of a wall and removal of an exterior bollard. Bollards are short columns, usually of metal or steel, used to divert motor vehicles from driving in a specific area. In this case, the bollard was there to prevent tow trucks moving through the site from running into walls and causing structural damage.



Catherine Grosser

In the early morning hours of that day, Catherine Grosser had just begun her shift and was walking on the tarmac outside the vicinity of US Airway's baggage sorting area. She was completely unaware that a bollard had been



John Fagan and Jake Schickel

removed. In the semi-darkness, she did not see the open hole where the bollard had stood, stepped into it, fell, and struck her knee. Her first reaction was to

tion with US Airways. This was the beginning of a nearly seven-year journey to obtain justice and needed compensation. A Clay county resident, she turned to John Fagan to represent her in a workers' compensation and disability claim.

When that action was successfully concluded, litigation handled by John Fagan and Jake Schickel was filed in 2005 against the Jacksonville Airport Authority and the numerous construction companies involved in the airport improvement project. Although the removal of the bollard was included in this airport's project plans,

The dangerous situation on the tarmac was an *accident waiting to happen.*

try to finish her shift, but she quickly realized that the pain in her knee was too severe to ignore and that it was impossible for her to climb into the belly of airplanes to retrieve luggage.

Two Legal Actions Required

Catherine Grosser was required to undergo extensive medical evaluation and treatment. It was ultimately determined that her injuries were permanent and included the presence of reflex sympathetic dystrophy (RSD), a chronic, painful, and progressive neurological condition that sometimes develops in an injured limb or following surgery. Reluctantly, Catherine resigned her posi-

none of the numerous contractors admitted to being responsible for removing it, filling in or safely covering the hole it left, or posting signage warning of danger.

"This situation was a classic case of too many cooks in the kitchen – there were so many entities at work on the construction job, and no centralized coordination. It was pure negligence to leave a large hole in an area that was commonly walked upon by unsuspecting airport and airline employees and contractors. It was an accident waiting to happen," said John Fagan.

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Toll Free 800-927-6071
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136 East Bay Street
Jacksonville, Florida 32202

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SETTLEMENT FOR INJURED AIRLINE EMPLOYEE

Throughout the prosecution of the case, the defendants firmly denied knowledge or responsibility for the accident and injury, until, in deposition, a worker admitted to removing the bollard. This cleared the way to the ultimate settlement. Jake Schickel explains: "The defendants fought hard against accepting responsibility and they also spent a great deal of money employing out of state doctors to disprove the seriousness of Catherine's injury, especially her disability and ongoing pain due to RSD. Our doctors, top specialists in the field, confirmed that Catherine suffers continually with pain caused by RSD. Overall, this case -- both the workers' compensation and disability claim and the civil litigation -- was a strong example of the length defendants sometimes will go to try to set aside legitimate claims."

CO-COUNSEL ATTORNEY PROFILE: JOHN FAGAN

Over 25 years of practice have brought John Fagan a sense of the social symmetry created by both sides of the law. In 1981, John graduated from the Florida State University College of Law where he was the Business Editor for the Law Review. His first position was as a prosecutor for Duval County. Switching from criminal prosecution to civil plaintiff's representation, John then started a private practice focused on workers' compensation and personal injury for clients across the First Coast region.



John Fagan

John's core philosophy about the law is based on an understanding and appreciation of the power that lawyers have to change people's lives. As a prosecutor, he felt his work in punishing wrongdoers often helped prevent future criminal acts from ultimately harming the next victim. As a civil litigator, John sees his role as

redressing harm that has been done to victims and obtaining justice and compensation that helps them cope with their future. "Plaintiff's lawyers provide victims who don't have the means to hire a fee-based lawyer with the opportunity to get a piece of their life back. I try to offer my clients a helping, healing hand and demonstrate that there is still justice available," explains John.

John Fagan's office is located in Orange Park, and the core of his business is in Clay and Putnam counties. He is Secretary of the Clay County Bar Association and a member of the Putnam County and Jacksonville Bar Associations. Other professional affiliations include the Florida Justice Association, American Justice Association and The Florida Bar. John is married and has two children and when not attending to clients or spending time with family, he likes to practice his golf swing.

"In our profession, we all know Jake and Howard as seasoned litigators. They are also savvy trial partners who understand the dynamics of co-counseling. I never hesitate to call on them when I need case-specific experience, deep financial resources or extensive staff support."

. . . John Fagan

ON OUR TEAM

FOUR TIMES THREE IS A SUPER SCORE

For the fourth consecutive year since the program began in 2006, firm Senior Partners Howard Coker, Jake Schickel and Charles Sorenson have been selected to the Florida Super Lawyer list. Super Lawyers are selected via a rigorous, multi-phase process that includes nominations from peers and third party research. Each candidate is evaluated on 12 indicators of peer recognition and professional achievement. These indicators include verdicts and settlements, representative clients, experience, honors and awards, special licenses and certifications, Bar and professional activity, and pro bono and community service.



Listed in 2009 Florida Super Lawyers: Jake Schickel, Howard Coker and Charles Sorenson

Howard, Jake and Charles are among the small number – only 5% – of Florida Lawyers who have been selected to the 2009 Super Lawyer list.

FIRM PARTNER HELPS PRODUCE HISTORIC DIVERSITY SYMPOSIUM

Working with Attorney Joe Camerlengo, President of the Jacksonville Bar Association, Howard Coker assisted in producing the First Annual Jacksonville Bar Diversity Symposium held February 20th at the Florida Coastal School of Law.



Howard Coker Presents To Diversity Symposium Audience

A number of organizations co-sponsored the historic symposium, including The Jacksonville Bar Association, The D.W. Perkins Bar Association, the Hispanic Bar Association, the Asian-American Bar Association, the Jacksonville Women Lawyers Association, Florida Coastal School of Law, the Christian Legal Society and Jacksonville Area Legal Aid.

Florida Supreme Court Justice Barbara Pariente gave the keynote address and participated in one of two panel discussions. Casey Black, Anchor from WJXT, Channel 4, acted as Panel Moderator. Over 160 participants from Florida's Legal Profession attended, including several Judges from Jacksonville and across the state. Also in attendance were three Florida Bar Past Presidents-Howard Coker, Frank Angones and Hank Cox.



Howard Coker, Florida Supreme Court Justice Barbara Pariente, and Joe Camerlengo

In her keynote address, Justice Pariente spoke of the importance for "creating an atmosphere of inclusion, not exclusion" in the legal profession. She said, "Without all of us here together, change is less likely to occur."

GIVING BACK

FIRM LENDS A HAND TO JACKSONVILLE CHILDREN

Our firm recently received a handsome plaque from the volunteer organization Hands On Jacksonville for supporting their “A Visit From St. Nicholas” event last December. The organization is to be congratulated for the outstanding work that they do – nearly 9000 children in 18 challenged elementary schools received gifts of toys and books and special attention from St. Nicholas. Our attorneys and staff applaud this accomplishment and were happy to have been part of the special event.



Recognition From Hands On Jacksonville

CASTING THE FRIENDLIEST KOMODO DRAGON ON EARTH

A new character at the Jacksonville Zoo and Gardens was recently cast, as donated by Howard Coker and the Coker family. Cast in bronze by artist Tom Tishler is a nearly life-size Komodo Dragon that stands guard at the entrance to one of the zoo’s newest attractions, the Asian Bamboo Garden and Komodo Dragon Exhibit. Ribbon cutting for this special exhibit took place on March 6th and revealed the presence of two live Komodo Dragons in a specialized setting, along with the life-like sculpture, pictured below.



Howard Coker and Komodo Dragon Sculpture

Komodo Dragons are the world’s largest living lizards. They can grow to a length of 10 feet and weigh up to 200 pounds. These formidable and venomous creatures are an endangered species whose native habitat is in Indonesia. Only about 3000 are thought to currently exist in the wild.

The Komodo Dragon statue is just the latest demonstration of Howard Coker and his family’s ongoing support to the Jacksonville Zoo and Gardens. Previously Howard served on the capital campaign that raised \$37 Million for the Range of the Jaguar Exhibit. He also contributed personally to the fish collection that is part of that exhibit. Howard has served on the organization’s Board of Directors throughout the past seven years, and is currently the Immediate Past Chair.

“For many years, Howard has provided leadership and enthusiastically given his valuable time and talents to Jacksonville’s Zoo and Gardens. Along with commitment, he brings a unique perspective to our board, which can be seen as he fulfills his current role as head of the government relations committee,” comments Diane David, Director of Development for the Jacksonville Zoo and Gardens.

“I have loved being part of helping the Zoo and Gardens expand. We are very fortunate in Jacksonville to have such a superb facility that combines rare and exotic animals and over 1000 unique plant species. The gardens are spectacular and are as exciting as seeing fascinating animals in settings that simulate their natural habitats,” explains Howard Coker.

TAKING ON A SUPREMELY IMPORTANT TASK

In the summer of 2008, Governor Charlie Crist appointed Howard Coker to a nine-member Supreme Court Judicial Nominating Commission (JNC). Howard was recommended to the governor by The Florida Bar and selected out of twenty possible candidates.



Howard Coker Reviews Candidate Files

Due to the numerous Supreme Court Judicial vacancies, the commission has been very active. Howard and his fellow commissioners reviewed and interviewed over 70 judicial candidates, deliberated and then submitted between three and five names to the governor on four occasions. Out of these nominations, Governor Crist appointed four new Florida Supreme Court Justices: Charles Canady, Ricky Polston, Jorge Labarga and James Perry.

“Having this many positions open on the state’s highest court in such a compressed period of time was highly unusual. With four new appointees, the face of the court has been changed. The experience of serving on the JNC was personally rewarding and I met people of high integrity who respect the process and wanted to give Governor Crist choices for the state’s Supreme Court that are the best of the best,” comments Howard Coker.

ATTORNEYS HELP MAKE YOUNG ATHLETE’S DAY

Firm Partners Howard Coker, Charles Sorenson and Matthew Posgay, in company with Attorney Randy Crabtree were one of four winning teams at the Eighth Annual James “Coach” Day Golf Tournament held this year on March 16 at the Mill Cove Golf Club.

The event is a joint effort, in conjunction with the Bob Hayes Track Meet, to raise money to support the James “Coach” Day Scholarship Fund for young athletes. Funds raised from the first through seventh tournament helped 32 people further their education. A quote from Coach Day’s message about the event states, “The purpose of this event is not only to provide scholarships for young athletes, but also to give the community an opportunity to get involved and encourage our young people to go farther...” “Together there is no limit to what we can achieve.”



Charles Sorenson, Coach Day, Randy Crabtree, Matthew Posgay and Howard Coker with Trophies

Charles Sorenson agrees with Coach Day, commenting: “Playing in the tournament was a special and very enjoyable experience for us all. It had special meaning, too, because we had represented Coach Day’s daughter, Wonza Smith. While it was nice to be on a winning team, we were all most gratified to participate in an event that makes dreams come true for deserving young people in our community.”

The case results reported in this publication are unique to each case and are not indicative of the value of any other case

THE LAW LETTER

"My attorneys were always upfront and honest with me; they were easy to reach and continually kept me informed. Jake Schickel and John Fagan brought different, but important elements to the case, and they collaborated wonderfully on my behalf. They and their assistants also supported me through some very difficult periods after my accident. I have already recommended both of my attorneys to other people." . . . Catherine Grosser **SEE STORY PAGE ONE**

MOTHER OF FOUR COMPENSATED FOR GROCERY STORE ACCIDENT

The mess on the floor was unexpected and unseen by our client Karen Ickes, as she was getting ready to check out at her local Winn Dixie on July 30, 2005. A slick substance on the floor under her cart caused the mother of four

debilitating, very painful, progressive and required surgery. Ultimately, Karen was diagnosed with RSD (reflex sympathy dystrophy). Although she attempted to return to full duty six weeks after the accident, her pain forced her to resign

spills, debris, other slip-fall hazards from the sales floor and work area."

"Customers rely on store employees and management to keep the facility safe and free from hazards. Store personnel acknowledged that did not happen in this situation and that there was smashed grape substance on the floor," comments Charles Sorenson.

The case concluded with a \$990,000 settlement for our client.

"When I fell I saw green mushy, slimy, dirty stuff all around me..."

to slip and slide to the floor, catching her foot on the buggy. "When I fell I saw green mushy, slimy, dirty stuff all around me and all over my legs and shorts. I was hurting in my knee," Karen later stated. Store personnel witnessed the accident and told her that crushed grapes on the floor had made it slippery.

the position she had held since 1996 -- a great disappointment to her. "I loved my job -- customers were like family to me," Karen explains.

Firm partner Charles Sorenson represented Karen in her claim of premises liability against Winn Dixie Stores. His experience with other clients that suffer with RSD caused him to pursue compensation commensurate with the progressively degenerative nature of this condition.

Breached Safety Policies & Settlements

The case was prepared for trial, and mediation was conducted. Charles Sorenson believed the defendant's liability was clear-cut. A review of company policies told him that they had been breached on that day. Employees are instructed to "immediately eliminate

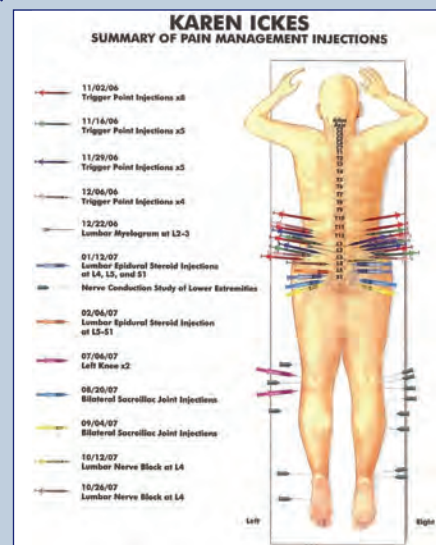
Pain And Permanent Injury

Karen was taken to Orange Park Medical Center that afternoon due to stabbing, burning, aching pain in her left knee and leg -- pain that was radiating between her hip and toes. The following day she was again treated for lower back pain that was radiating into her legs. This was the beginning of what became permanent injury and disability for Karen.



Karen Ickes

At the time of the accident, she was a pest control technician. Her work included climbing into attics and other very physical activities. Her injuries were



"Charles Sorenson and Leigh Philips did an excellent job of representing and helping me in this case. I always got to speak to someone when I called; all my questions were quickly answered. They were very understanding and supportive of what I was going through. A very fair settlement was negotiated by my attorneys and I would recommend them to anyone who needs legal representation." . . . Karen Ickes