

Two RSJG Attorneys Elected Directors of Boys and Girls Club

Recently, R. Mac Freeman and Richard L. McBride were elected as directors of the Boys & Girls Club of Montgomery. This organization has served Montgomery County for over fifty years. The Boys & Girls Club aims to enrich the lives of Montgomery's youth, especially those from disadvantaged homes and circumstances. A "youth guidance" program, the Boys & Girls Club of Montgomery reaches an average of 2,500 youth each year. The program provides tutoring, sports, arts & crafts, and a wide variety of other activities. RSJG is proud to be represented in this program by Mr. Freeman and Mr. McBride.

Firm Successfully Defends Wrongful Death Case in Birmingham

Frank Stakely and William Haynes successfully defend internist in Birmingham. Defendant internist, as part of his on-call arrangement with several local internists, was contacted after-hours about a patient in the ICU who had become profoundly hypotensive. In discussing the patient's status with the ICU nurse, the internist concluded that the patient was hypotensive as a consequence of his congestive heart failure. Defendant internist ordered fluid and medication therapy. The internist had subsequent additional conversations

with the ICU nurse concerning repeated hypotensive episodes, and an additional medication was added to the regimen. The physician did not go to the hospital to personally examine the patient, and the patient coded and died. As it turned out, the patient was suffering from internal bleeding into the retroperitoneal space, which was the probable cause of the persistent hypotension. Plaintiff contended the internist gave the wrong medications and that he should have gone to the hospital to examine the patient, and if he had seen the patient, he would have suspected a bleeding complication, ordered the appropriate test, and intervened with blood products in a timely fashion to avoid the patient's unfortunate death.

After two weeks in trial, the Jefferson County jury returned a defendant's verdict exonerating the internist in this action.

RSJG Attorneys Secure 290 million in Tax-Exempt Bonds for Air Quality Control Equipment

J. Theodore Jackson and Christopher S. Simmons have consummated the issuance of \$290 million of tax exempt bonds by the Chatom (Alabama) Industrial Development Board, serving as bond counsel and company counsel, respectively. The proceeds will be used to fund installation of air quality control equipment to limit sulfur dioxide and nitrous oxide emissions by an existing coal-fired power plant. The issues included \$40 million of Pollution Control Bonds and two issues

of \$125 million each of Gulf Opportunity Bonds.

Defense Verdict for Vehicle Collision; Contributory Negligence a Factor

Attorney Involved: R. Mac Freeman

This case involves a rear end collision that occurred at the intersection of Hurst Street and Martin Luther King Boulevard on February 15, 2005 in Opelika. Plaintiff claimed she was stopped at the red light, waiting for the light to change to green as she was planning on executing a left hand turn onto Martin Luther King Blvd. The light changed to green and, according to Plaintiff, she slowly proceeded into the intersection waiting for oncoming traffic to clear so she could complete her left turn. While waiting, she claims that the Defendant, Dorothy Askew, negligently collided with the rear of Plaintiff's vehicle. Defendant contended that both Plaintiff and Defendant were stopped at the red light and after the light turned green, Plaintiff began to proceed through the intersection as did the Defendant. However, for some unexplained reason the Plaintiff came to a sudden stop and the Defendant was unable to avoid the collision.

Following the collision, Plaintiff treated at the emergency room complaining of injuries to her left leg and thigh. Several months later, Plaintiff underwent surgery to her left knee which she and her orthopedic surgeon attributed to this accident. Specifically, Plaintiff testified that she slammed her left knee against the dash board in the accident. This injury ultimately required surgical intervention. Plaintiff's

medical expenses totaled approximately \$13,000.

Defendant argued that it would be highly unlikely for this type of impact to result in Plaintiff's knee somehow moving forward and striking the dash board. Further, Defendant pointed to several inconsistencies between Plaintiff's testimony and the medical records.

The case was submitted to the jury on Plaintiff's negligence claim. Defendant argued that Plaintiff was barred from recovering due to contributory negligence. Further, Defendant contended that any alleged damages claimed by Plaintiff were not caused by the Defendant.

Plaintiff sought or recommended approximately \$35,000 for pain and suffering, compensatory damages and medical expenses (or an amount the jury deemed appropriate). There was a dispute as to whether the medical expenses had been paid and, whether Plaintiff had paid certain medical bills and expenses and whether she was obligated to reimburse a third party for any medical bills and expenses.

The jury returned a verdict in favor of the Defendant.