THE COOPER FIRM

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THE JUSTICE REPORT

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Featured Case:

Pedestrian Couple Injured by Drunk Driver

We recently represented a young married couple who were injured by a drunk driver in Midtown Atlanta. The couple had just finished dinner and were walking back to their car as they were waiting to cross Ponce de Leon Avenue, a drunk driver raced through a red traffic signal and crashed in Chevy Tahoe. The force of the impact sent the Tahoe over the sidewalk and into the young couple. The husband suffered injuries to his right shoulder and back and his wife sustained a traumatic brain injury.

The DUI driver admitted to drinking five beers and one minute shot before getting behind the wheel. His blood alcohol was over twice the legal limit. He later pled guilty to DUI and failure to obey a traffic signal charges. His insurance company honored our settlement demand and tendered the policy limits.

Due to the severity of the wife's injuries, the settlement did not fully compensate the couple. Therefore, we pursued the policy limits of the couple's uninsured/underinsured coverage of their auto policy. A successful settlement for the policy limits on behalf of the wife was reached.

If you or a loved one have been injured at the hands of a drunk driver, please contact us today. ✦

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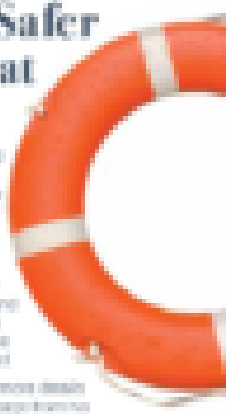
Litigation Pushes Safer Designs for Ski Boat Manufacturers



Three years ago, a young boy lost his entire left leg on the back of the boat with his family. Sitting with his mom, Stephanie, along with five other members of his family were on the Lake Lanier when their boat, a Malibu Wakesetter manufactured by Malibu Boats, slowed while it's dad—also a boat on water skiing Ryan and another family member overboard. To correct the mooring issue, the driver put the boat in reverse. Ryan in the water, Ryan became entangled with the propeller and blades throwing and rob of blood. It is tragic story. A story we believe should have never happened. If the Malibu Boats had been properly designed and tested.

Case Lane with Gallery Sweatman & Kinsinger on her more details about this potential design flaw. The following is an excerpt from her recent investigative report:

"Malibu Boats has stated on "the world's largest manufacturer of watersports inboards, having sold more than entire watersports market share." But the reality, as described in a deposition by Robert Adams, one of Malibu's original founders and former CEO, in attempts an increased interest in the world of inboards, Malibu's design process was more relaxed. Adams testified that the company created the step over bow used in the Malibu Wakesetter LX in 2000. As simply, cutting a hole in the deck of another model, called the Response, so their shop, and added some risers on the bow area. Adams testified that the emphasis for the design was market share. "It was a belief on our part that we could not – or would – there would be a bigger market for a boat that had more seating. And that's proven by other specific open bow models. So the audience were a thought to be a more novel way to maintain the boarding, and it's not manned boarding passengers, and have the seating in the front."

Adams testified that no engineering adjustments were made, despite the fact that the design would have added more weight at the bow of a boat that had originally been designed to have no weight in the bow. Nor did Malibu give any consideration to making a bow capacity weight limit for the Response LX. Adams also testified that it would be up to the customer's reasonable judgement to decide how many occupants would safely fit in the bow of the boat, and that the company had not tested or provided nor did any testing to determine safe weight capacity.

The revelations contained in depositions filed in Gilpin County Superior Court echo those of other manufacturers in the 90s and four consumer who failed to numerous safety determine appropriate weight limits—employing an ad hoc design process conducted with little testing by staff without engineering credentials and driven more by market considerations than safety.

The issue of playpen show, in example after example, that overloading a compartment or unsafe occupant under certain circumstances becomes a critical tipping point that routinely causes injuries and deaths. … By underlying a vehicle with more passengers and cargo than an weight rating can support, drivers lose control of vehicle, and changes a vehicle's suspension in ways which manufacturers making it more prone to roll-over crashes and rollovers…"

The Cooper Firm is currently representing the Batchelder family as investigators and identify the potential product defect. In addition to seeking justice for their son Ryan, they hope to raise more families from experiencing this type of tragedy. ✦