

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 sped through a red traffic signal and t-boned a Chevy Trailblazer. The force of the impact sent the Trailblazer onto 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 four beers and one tequila 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 device. 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 un-insured/under-insured 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. ♦

In This Issue:

- 1 Featured Case:**
Pedestrian Couple Injured by Drunk Driver
Ski Boat Litigation
- 2 TCF Team Updates**
Summer Intern
- 3 Ford Explorer**
Vehicle Safety Watch List
- 4 Contact**

Litigation Pushes Safer Designs for Ski Boat Manufacturers

Three years ago, a young boy lost his life while enjoying a day on the lake with his family. Seven-year-old Ryan Batchelder, along with five other members of his family were out on Lake Rabun when their boat, a Malibu Bowrider manufactured by Malibu Boats, dipped under its own wake and took on water, tossing Ryan and another family member overboard. To correct the flooding issue, the driver put the boat in reverse. Still in the water, Ryan became entangled with the propeller and died from drowning and loss of blood. It's a tragic story. A story we believe should have never happened if the Malibu Bowrider had been properly designed and tested.

Sean Kane with Safety Research & Strategies Inc. has more details about this potential design flaw. The following is an excerpt from his recent investigative report:

'Malibu Boats bills itself as "the world's largest manufacturer of watersports towboats, owning over one-third of the worldwide market share."... But, the reality, as described in a deposition by Robert Alkema, one of Malibu's original founders and former CEO, is: despite its outsized footprint in the world of towboats, Malibu's design process was more relaxed. Alkema testified that the company created the step-over bow used in the Batchelder's Bowrider LX in 1996, by simply cutting a hole in the deck of another model, called the Response, in their shop, and added some seats to the bow area. Alkema testified that the impetus for the design was market share: "It was a belief on our part that we could sell – 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 walkover was a thought to be a more novel way to maintain the skiability and the two rearward facing passengers, and have the seating in the front."

Alkema testified that no engineering adjustments were made, despite the fact that the design would have added more weight to 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. Alkema also testified that it would be up to the customer's reasonable judgement to decide how many occupants could safely fit in the bow of the boat, and that the company had no testing protocol nor did any testing to determine safe weight capacity.

The revelations contained in depositions filed in Rabun County Superior Court echo those of other manufacturers in the RV and bus industries who failed to systematically 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 laws of physics show, in example after example, that overloading a conveyance in critical locations under certain circumstances becomes a literal tipping point that routinely causes injuries and deaths. ... Encumbering a vehicle with more passengers and cargo than its weight rating can support strains tires to point of failure, and changes a vehicle's dynamics in pre-crash maneuvers, making it more prone to loss-of-control crashes and rollovers...'

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



◆ TCF Team Updates



The Cooper Firm Here and There Left to right: AIEG Meeting in Jackson Hole, WY, Solar Eclipse Day 2017, Atlanta Falcons Pre-Game 2017, Halloween 2017



Sweet Cosette

Welcome Cosette Michelle Hebert! Lance is a grandpa times two! Rachel and Michael Hebert welcomed daughter, Cosette Michelle Hebert on November 7th. All are doing well!



Mrs. Stewart with The Cooper Firm team

Congratulations Mr. & Mrs. Stewart! Gabriell Peterson has a new last name! On Friday, November 3, surrounded by friends and family, Gabriell and Bryant Stewart were married. Congratulations to the happy couple!

◆ TCF Summer Intern:

Thank you Melody Bidwell! In September we said goodbye to our final summer intern, Melody Bidwell. She visited us all the way from the United Kingdom and even celebrated her 21st birthday at The Cooper Firm!

School/University: Sheffield Hallam University

Major: History | Hometown: Sheffield, England.

Excerpts from The Cooper Firm intern questionnaire:

How do you use the information that you learned in your favorite class in your life today? I have taken many classes on my course at university that have taught me critical thinking, analytical skills and also how to draw conclusions based on the evidence in front of you. Those are some of the main skills that I have taken from my degree and all of them really helped me during my time at the Cooper Firm.

What spectator activities do you most enjoy attending and watching? Well, after being in the US for 6 weeks, it has to be American Football!

Share a goal that you have already accomplished that you are most proud of? When I was 17 years old, I decided to do an 88km hiking challenge in the Scottish Highlands called the Duke of Edinburg Award. Our group 6 completed the 4 day challenge with only bare basics in the middle of nowhere. We were the first female group to complete it, so it was definitely a very challenging but also a rewarding experience.



Intern Melody Bidwell made a great summer addition to the team.

◆ Ford Explorer Exhaust Problems Lead to Placement on Vehicle Safety Watch List

The Safety Institute released its quarterly vehicle safety watch list and 2015-2016 Ford Explorers have taken the number three and number six spots on the list. The 2015-2016 Ford Explorers have been the subject of a 2016 investigation by the NHTSA for carbon monoxide leaks in the SUV's cabin. Over 2,800 complaints have been filed. Among them, police departments reported their police interceptors caused at least five officers to lose consciousness.

Topping the list for the fourth quarter in a row, the 2014-2015 Jeep Grand Cherokees continue to be a concern as relating to a confusing gear shift operation. After a six month investigation, Fiat-Chrysler recalled these vehicles over a design flaw that did not alert the driver when the door was opened that the vehicle was not in PARK. This allowed the driver to exit the vehicle while it was still in gear leading to many injuries and over 100 reported accidents. Included in this recall are the 2012-2014 Dodge Chargers and Chrysler 300. The 2012 Chrysler 300 is number seven on this watch list for this same reason.

Each quarter, the Safety Institute releases a list of the top 15 vehicles to watch with regards to safety concerns. The list is compiled by researching public data in addition to consumer complaints filed with National Highway Traffic Safety Administration database.

The Safety Institute is sponsored by Ken and Beth Melton in memory of their daughter, Brooke Melton. ◆



Two Firms, One Pursuit: JUSTICE.



Relentlessly Pursuing Justice

770.427.5588

thecooperfirm.com
lance@thecooperfirm.com
531 Roselane St.,
Suite 200,
Marietta, GA 30060

404.751.1162

beasleyallen.com
chris.glover@beasleyallen.com
4200 Northside Parkway
Building One, Suite 200
Atlanta, GA 30327

The Cooper Firm and Beasley Allen are combining their expertise to serve the catastrophically injured both locally and nationally.

Auto Crashworthiness

Defective Consumer Products

On-the-Job Products Liability

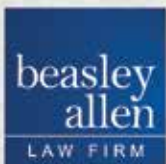
Honda Airbags/Takata Airbags

Single Vehicle Accidents

Heavy Truck Rollover

Cab Guard Cases

Defective Tires



Contact Us Today.



Relentlessly Pursuing Justice

531 Roselane Street, Suite 200
Marietta, Georgia 30060
770-427-5588 | TheCooperFirm.com



“Lance Cooper is one of the best product liability lawyers in the country. He is totally dedicated to seeing that his clients receive complete justice.”

Jere L. Beasley, Principal & Founder, Beasley Allen Law Firm