

Featured Case:

Justice Against Negligent Party in Wrongful Death

Sixty-four year old Mario Albizures suffered from a variety of mental and physical disabilities. He was a fulltime resident of Life Well Lived Services, Inc. (LWLS) in Woodstock, Georgia and was completely dependent on their care. On June 26, 2014, Mario was in the back seat of the SUV, returning from a doctor's appointment, when he began choking on a sandwich. The LWLS employee driving the vehicle did not immediately pull over to render aide to Mario. Rather, she drove nearly six miles up the interstate before pulling over. By that time, Mario was unconscious and unresponsive. Mario never regained consciousness and died on July 7.

We represented Mario's family in a wrongful death claim against LWLS and the negligent driver. We were able to prove that LWLS failed to complete a required choking risk assessment and implement a Choke Risk Protocol for Mario, even though his disabilities made him a choking risk. We also proved that LWLS was negligent in staff training as the driver was never made aware that Mario should be monitored while eating, another important factor that could have prevented his death.

After a full investigation and several focus groups, we were able to settle with the Defendants for a confidential amount and get justice for Mario and his family.

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How Does The New Distracted Driving Law Affect You?

Gov. Nathan Deal recently signed House Bill 673, commonly referred to as the Distracted Driving Law or the Hands Free Georgia Act, which went into effect on July 1, 2018.

The new law prohibits drivers from the following:

- Handling a "wireless telecommunication device" while driving. This means you can't have your device in your hand, between your shoulder and ear, or even in your lap.
- Recording a video.
- Watching a video or movie (other than your GPS).
- Writing, sending or reading text messages, emails, or any kind of electronic communications.



What is still allowed? Drivers can still use their cellphones to make calls, but you have to use a hands-free adaptor, whether it is Bluetooth through your car speakers or an earpiece. You can still use your GPS navigation but with some restrictions.

What is the punishment? A first conviction will result in a \$50.00 fine. If you are convicted a second time, within 24-months, you will face a fine of \$100.00. Conviction is the key word in the punishments. Always remember that with any traffic citation you receive, you have the opportunity to appear in court and contest the violation.

The new law doesn't just ban electronic devices. The new law has garnered a lot of attention because it basically bans everyone from using their cellphones while driving, however the law actually makes it illegal to use (do) anything that will distract drivers from safely operating their vehicles.

"[a] driver shall exercise due care in operating a motor vehicle on the highways of this state and shall not engage in any actions which shall distract such driver from the safe operation of such vehicle." (emphasis added) O.C.G.A. § 40-6-241(b)

This would include any distracting action committed by the driver. A mom turning around to speak to her children in the back, a lady putting on her mascara in the rearview mirror, eating—all of these can be considered distracted driving and could very well result in a citation.

Educate Yourself: CobbTV, Cobb County Police, and the Marietta Police Department worked together to prepare a new Public Service Announcement that summarizes the law in three minutes. The Marietta Police Department also created a handout highlighting the key portions of the new law. Visit our blog online for links to this educational information.

Reports have stated that over 1,000 tickets were issued during the first week of July after the law went into effect. Now is the right time to purchase and install your hands free devices for yourself and your teen drivers! ♦

Recall Round-Up:

Every week we scour the internet to bring you the latest information on product and automotive recalls. Make sure to visit the blog every Friday for our **Recall Round-Up**.

Recall Highlights from April – June:

Kia Forte, Optima and Sedona

Kia recalled more than 500,000 sedans and minivans after a NHTSA investigation determined the vehicles were equipped with a faulty airbag sensor that could prevent an airbag from properly deploying in the event of a front collision. NHTSA received six reports where the airbag failed to deploy resulting crashes where four people died and six people injured. The following vehicles are included: 2010-2013 Kia Fortes, 2010-2013 Kia Forte Coups, 2011-2013 Kia Optimas, 2011-2012 Kia Optima Hybrids, and 2011-2012 Kia Sedona minivans. Recalls are expected to begin July 27, 2018.

Audi A4, A5, A6, and Q5

During the month of May, Audi expanded a recent recall to include almost 1 million vehicles due to a faulty coolant pump that may overheat and increase the risk of a fire. The recall includes 2013-2016 A4, 2013-2017 A5, 2012-2015 A6, and 2013-2017 Q5 SUVs. NHTSA reports that the electric coolant pump can become blocked with debris which can cause it to overheat or short-circuit. Audi will notify owners beginning early June and offer replacements at no cost.

Ford F-150 and Expedition

Ford Motor announced a recall of 2018 F-150s, Expeditions, F-650s and F-750s in April. The recalls include nearly 350,000 vehicles. According to Ford, the vehicles reportedly can slip out of gear, even when in the parked position. One injury has been reported. The defect is related to a transmission gear shift cable clip that can become dislodged, allowing the transmission to be in a different gear than what is selected by the driver. This increases the risk of a rolling vehicle in a similar fashion to the recent issues plaguing the Jeep Grand Cherokee. Visit the Ford owner website and enter your VIN for details on repair.

As always, if you have been injured as a result of a product or vehicle that you believe to be defective, contact us immediately.



E-Discovery for Trial Lawyers

Thank you to all of our attorney partners that attended the first “E-Discovery for Trial Lawyers Conference” in June at the State Bar of Georgia. It was two full days of learning the ins and outs of e-discovery. Every case, no matter the size, has vital evidence available in electronic format. We recognized that large defense firms have spent many years and countless dollars gathering the knowledge needed to use e-discovery to their advantage, so we developed this conference to try and level the playing field.

After completing several intensive e-discovery courses, Drew Ashby has successfully used e-discovery in several recent cases. He called upon the course instructor Craig Ball who recognized that his program attendees were mostly comprised of defense attorneys. Knowing this was vital information for plaintiffs’ firms, Drew saw the opportunity to invite the best of the business to share their wisdom with the trial lawyer community. Joining Craig was Tom O’Connor, an e-discovery consultant and instructor who also holds a regular webinar discussing the latest trends on the topic. We heard several real-world examples of how the requesting party can make the e-discovery work to his or her advantage from Jeff Kerr with Casefleet, Ariana Tadler, Managing Partner with Milberg Tadler Phillips & Grossman, and Paul McVoy with Meta eDiscovery.

We are so glad our attorney partners recognized how important this knowledge is for their business and their clients. Drew received several messages after the conference that many of you were able to immediately implement these strategies in your cases. Based on your feedback we are excited to announce this conference will be back in 2019!



Drew Ashby and the e-Discovery Faculty



Networking with fellow trial attorneys

Center for Children and Young Adults



The Cooper Firm team was grateful to lend a hand

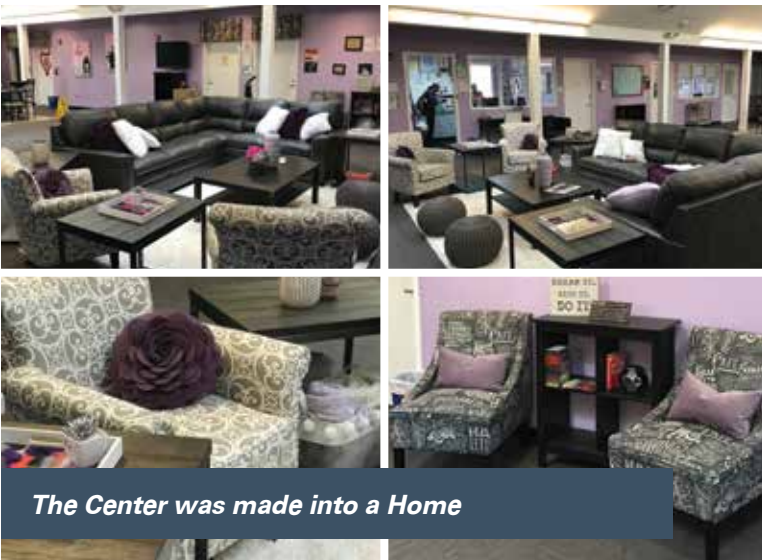
Last Christmas, our firm wanted to spend some time over the holidays giving back to our community. We looked at several different organizations that were in need of volunteers and found a wonderful center in Cobb called the Center for Children and Young Adults. "CCYA", as it is known in the area, provides a safe and friendly home for homeless and at-risk youth ages 12-20. They have three dormitories on the campus and can provide a home for around 40 young people.

Our first encounter with CCYA had us providing a dinner for those celebrating a December birthday. We brought in BBQ and big cake and spent the evening chatting with the youth directors and the kids. We soon realized we had stumbled upon a very special organization. Working alongside the Department of Family and Child Services, they provide more than just a bed for the night, as the department works through challenging family situations. CCYA takes on the role of providing shelter, clothing, food, friendship, family, and educational support for these teens. And their campus was showing signs of giving everything they had to their residents.

After discussing the immediate needs with the CCYA team, Lance and our firm decided a make-over for the girls' dormitory common area was of utmost importance. Second-hand furniture was in major need of repair, carpet was worn and stained, and, most importantly, the dorm didn't feel like a home. Whether the time spent at CCYA was only for a few days or for a few years, we wanted every girl to feel welcomed and loved. A feeling many of us take for granted!

Our project began March 2018. We began with a plan to replace the furniture and accessories to brighten up the dorm, but something still felt off. We realized before we replaced anything that the carpet needed to go! Our own Amanda Lavery stepped up and worked with Shaw Industries to remove the old carpet and replace with durable carpet squares. Amanda's family has worked for Shaw for over 40 years and they were very proud to support their employees and family members in this project. What a difference new carpet made! From there, everything fell into place. Our Marketing Director, Lauren Kim, spent many tough days shopping for living room furniture and with the help of the entire team, we were able to get the project completed just before school got out in May!

Finally, we held a big reveal of the new girls' dormitory and end of the school year party with pizza and Steel City Pops. The girls exclaimed that their place now felt like a "home" which is all we ever wanted for them. We can't wait to spend more time hosting birthday dinners at CCYA and becoming more involved with the amazing staff and kids just around the corner from us!



The Center was made into a Home



This team works hard for the community



Relentlessly Pursuing Justice

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Cobb County Bar Association and The Cooper Firm Present:

Cobb Trial Lawyers Association CLE
Friday, September 7, 2018
9:00am – 4:00pm

For more information and to register,
visit www.cobbcountybar.org