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### Cunningham Bounds Obtains a **\$10 Million Settlement** for The Family of a **Woman Killed in a Collision** with a Tractor Trailer

Cunningham Bounds recovered \$10 million for the family of an Alabama woman who died after being hit by a tractor trailer on Interstate 65. At the scene, good Samaritans tried to rescue our client, but she succumbed to her injuries and passed away. The case name and the parties must be kept confidential pursuant to the settlement agreement.

Cunningham Bounds utilized two of its most seasoned investigators to conduct a full-scale investigation immediately following the crash, which included interviewing all witnesses, taking aerial photographs of the scene, and working closely with the traffic

homicide investigators. Experts from around the country were brought in by Cunningham Bounds to inspect all of the vehicles, obtain dash-cam videos, download the "black box" on vehicles involved in the crash, and conduct a comprehensive forensic examination of all of the available evidence. After determining the cause of the crash, Cunningham Bounds had to decide where to file suit.

Depending on a variety of factors including the residency of the parties and where the injury occurred, a lawsuit may be filed in any of a number of different counties or states – and that decision could make available or eliminate whole categories of damages from the range of possible recoveries. The reason is that laws vary from state to state. For example, in a wrongful death case, Alabama law only permits the recovery of punitive damages (those designed to punish and deter the wrongful conduct of the defendant). Alabama wrongful death law does not permit any recovery for the pre-death pain and suffering of a victim. However, the laws of other states do. Our deceased client in this case suffered injuries that led to her death, so filing this case in another

state permitted us to recover damages that would not have been obtainable if the case had been filed in Alabama.

"Filing this case in another state was not easy. We had to navigate a complex web of statutes and appellate opinions to fight all of the legal challenges by the trucking company," said Skip Finkbohner, a partner with Cunningham Bounds. "However, we were determined to do everything in our power to make sure that our client's family received a settlement that accounted for all of the damages that their loved one suffered – not just some of them."

Skip Finkbohner and Lucy Tufts served as co-lead counsel for the Plaintiff.

Founded in 1958, Cunningham Bounds has been representing plaintiffs for over 55 years. We have a long and successful history of helping people who have been injured or harmed by the wrongdoing of others. Our firm was born out of the desire to create change and improve lives. We thoroughly prepare each case. We leave no stone unturned, no evidence untouched, and no detail unexamined. This precision and focus ensures that we present each client's very best case to the jury. Today, our goal remains as it was in 1958 - to achieve the best possible result for each client by holding people and companies accountable for their wrongdoing.



# Accolades



## David Cain Earns Board Certification in Civil Trial Law

**David Cain** was recently board certified in Civil Trial Law by the National Board of Trial Advocacy (NBTA). The NBTA is an organization that creates an objective set of standards illustrating an attorney's experience and expertise in the practice of trial law. Board certification is the highest, most stringent, and most reliable honor an attorney can achieve. Approximately three percent of American lawyers have earned this distinction.



## LEGAL UPDATE

CUNNINGHAM BOUNDS, LLC

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**Legal Update.** The attorneys of Cunningham Bounds are excited to announce a new informational program designed to help members of the public better understand what to do if they are injured by the wrongful conduct of others. The program is called Legal Update, airs on **WKRG TV5 News**, and is hosted by Drexel Gilbert. Legal Update offers important information to viewers on a variety of legal topics.

*If you miss us on WKRG, you can view the segments on the Cunningham Bounds YouTube Channel ([www.youtube.com](http://www.youtube.com) and search for **Cunningham Bounds**), or on the firm's Facebook page ([www.facebook.com](http://www.facebook.com) and search for **Cunningham Bounds**).*

# Cunningham Bounds Obtains **\$102 Million Judgment** Against Defendants In a **Massive Commercial Fraud Case**



Following two and a half years of litigation, interlocutory appeals to the Eleventh Circuit, and a trial in Montgomery, the United States Bankruptcy Court for the Middle District of Alabama entered a \$102,949,220 judgment in February 2016 against Defendants Timothy McCallan, Americorp, Inc., and Seton Corp., related to their role in what the Court deemed “an extraordinary case of fraud on a massive scale.” In a related order, the Court also sanctioned all three defendants an additional \$999,457 for discovery abuse that took place throughout the litigation.

.....

“Timothy McCallan and his companies targeted people who were struggling financially, and, at a time when those people were most vulnerable, the Defendants mercilessly took advantage of them without any consideration for the very real consequences that it had on thousands of families...”

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The scheme involved using a Montgomery law firm, Allegro Law, LLC, as a front to induce victims to sign up for debt settlement services operated by the Defendants. Victims were promised that they would be represented by an attorney who would negotiate a settlement of their debts for a fraction of what they actually owed. The Defendants instructed victims to stop making payments to their creditors and instead to make payments to Americorp and Seton. Virtually all of the money paid by the victims was siphoned off by Timothy McCallan and his companies. The victims would then default on their debts, with nothing to show for the money they paid to the Defendants. As the Court noted in its order, “the effect of McCallan’s debt settlement scheme on its victims was ‘personal economic suicide.’”

As reflected in the Court’s 55-page ruling, the years of litigation leading up to the trial were arduous, as the Defendants went to great lengths to hide their fraudulent scheme and to prevent Cunningham Bounds from unravelling it. For example, the Court observed that after months of attempts to obtain an electronic database that contained information about the amount of money stolen from victims, the

Defendants finally produced the electronic equivalent of taking a paper telephone directory, shredding it, placing the pieces in a barrel, shaking it up, and then producing the pieces. In short, the format in which the Defendants produced the information rendered it completely useless.

“The victims of the Allegro Law scheme deserve to know what really happened to them, and this judgment brings it all to light,” said Lucy Tufts, one of the co-lead counsel on the case. “Timothy McCallan and his companies targeted people who were struggling financially, and, at a time when those people were most vulnerable, the Defendants mercilessly took advantage of them without any consideration for the very real consequences that it had on thousands of families. Cunningham Bounds relentlessly pursued these Defendants for as long as it took to bring them to justice. The firm’s dogged pursuit of these Defendants has been validated by this judgment, the size of which reflects the enormity of the fraud perpetrated by the Defendants.”

Cunningham Bounds’ partners Steve Olen and Lucy Tufts served as co-lead counsel for the Plaintiff.

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The following language is required by Alabama Rules of Professional Conduct:  
 "No representation is made that the quality of the legal services to be performed is greater  
 than the quality of legal services performed by other lawyers."



## Cunningham Bounds Helps Local Children by Sponsoring **Cajun Cook-Off**

The 2nd Annual Downtown Cajun Cook-Off, presented by Cunningham Bounds, was a huge success! Thanks to everyone in our community who supported this event, which benefitted the Child Advocacy Center of Mobile. All proceeds will be used to fund services that help abused children in our community.

## **Save the Date:** April 30, 2016 – Lions Club **"Tunnel Vision Run"** Sponsored by Cunningham Bounds

Cunningham Bounds will serve as the Title Sponsor of the upcoming Mobile Lions Club 5K "Tunnel Vision Run," scheduled for April 30, 2016. Beginning in downtown Mobile, the race route takes participants through the Bankhead Tunnel and down the Causeway overlooking the Mobile Bay. Proceeds from the event will help the Lions Club continue its mission of providing vision care programs for children and adults in our area. Please visit our Facebook page for more information about the event or to register to participate.