

# LEGAL UPDATE

## CUNNINGHAM BOUNDS

TRIAL ATTORNEYS

FALL 2023

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## Cunningham Bounds Opens Atlanta Location

Cunningham Bounds is excited to announce the opening of an additional office in Atlanta, Georgia. The Atlanta firm of Moraitakis & Kushel has recently joined the Cunningham Bounds team bringing together two esteemed trial law firms with the legal talent and resources to handle the largest and most complex cases.

Over the past three decades, Moraitakis & Kushel consistently achieved substantial outcomes for their clients. Nick Moraitakis, a prominent figure within the Atlanta legal community, boasts a distinguished career as a trial lawyer spanning more than four decades. Similarly, Glenn Kushel has had a remarkable legal career securing many successful results for his clients, particularly in cases involving medical malpractice. Notably, Glenn Kushel has also held the position of President of the Georgia Trial Lawyers Association.

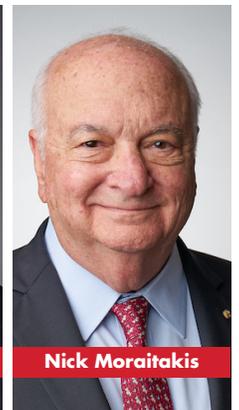
Established in 1958 in Mobile, Alabama, Cunningham Bounds has cultivated a reputation as one of the nation's most accomplished plaintiff trial law firms. Cunningham Bounds brings more than 60 years of experience successfully representing clients injured by the wrongdoing of others. The firm has won over \$26 billion in verdicts and settlements.

Moraitakis & Kushel and Cunningham Bounds have shared a long-standing relationship. Most recently, the two firms successfully worked together on an aviation wrongful death case in Augusta, Georgia. Fueled by their shared commitment to justice, the members of both firms have opted to join forces, unifying their extensive expertise and resources. This new firm going forward will utilize the

Cunningham Bounds name. Cunningham Bounds is driven by a singular purpose: to achieve the best possible result for each client by holding people and companies accountable for their wrongful actions.



**Glenn Kushel**



**Nick Moraitakis**

# Accolades



Chris Estes

## Welcome Chris Estes

Cunningham Bounds welcomes Chris Estes to the firm. Chris is a lifelong resident of Mobile, Alabama. He graduated from Spring Hill College and received his law degree from The University of Alabama School of Law. Chris began his legal career defending insurance companies, hospitals, nursing homes, trucking companies and large corporations. In 2014, he made a life-changing career decision to no longer represent insurance companies and large corporations but to, instead, focus all of his time, resources and energy on representing people and families who have been injured, harmed, or wronged. Chris has made it his mission

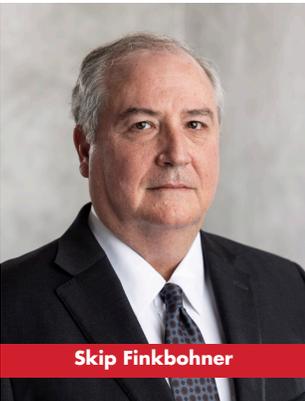
in life to provide people and their families with the same level of representation and resources that large corporations use to deny and defend claims.

## Chambers USA Ranks Cunningham Bounds as Leading Firm in Plaintiffs Litigation

Cunningham Bounds recently received Chambers and Partners highest possible ranking ("Band 1") in the 2023 Chambers USA Guide, The Leading Lawyers and Law Firms in the USA (Alabama).

The 2023 Chambers USA Guide stated that the Cunningham Bounds team's expertise is unparalleled, putting clients first and creating relationships that are critical to success. Research compiled by Chambers stated, *"They are the best, period. No other firm can match their courtroom skills. They have more talent and more trials than any plaintiff's firm in this region."*

In addition to the firm's overall ranking, three Cunningham Bounds partners were individually recognized as leading litigation attorneys: **Skip Finkbohner, Lucy Tufts and David Cain.**



Skip Finkbohner



Lucy Tufts



David Cain

## LEGALUPDATE CUNNINGHAM BOUNDS

### ATTORNEYS

TOBY D. BROWN

GEORGE W. FINKBOHNER, III

DAVID G. WIRTES, JR.

STEVEN L. NICHOLAS

GLENN E. KUSHEL

DAVID S. CAIN, JR.

WILLIAM E. BONNER

ROBERT L. MITCHELL

J. BRIAN DUNCAN, JR.

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AARON N. MAPLES

JOSEPH D. STEADMAN

JENNIFER JAYJOHN YORK

AMANDA H. HERREN

TYLER J. FLOWERS

JOSEPH F. MCGOWIN

NICHOLAS C. MORAITAKIS

CHRISTOPHER B. ESTES

## Follow Us!



# Alabama Supreme Court Upholds Record \$10 Million Judgment Against Springhill Medical Center



The Alabama Supreme Court recently affirmed a \$10 million judgment on a Mobile County jury's verdict for the family of Mr. Jay West. The judgment is the largest that the Alabama Supreme Court has ever affirmed for a single wrongful death. Mr. West died due to the unsafe use of IV Dilaudid that he was given after he had minor thumb surgery at Springhill Medical Center.

During the trial for Mr. West's wrongful death, Dr. Kenneth Rothfield was called as an expert witness to testify about the use of IV Dilaudid, which carries an FDA-mandated "Black Box Warning." Dr. Rothfield testified about the amount of IV Dilaudid Mr. West received, "Well, if you were planning on killing somebody, that would be a dose that would be expected to do the job."

The nine justices of the Alabama Supreme Court unanimously agreed that Springhill Medical Center's conduct breached the standard of care.

*"Mrs. West deeply values the dedication and bravery demonstrated by every juror involved in the case. She expresses her heartfelt gratitude for the Alabama*

*Supreme Court's affirmation of the Mobile County Circuit Court's rulings. After a nine-year journey, justice has at last been served for her husband's tragic and entirely avoidable death,"* said Brian Duncan of Cunningham Bounds, who represented the family along with his law partners Robert Mitchell and Dave Wirtes.



**Dave Wirtes**



**Brian Duncan**



**Robert Mitchell**



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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."

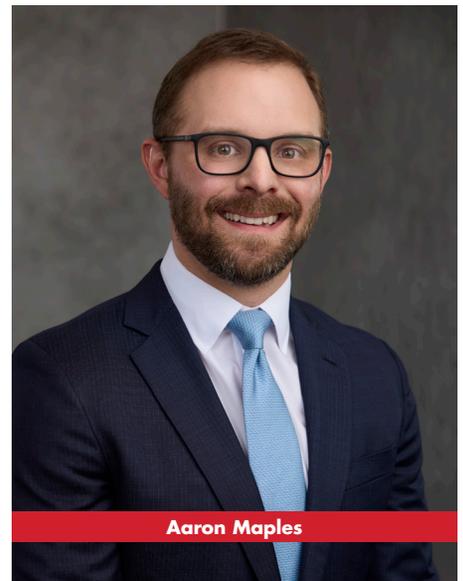
## Wrongful Death Case **Filed** \_\_\_\_\_

### **Lawsuit Filed Against Baldwin House Assisted Living Facility**

On September 10, 2022, Martha Burke, an 88-year-old woman suffering from dementia, was admitted to Baldwin House Assisted Living Facility in Daphne, Alabama. Due to her condition, Ms. Burke required assistance with all activities of daily living, including personal safety. However, four days later, an unannounced audit conducted by the Alabama Department of Public Health revealed several deficiencies at Baldwin House, one of which was the absence of a care plan for Ms. Burke.

Tragically, on October 13, 2022, just a month after the audit, Ms. Burke suffered a severe fall when she was left unattended on the facility's front porch. The injuries sustained from the fall proved fatal, and she passed away on October 14, 2022.

*"Ms. Burke's family entrusted the defendant companies with her care and safety," stated Aaron Maples of Cunningham Bounds. "They were promised a nurturing environment in which she could spend the remainder of her life peacefully. However, instead of receiving the assistance and care she deserved, she was neglected. These companies utterly failed her. Our hope is that the outcome of this case will raise awareness and drive meaningful improvements in the care provided to seniors within our community."*



**Aaron Maples**