

LEGAL UPDATE

CUNNINGHAM BOUNDS LLC

SUMMER 2015

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\$5 Million Recovered for the Estate of Man Killed in Industrial Incident

The morning that a week-long jury trial was set to begin, Cunningham Bounds finalized a \$5 million settlement for the Estate of Paul E. Hodgson, III. The settlement stemmed from an August 2012 incident in which Mr. Hodgson was crushed to death by two high-density polyethylene (HDPE) pipes that rolled off a flatbed trailer at a Hertz Service Pump & Compressor facility in Theodore, Alabama. Mr. Hodgson was 54 years old when he was killed.

"We hope that holding these companies accountable will give some measure of comfort to the family," said attorney Robert Mitchell of Cunningham Bounds. "This was a devastating event and getting to this point took the family's dedication and courage."

On August 16, 2012, in Canton, Ohio, Cavco, Inc. and AIS, LLC loaded several 50 - foot sections of HDPE pipe onto a flatbed trailer that was bound for Theodore. The trailer was operated by freight handlers JVR Transportation, LLC, and Big Rock Transportation, LLC. Neither the freight handlers nor the driver placed any safety devices on the trailer to secure the top layer of pipe from moving laterally when unstrapped. Shortly after the trailer arrived

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at the Hertz facility in Theodore, the driver removed straps from the top layer of pipe without warning personnel that the pipe was not secured. Two of the 1-ton HDPE pipes rolled off the trailer and crushed Mr. Hodgson.

The lawsuit alleged, among other things, that commercial drivers have a responsibility to ensure that unloading areas are safe before unstrapping cargo. Discovery in the lawsuit revealed that the potentially fatal risks of unsecured HDPE pipe were well known to the defendants, but that none of them had implemented any corporate policies or protocols to ensure that the required safety measures were implemented.



Faced with this evidence and an imminent trial, the defendants settled suit.

Robert Mitchell and George "Skip" Finkbohner of Cunningham Bounds, LLC served as co-lead counsel for the Plaintiffs.

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



Skip Finkbohner recently served as co-lead counsel representing Bender Shipyard in a lawsuit against Caterpillar, Inc. resulting in a \$46 million settlement.

Skip was inducted into the International Academy of Trial Lawyers, which limits membership to 500 Fellows from the United States.



Lucy Tufts obtained a million dollar jury verdict for a local Mobile resident injured in a collision with a UPS truck.

Lucy was named to the 2015 class of Mobile Bay Monthly's annual list of "Forty under 40."



Robert Mitchell was named one of Benchmark Litigation's "Future Stars."

Robert recently served as co-lead counsel in the Hodgson \$5 million industrial accident settlement.

LEGALUPDATE CUNNINGHAM BOUNDS LLC

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Cunningham Bounds is one of the only six firms in Alabama to receive the top ranking of **"Highly Recommended"** by Benchmark Litigation.

Lawsuit Filed Against Singing River Health System due to Unfunded Pension Plan



Attorneys with Cunningham Bounds are working with the Biloxi law firm of Reeves & Mestayer to pursue a class action in federal court in Mississippi against Singing River Health System (SRHS) and other defendants related to their failure to properly fund the hospital's pension plan.

Information regarding Singing River's Pension Plan indicates that SRHS has not contributed funds to the Pension Plan since 2009. As a result, both current employees and retirees were given false information about their retirement benefits for years.

As of November 2014, the plan was underfunded by at least \$149 million, said attorney Lucy Tufts of Cunningham Bounds.

"This is the first federal suit to be filed against Singing River Health System and its collection of partners."

"Singing River and those named in this suit need to be held accountable."

Singing River Health System operates two Mississippi hospitals: Singing River Hospital in Pascagoula and Ocean Springs Hospital in Ocean Springs. It also operates a number of community medical clinics throughout the Gulf Coast. SRHS is currently the largest employer in Jackson County, with approximately 2,400 employees and more than 600 retirees.



"This is the first federal suit to be filed against Singing River Health System and its collection of partners," said attorney Lucy Tufts. "We will work tirelessly to fight for everyone who has been affected by this retirement crisis."

The firms offer these tips to concerned SRHS employees and retirees:

- Review personal retirement documentation
- Take detailed notes during all employee updates from management
- Retain all retirement correspondence from Singing River management
- Before signing any documents, seek professional legal and financial counsel

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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 hosts **Cajun Cook-off** to support Child Advocacy Center.

Thank you Mobile for making the inaugural Cajun Cook-off in support of the Child Advocacy Center an enormous success.



Cunningham Bounds proudly supports **4th Annual Lions Club Tunnel Vision 5k run.**

This annual event raises funds to support eye care programs for children and low-income adults in the Gulf Coast community.