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Litigation
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Podhurst Orseck, P.A.
GENERAL LITIGATION Winner

Air crashes to NFL concussions, Podhurst seeks big-impact cases

SMALL FIRMS Winner

by Susan Postlewaite
Special to the Review

The team of litigators at Podhurst Orseck trace its success to a tragic airline crash four decades ago.

The group made a name for itself representing victims of the 1972 Everglades crash of Eastern Airlines Flight 401.

"Since then we have probably been involved in every major crash litigation in the last 40 years," said Steve Marks, who heads the firm's injury litigation track and has pursued damages in courts across the United States and Europe.

But the trial attorneys handle much more than personal injury cases. Their biggest case of the past year was on behalf of thousands of bank customers who claim 35 banks deliberately overcharged them on debit card overdrafts.

Partner Aaron Podhurst is one of the co-lead counsel in the bank overdraft multi-district litigation consolidated before Senior U.S. District Judge James Lawrence King in Miami.

"Of the 35, we have settled about 17. Not all are approved yet, but it will be approximately \$1 billion in settlements," Podhurst predicted. He said the remaining cases are in arbitration or not yet settled.

The Miami firm was founded in 1967 by Podhurst and the late Bobby Orseck. It grew over the years to 12 or 13 lawyers — but never more than that.

"This office is unique, like a family. We're blessed to be able to choose our cases and

pick them carefully, and we try to pick those with the biggest impact and those that are challenging," partner Peter Prieto said. "We are able to choose because we have strong relationships with other small firms and co-counsel."

Prieto, who joined the firm three years ago, runs the commercial and complex civil litigation division.

The firm's appellate work is run by Joel Eaton and Stephen Rosenthal.

Marks heads mass torts, aviation litigation and other types of personal injury litigation and wrongful death suits.

He is one of the lead attorneys involved in concussion litigation against the National Football League over helmet safety. Podhurst Orseck filed actions on behalf of 365 former NFL players, alleging the league for several decades misled players and their families about its knowledge of the short- and long-term risks posed by concussions and other head trauma suffered by players.

A variety of other law firms around the country also filed suits, and they were consolidated last year before U.S.



Selective case choices: Podhurst partners Steve Marks, Aaron Podhurst and Peter Prieto

District Judge Anita B. Brody in Philadelphia. A decision is pending on class certification. Marks said as many as 20,000 retired football players could be included if the class is approved.

"It is very much like the tobacco industry where there were repeated published articles saying there is no link between head trauma and brain trauma in later years, yet players are experiencing dementia and Alzheimer's," he said. "This will affect college sports, high school sports and children's problems. All of these programs are being re-

vamped for player safety."

Prieto, a former federal prosecutor whose background includes white-collar fraud, is lead co-counsel against Stiefel Laboratories Inc. The suits allege the Coral Gables-based pharmaceutical company committed securities fraud by misrepresenting the value of its stock to employee-shareholders when it knew it would be selling the company at a much higher price.

A jury returned a \$1.5 million award for former employee Tim Finnerty last May. More cases are set for trial this year.