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ON THE PLAINTIFF'S SIDE

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The bungee jump in Myrtle Beach on which two teen-aged boys were killed in 1993 when a jerry-rigged winch malfunctioned as they were being lifted to the top of the ride. John Kassel of Kassel McVey, who tried the case for the families in both federal and state courts, reconnected with one of the families this past summer at a gathering to remember their son's life and death. (See story on Page 3.)

Theile McVey becomes president of SCAJ

Theile McVey of Kassel McVey is taking the helm as president of the South Carolina Association for Justice (SCAJ).

The SCAJ has over 1,200 members and is the state's leading advocate for an equal opportunity justice system where everyone has access to fairness under the law. McVey's background of legal success coupled with community outreach and activism makes her an ideal fit for the position.

"Many of my clients come to me for help in the darkest moments of their lives," McVey said. "They are often hurt or grieving, and facing challenges from every direction. The one place that shouldn't be another layer of pain for them is a judicial system that picks favorites or limits their access to justice. I look forward to using the collective voice of our association to keep our legal system open and fair to all."

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McVey wins \$1.5 m settlement in blood thinner case

Theile McVey of Kassel McVey obtained a settlement of \$1.5 million early this year in a case in which a 71-year-old woman was mistakenly given an overdose of warfarin, a blood anti-coagulant, after she was diagnosed with a pulmonary embolism.

In this case, the woman had been admitted to a hospital and was given a 10 mg dose of warfarin, the generic counterpart of Coumadin, on two occasions. It was double the dose that she should have been given.

Even after exhibiting signs and symptoms of bleeding, the woman's bleeding condition was left untreated. The patient was then given a third dose of warfarin.

Despite the signs of bleeding, doctors failed to immediately order any reversal agents to counter the effects of the blood thinner. The next morning at shift change, the

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The View from Here Dates and Milestones

By John Kassel

Lately, I have been thinking about dates and milestones.

2001. Theile McVey and I started this firm. I was young. She was younger. We had a small 1,200 square-foot office on Richland Street. When a client came in, we had to clear out folks to free up our "conference room."

I worried the phone wouldn't ring with business. Theile secured an easy-to-remember number—256-HA HA (4242). We had a paralegal and then another. Fortunately, the phone did ring.

In 2003, we hired Jim Work, our investigator, video editor, photographer, bookkeeper, and all-around handyperson. In 2005, we moved to our Laurel Street office with its dedicated

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Happy Holidays,
and hope you had a
Happy Thanksgiving
and Halloween

From all of us at
Kassel McVey



Rutkoski joins Kassel McVey

Jamie Rutkoski, an attorney who clerked for former Chief Justice Jean Toal of the Supreme Court of South Carolina, has been hired as Kassel McVey's third practicing attorney.

Rutkoski completed her undergraduate degree at the University of South Florida in Tampa, FL, with a major in history. She went on to complete her law degree at the University of South Carolina.

After law school, she served as a judicial law clerk to G. Thomas Cooper Jr., circuit court judge for the Fifth Judicial Circuit in South Carolina, and then clerked for Justice Toal before joining Kassel McVey in August of 2018 as an associate.

Rutkoski served as justice of administration of the University of South Carolina School of Law Mock Trial Bar while in law school. While competing in the Lone Star Classic competition at St. Mary's School of Law in San Antonio, TX, Rutkoski's team advanced to the semi-finals, and she received an individual award for best closing argument. At the South Texas Mock Trial Challenge in Houston, TX, Rutkoski and her teammates advanced to the quarter-finals. She received an individual Outstanding Advocate award. She now volunteers as a coach for the team, teaching courtroom skills to future trial lawyers.



Jamie Rutkoski

In her spare time, Rutkoski enjoys spending time with her Labrador Retriever, Foxy, and playing in volleyball tournaments.

Theile McVey takes over as president of the SCAJ

McVEY, continued from Page 1

McVey graduated with honors from Columbia College in 1997, and in 2000, she received her J.D. from the University of South Carolina School of Law. She partnered with John Kassel the following year to form Kassel McVey, where she serves as a managing partner.



Theile McVey

McVey is devoted to the advancement of the legal profession, serving as an active member in the South Carolina Bar Association. She also serves as a member of the Law Alumni Council for the USC School of Law. She has received numerous awards, including the South Carolina Super Lawyer (2013 to 2018), and the Legal Elite of the Midlands (2011 to 2018); and she is the recipient of the 2017 Gold Compleat Lawyer Award from the USC School of Law (the highest award given to alumnae of the school).

McVey wins \$1.5 m settlement in medication case

WARFARIN, continued from Page 1

new attending physician recognized the problem and ordered reversal agents and blood transfusions. Unfortunately, the action came too late. The woman, who was the mother of the plaintiff in the case, bled to death in the hospital.

The View From Here: Dates and Milestones

MILESTONES, continued from Page 1

conference rooms.

Then in 2011, we hired Elizabeth Moultrie, our main paralegal. Elizabeth keeps all the litigation balls in the air, and keeps up with discovery, depositions, and deadlines.

Elizabeth knows where everything is and can find anything. She organizes our hard-copy trial notebooks and all the electronic records. She is the resident expert in probate matters. Lately she has been teaching courses to other paralegals.

Later in 2011, we hired Amanda Kaminer as our administrative assistant. She orders our medical records, opens files, and helps with dictation, phones, client contact, procurement of supplies, and file organization. She has a great memory and can always remember a long-forgotten name.

In 2017, we hired Stephanie Fanning as a paralegal. Stephanie has her arms around the wreck cases and premise liability cases. She has mastered our organizational system.

Stephanie has great political instincts, no doubt part of the reason she married State Senator Mike Fanning, representing Chester, Fairfield, and York Counties. Stephanie has been instrumental in working on several recent political campaigns.

And finally in August of 2018, Theile and I hired a third lawyer, Jamie Rutkoski (see story at top left). Jamie is getting her feet wet in our litigation practice. O.K., it's more like full-body submersion. She is helping with depositions, hearings, writing, and brainstorming.

So the little firm has grown since the early days on Richland Street.

And now I look with great pride as Theile has begun serving this year as president of the South Carolina Association for Justice, the main organization of plaintiff trial lawyers in the state. It's a tremendous accomplishment and a great responsibility. The respect she receives from the bench and the bar is invaluable. I am very proud of the folks who make up this law firm and the hard work they put in. It is a pleasure to be part of this group of professionals.

A remembrance with a family in the bungee jump case

By John Kassel

It was during the evening on August 10, 1993. It had just started to rain at the bungee jump in North Myrtle Beach, SC. Surely, they would cancel the jump. Yet, the operator kept his finger on the power button controlling the lifting device.



The winch used to lift the jump cage.

The jump cage containing two teenaged boys — a “jump master” and a “jumper” — continued to rise toward the night sky. The operator squinted. It was hard looking straight up into the rain. He wanted to release the power button and stop the cage before it hit the top of the 160-foot-tall “arch.”

Yes, it looked like the steel-framed Arch of St. Louis, an inverted horseshoe rising above the beachfront. It had been designed and built by a Texas firm. It came equipped with a hydraulic powered “crawlevator,” a cog-and-chain lifting device that would pull a jump cage up the underside of the arch to the appropriate jumping height.

As designed, stopping at the correct location above the ground was not hard since the controls were located in the cage, accessible to the jump master. If you were going to bungee jump out of the cage, you would want to make sure your take-off point was high enough off the ground. One hundred fifty feet was adequate.

But on this rainy night, the crawlevator was not in service. It had been leaking hydraulic fluid and malfunctioning. That was bad for business, especially right in the middle of the lucrative summer tourist season. In desperation, the owners found a local shrimper who agreed to install a winch at the base of the arch. It had a solitary 3/8 inch cable.

The shrimper hired some locals to climb the arch and thread the cable around a pulley at the top. They brought the free end down to the ground and attached it to the jump cage. Now the winch, with hand controls on the ground, could lift the cage to the jump height. The owners were back in business.

But the rain made visibility bad. The operator kept his finger on the power button even after the cage with the two boys traveled well past the jump height. The cage went higher, being pulled upward as the cable wrapped around the rotating drum of the winch. Finally, the cage hit the underside of the arch and stopped dead. But the winch kept pulling.

Tremendous strain developed on the small lifting cable. Without relieving the tension the cable would eventually fail and break. The scenario is well understood and actually has a name: *two-blocking*. Unfortunately, the bungee jump winch system had no safety devices of any kind. The system two-blocked. The cable ripped apart. The cage fell to the ground. Both boys were killed in front of a crowd of people, including the parents of one of the boys.

I was a young lawyer. I tried the case against the owners and the shrimper in federal court. One issue was to find individual liability and not simply get a verdict against a defunct corporation. We received a \$12 million verdict against the individuals. I tried a second case in state court against the South Carolina Department of Labor, the responsible regulatory agency. There, a major hurdle was overcoming multiple immunities enjoyed by the state. We received a \$2 million verdict. The verdict was affirmed on appeal to the South Carolina Supreme Court. I became close to the families of both boys.

Fast forward to July 2018. I received a text from Mary, the mother of Zak, one of the boys who died. She asked what I was doing that coming August 10. Of course, I knew immediately what the date meant. It had been seared into my brain for years. She said the family was planning a 25th anniversary gathering to celebrate the life and remember the death of her son. She asked would I come and join them in Indianapolis.

She was inviting me to stay for the weekend and to make it a surprise for her husband Mike. Yes, of course I would come. When I landed in Indianapolis, I texted Mary and asked what time should I come to the house. She suggested arriving in a couple of hours when Mike would be home.

My phone rang. It was Mike. Getting a call from him was not too unusual. He would call me over the years. He mentioned the 25th anniversary. “Wish you could be here,” he said, adding he hoped one day to come to Columbia and surprise me. I replied, “Right back at you.” Obviously, Mary had kept the secret. And so had I.

It was funny when Mike walked into the kitchen and saw someone standing by the window. By the look on his face, he clearly was confused. The person he was seeing couldn't be who he thought since he had just got off the phone with that person. And that person was in Columbia, SC. Or was he? He finally recognized me. We hugged. We both were overwhelmed.

I spent the weekend in Indianapolis and reconnected with folks I had met years before. There were a number of people who had participated in one or both of the trials as witnesses. Someone said to me, “Everyone knows who you are. You're the lawyer.” I realized the special place that had been created for me. We ate huge meals and told stories. We laughed. We cried. We remembered. I came away confirming in my mind what an extraordinary family I got to represent. I felt honored the family had included their lawyer in this intimate gathering.

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