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PIKE & LUSTIG, LLP

A T T O R N E Y S A T L A W

**SPRING
2022**

At the Florida law firm of Pike & Lustig, LLP, we have the ability and focus to provide the kind of personalized attention that you may not receive from other firms, where you're only a number. We have the experience and resources necessary to provide the highest quality of representation so that our business and personal injury clients feel our team is fighting for them. Our aggressive and sophisticated-litigation style will assist clients in achieving their goals.



\$80 Million: Pike & Lustig Attorneys Obtain One of the Largest Verdicts in Palm Beach County History

Attorneys Daniel Lustig and Robert "Burr" Johnson represented the parents of a Lake Worth teenager who, in 2017, was killed by a truck while walking to her school bus stop, in a lawsuit against the driver of the truck. The \$80 million jury verdict is one of the largest reached in Palm Beach County history.

The Story

On September 18, 2017, a 14-year-old was walking to her school bus stop in Lake Worth with her older sister. It was still dark out and the teenager was walking in the grass, a few feet behind her sister. A truck swerved off of the road and into the grass area, striking the victim and throwing her into the road. She was airlifted to St. Mary's Medical Center where she underwent multiple emergency surgical interventions. Two days after being hit by the truck, she was pronounced dead.

On January 18, 2022, a jury verdict was delivered, which totaled \$80 Million Dollars and marked one of the largest jury verdicts in Palm Beach County's history. The verdict includes \$40 million dollars for each of the two surviving parents' pain (cont.)

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In the Community

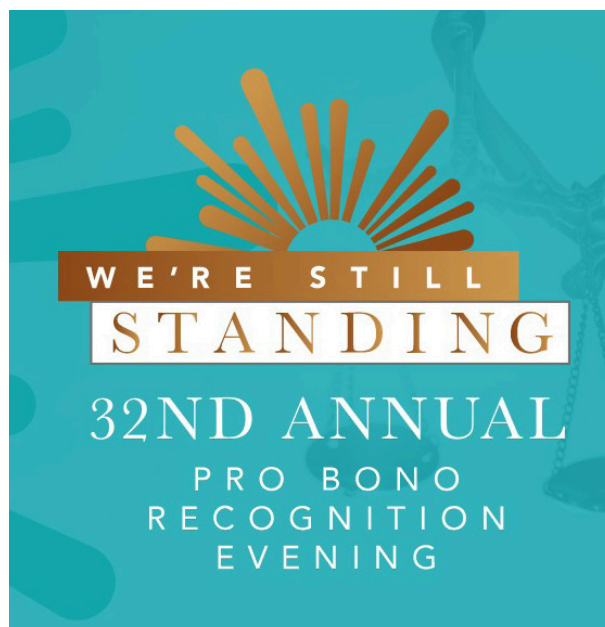
Pike & Lustig, LLP is proud to be an official sponsor of the Legal Aid Society's 32nd Annual Pro Bono Recognition Evening at the Palm Beach County Convention Center in May 2022.

The Legal Aid Society provides equal access to the judicial system to the disadvantaged children, families and individuals living in Palm Beach County. Each year, through its in-house staff and Pro Bono Project, Legal Aid provides more than 7,000 disadvantaged residents with no-cost legal assistance as well as a variety of community education and outreach programs. Legal Aid's advocacy has improved the lives and living conditions of victims of domestic violence, abused, neglected and orphaned children, frail and exploited elders, the physically challenged, HIV-infected individuals, new immigrants and entire communities.

The evening's theme is "We're Still Standing," recognizing the private attorneys, law firms and judges who have gone above and beyond during the COVID-19 pandemic to ensure equal access to our judicial system to all residents of Palm Beach County.

In the News

Michael Pike, Managing Partner, Pike & Lustig, LLP, was a guest on WPEC CBS Channel 12 in West Palm Beach twice in the last month - first talking about train safety in South Florida and then again speaking on pedestrian safety and the common occurrence of hit and run accidents. Pike is routinely sourced by local and national media outlets on personal injury law, accident avoidance, and legal responsibility.



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\$80 Million: Pike & Lustig Attorneys Obtain One of the Largest Verdicts in Palm Beach County History (Cont.)

and suffering, loss of support and services, and loss of companionship as a result of their young daughter’s unnatural death.

“A verdict like this is only possible because of a horribly tragic story eloquently told by a skilled attorney making the jury truly feel the consequences of the loss. The large monetary judgement tells society that people will be held accountable for their actions and that the value of life is acknowledged.” – Jeffrey J Colbath, Retired Chief Judge of the 15th Judicial Circuit Court in Florida

“The nice family we represented was torn apart by the horrific negligent acts of a driver who simply did not care to even say sorry for what he did. This trial was about celebrating the life of a child who was walking to the school bus on the day her life was taken from her and seeking justice for the family that never obtained closure since the date of their loss. While nothing will bring back the smile and laughter of this child, the civil justice system gave this family the validation of the tremendous magnitude of this loss.”

– Daniel Lustig, Attorney and Partner, Pike & Lustig.

“The size of this verdict recognizes the magnitude of what was taken from this family, due to absolutely no fault of their own.”

– Robert “Burr” Johnson, Attorney, Pike & Lustig.

Pike & Lustig Attorneys Obtain \$23.8 Million Verdict for Construction Laborer Whose Legs Were Trapped and Crushed by Front Loader in 2016



Michael Pike and Robert “Burr” Johnson represented a 22-year-old construction laborer, whose legs were trapped and crushed by front loader in 2016, in eight separate lawsuits against individuals and entities associated with the incident. Of those eight lawsuits, settlements in excess of \$1 million were entered into with six of the defendants. Pike and Johnson proceeded to trial with the remaining two defendants and a Broward County jury returned a \$23.8 million verdict against them.

Pike & Lustig, LLP

The Story

The victim, Mr. Verduzco, was working a construction job where he was put on a front-loading heavy piece of machinery (aka a Bobcat). He was never asked if he had any experience using the machine and was not provided any training. While operating the machine, he was ejected and trapped between the machine and the attached bucket for 1.5 hours. Mr. Verduzco went in and out of consciousness before he was finally freed and airlifted to a hospital where he underwent an 8-hour emergency surgery followed by several more surgeries over next several months. The victim was not able to walk without assistance for a full year and he remains in extreme pain to this day.

“We are pleased with the jury’s findings and their ability to fully appraise what was taken from Mr. Verduzco.”
– Michael Pike, Managing Partner, Pike & Lustig LLP

“I am thrilled that this six-year process has now resulted in the eight-figure result we wanted for our client from day one.”
– Robert “Burr” Johnson, Attorney, Pike & Lustig LLP

NEW ADDITION TO PIKE & LUSTIG, LLP
Leonard S. Feuer



Criminal Defense Lawyer and Commercial Litigator Joins Pike & Lustig as Of Counsel

Pike & Lustig is pleased to announce that West Palm Beach Criminal Defense Lawyer Leonard S. Feuer has joined the firm as Of Counsel. The addition of Feuer means Pike & Lustig now offers Criminal Defense,

White Collar Crime Defense and further adds to its robust business litigation department.

Feuer provides a superior level of advocacy for his clients and strives every day to deliver that level of representation, serving the community of South Florida as an attorney since 2001. Feuer has a wealth of criminal trial experience and knowledge of the law, having served as both a prosecutor and criminal defense attorney for over 15 years. Upon graduating from the University of Miami School of Law in 2001, he practiced law on behalf of the people of the State of Florida as an Assistant State Attorney in Miami-Dade County. While he was a prosecutor in Miami, he was chosen to be a supervising attorney, training new attorneys in methods of prosecution.

In 2004, Feuer co-founded Forensis Technologies, a premier provider of digital document imaging services and litigation support to the South Florida legal community. While managing Forensis Technologies, Feuer continued to practice law and represent clients.

In 2006, Feuer joined the State Attorney’s Office for Palm Beach County, as an Assistant State Attorney. Again, he was elevated to the position of supervising trial attorney. In 2007, he was recruited to head the criminal litigation division of a national law firm, where he was employed until forming The Feuer Law Firm, in 2010.

Today, Feuer defends a wide breadth of state and federal criminal cases, including criminal traffic offenses, DUI, misdemeanors, violent felonies, and other complex felony trial cases such as racketeering, trafficking, fraud, capital sexual battery and murder, and he also represents businesses and business owners in both state and federal courts.

An \$80,000 Email: Beware Business Email Compromise Scams

By Stuart Hartstone, Associate Attorney, Pike & Lustig, LLP



A few months ago, our Pike & Lustig office got a call from a client in a panic. Someone impersonating one of his vendors had tricked his business into transferring \$80,000 to a fraudulent account at another bank. Our client had fallen prey to what is called a “business email compromise scam” – a type of financial scam that is plaguing businesses across the country. So, how did this happen?

It started simple enough¹. John, president of JM Doe Distributors, received an email from one of his top vendors, Professional EEE Suppliers (“PES”), providing their latest invoice for payment. The invoice contained an itemized list of the supplies John’s company regularly orders, and the invoice looked just like his vendor’s typical invoices, logos and all. But this time, Bridget, the head of PES’s accounts receivable department, advised John in her email that they were switching banks, and asked that John send his payment to a new account. Having worked with PES—and specifically, with Bridget—for years, John thought nothing of it. He contacted his bank and initiated an ACH transfer with the new account information. It was business as usual – until John discovered the invoices, now topping \$80,000, had all been fake.

After pouring over email exchanges with Bridget, he saw it: Bridget’s email address was misspelled; instead of Bridget@professionaleesuppliers.com, the email

from which these invoices were sent was Bridget@professionaleesuppleirs.com.

It turns out both John and Bridget’s email had been hacked five months earlier and the fraudster had set up a domain with the misspelled name to monitor the communications between John and Bridget and learn all the information necessary to execute the scheme. The fraudster had even set up a bank account in PES’s name at another bank where it ultimately received the funds.

So, after realizing what had happened, could John get his money back?

Unfortunately, the answer in this case was “no,” and there were a number of different reasons why. John’s bank account was not hacked; John authorized the transfer himself, so it was not an “unauthorized transfer” as defined in Article 4A of the Uniform Commercial Code, and because the funds were transferred to the intended recipient, albeit via deception, it was not an “erroneous” transfer as defined under Article 4A either.

John also did not recognize the fraud fast enough to stop the ACH transfer from being processed. When it comes to commercial bank accounts, the UCC allows banks to set the time limit for a stop payment order. This time limit, governed by the account agreement the bank maintains with its customers, was within one hour of his branch opening the day after the ACH payment order was submitted – months too late. John was also unable to take any action for negligence against the bank that housed the fraudulent account since John was not a customer of the fraudster’s bank; they owed him no duty of care.

So, how can you prevent this from happening to you?

1. Always be sure to use strong passwords and to keep those passwords secure. If ever there is any doubt about whether your email account has been compromised, immediately change your passwords.
2. Utilize enhanced security features, such as two-step authentication, to help prevent unauthorized users from accessing your email and bank accounts.
3. Watch out for emails from banks or other businesses claiming your account has been compromised and asking you to click on a link to reset your password. These links often lead to “spoofed” websites that look authentic but are really just set up for you to willingly hand over your credentials.
4. Whenever someone—even a trusted vendor—sends you an email asking you to send payment to a new bank account, always reach out to your contact by phone to confirm the request is genuine and that the new account information is correct.
5. Finally, be sure to familiarize yourself with your bank’s account agreement and review your statements regularly. If you suspect a fraudulent transaction may have occurred, contact your bank immediately.

¹Names and financial information have been adjusted for purposes of maintaining client confidentiality.