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Personal Injury  
Wrongful Death  
Medical Malpractice  
Motor Vehicle Collisions  
Tractor-Trailer Collisions  
Premises Liability/  
Slip and Fall  
Nursing Home Abuse  
& Neglect  
Products Liability  
Eminent Domain



From left to right: Adam W. King, George S. (Sam) Nicholson, Sam G. Nicholson, A. Dixon Revell, Harry D. Revell

## **Nicholson Revell LLP Resolves Liquid Nitrogen Leak Case**

Our firm recently resolved litigation involving a liquid nitrogen leak inside the Xytex warehouse in Augusta, Georgia. Our client suffered 2nd, 3rd, and 4th degree burns to nearly 40% of her body. She had two fingers on her left hand and all the fingers on her right hand amputated. She was hospitalized for two months and underwent over thirty surgical procedures. We ultimately sued three defendants: the liquid nitrogen supplier, the piping installer, and a parts supplier.

Great roadmaps for our case were the reports issued by OSHA and the Georgia State Fire Marshal's Office, both of which thoroughly investigated the incident. Neither report was perfect, though, and we had to both address inaccurate factual information in the reports as well as independently prove or verify several other facts.

In all, we took or defended 31 depositions, including individuals involved in the installation of the liquid nitrogen system, employees who sold the component parts of the system, our client's co-workers, state fire marshal personnel, first responders, treating physicians, and expert witnesses.

Through our hard work, Nicholson Revell LLP was able to resolve this tragic case for an amount that will take care of our courageous client for the rest of her life. We also believe we enacted some change in how liquid nitrogen systems must be installed.

# Recent Successes

## Tractor Trailer Collision Cases:

### Wrongful Death—Confidential settlement

We represented the family of a 39-year-old man who was killed while driving a tractor trailer on U.S. Highway 1 in Jefferson County, Georgia. The driver of another tractor trailer failed to stop at a stop sign at the intersection of US 1 and GA 296 causing a violent collision between the two tractor trailers. Our lawyers quickly investigated the circumstances of the collision and secured the black box data from both trucks. We were able to resolve the case for the maximum available insurance limits that will help provide for the wife and young children left behind.

### Multiple Injuries—Confidential settlement

We represented a woman who was injured when a commercial vehicle ran a red light and crashed into her car. Through our hard work and expertise, we were able to reach a confidential six-figure settlement without the need for a lawsuit.

## Medical Malpractice Cases:

### Birth Injury—Confidential settlement

We obtained a recovery for the mother and father of a 9-day old child who died as a result of sustaining a severe brain injury during labor. The evidence showed that the Defendant physician failed to recognize and react to multiple signs of fetal distress. These failures caused the baby to suffer from prolonged periods of hypoxia during labor and resulted in his birth with a severe brain injury and subsequent death 9 days later. The case settled pre-suit.

### Surgical Error—Confidential settlement

We represented a patient in a case where the surgeon performed a procedure on the wrong side of the patient's body. We filed suit against the surgeon and his practice. Through our efforts, we reached a confidential settlement shortly after the surgeon's deposition.

## Land Condemnation Case:

### Land Condemnation—\$700,000 settlement

We represented a landowner in Columbia County whose home was being taken by the government to widen Lewiston Road. Before our involvement, the government had offered the property owner only \$64,200 for nearly all his property. Through our hard work and expertise Columbia County eventually paid \$700,000 to resolve the case before a lawsuit was filed.

## Motor Vehicle Collision Cases:

### Wrongful Death—\$1.033 million settlement

Nicholson Revell served as lead counsel representing the families of 3 nine-year-old boys who were killed in an automobile collision at the intersection of Riverwatch Parkway and Stevens Creek Road. We recovered all available automobile insurance coverage and then achieved a successful result in a lawsuit against the Georgia Department of Transportation based upon the negligent intersection design. The total recovery was \$1.033 million. Additionally, the traffic signal was changed to provide a safer intersection for motorists in the future.

### Multiple Injuries—\$600,000 settlement

We represented a man who sustained multiple severe injuries when the at-fault driver lost control of his vehicle, crossed the center line, and stuck our client's vehicle head-on. We were able to resolve the case for an amount well in excess of the insurance policy limits.

### Multiple Injuries—\$325,000 settlement

We represented a young woman who was severely injured when the vehicle in which she was a passenger was struck by a tractor-trailer. Through our efforts, we were able to recover the maximum available insurance coverage from multiple different insurance policies.

## Nursing Home Negligence Case:

### Wrongful Death—Confidential settlement

We represented the family of an Augusta veteran who fell while he was a resident of a local nursing home. Despite the fact he was at high risk for falls the proper precautions were not taken to protect him. The fall caused significant injuries that ultimately led to the resident's death. Through our hard work, we obtained a six-figure settlement shortly after filing suit.

## Co-Counsel Relationships

We are very proud that most of our cases come from referrals from other lawyers. It is an honor and privilege to be trusted by our colleagues to jointly represent a client on a co-counsel arrangement. We offer generous and flexible co-counsel arrangements that fit the circumstances of each case and we enjoy working with co-counsel, on a team approach, to advance the interests of our clients. In fact, over the last 5 years, we have shared nearly \$8 million in fees with referring co-counsel, most of whom are local. We are prepared to dedicate the financial resources necessary to take any catastrophic injury or wrongful case to verdict. You can rest assured that our firm's expertise will lead to the best possible result and your client will have every reason to thank you for co-counseling with us in their case. We welcome referrals in the areas of medical malpractice, nursing home negligence, tractor trailer collisions, premises liability, and many more.

# What we're working on now:

## Nursing Home Negligence Cases:

### Wrongful Death

We represent the family of an 85-year-old woman who died from a severe infection resulting from a moldy foley catheter that developed during her residency at Windermere Health and Rehabilitation Center in Augusta, Georgia. We filed a lawsuit against Windermere and its affiliated companies to recover for her wrongful death and the pain and suffering she endured as a result of the moldy catheter.

### Wrongful Death

We represent the family of an Augusta man who fell and ultimately died while he was a resident of Windermere Health and Rehabilitation Center in Augusta. We filed suit against the nursing home and its owners and are currently engaged in discovery.

## Boating Collision Case:

### Wrongful Death

We represent the families of a 37-year-old mother and her 5-year-old daughter who were tragically killed in a boating collision in Florence, Alabama. It has been determined that the operator of the boat was under the influence of alcohol when he collided with another boat head-on. We have filed a lawsuit in Alabama against the responsible parties and are currently engaged in discovery.

## Premises Liability Cases:

### Negligent Security

We represent a 20-year-old woman who was struck by a stray bullet while she was working at Augusta Mall. Our client was working at a kiosk in the mall when a fight broke out nearby leading to gunshots being fired. Our client was struck in the knee by the stray bullet that required surgical repair. We filed suit against Augusta Mall and its security company and we are currently engaged in discovery.

## Medical Malpractice Cases:

### Wrongful Death

We represent the wife of a man who died from internal injuries that went untreated at a local hospital following a car wreck. We have filed suit against the attending physician and his practice and are currently engaged in discovery.

### Postpartum Infection

We represent a young woman who was permanently injured after doctors at a local hospital failed to diagnose and treat a postpartum infection. We have filed suit against the attending physician and her practice and are currently engaged in discovery.

### Birth Injury

We are serving as co-counsel representing the family of a child who suffered a permanent, but preventable, brachial plexus injury during his birth. We filed suit against the delivering doctor and the hospital and have completed the discovery process. The next step will be to mediate the case and, if that is not successful, try the case in front of a jury.

### Birth Injury

We are serving as co-counsel representing the mother of a child who suffered a permanent brachial plexus injury during his birth. The doctor left the hospital during the labor process and failed to return before the baby was born. The nursing staff delivered the baby despite the fact they were not authorized or trained to do so. We have filed suit and are currently engaged in discovery.

# COVID-19

The COVID-19 pandemic has impacted the entire world in one way or another. Medical Malpractice and Nursing Home litigation are no exception. In addition to the practical considerations about handling cases against medical professionals and/or facilities during an unprecedented public health crisis, we must now address O.C.G.A. 51-16-1, et seq. which was signed into law on August 5, 2020 by Governor Brian Kemp. In short, the law provides that any claim against a healthcare facility or healthcare provider will be subject to the gross negligence standard so long as the healthcare facility or provider can show that the response to COVID-19 "reasonably interfered" with providing the care at issue in the case. Importantly, this law is not limited to claims that directly involve a COVID-19 diagnosis. Rather, this law applies to any case where a defendant can show that the response to the pandemic reasonably interfered with the care at issue. If a defendant can make that showing, he/she will be able to avail themselves of the gross negligence standard of care. In other words, to prevail, the Plaintiff will have to prove the defendant was grossly negligent, or failed to provide even slight care, as required in cases involving the provision of emergency medical care. This heightened standard means cases that may have been viable prior to the pandemic may not be viable now.

Visit us online at:  
[www.nicholsonrevell.com](http://www.nicholsonrevell.com)

There are many times when our clients have quick questions for us. An e-mail can be a convenient time-saver and is often the best way to reach us.

Find us on:





# Mission Statement

*Our mission is to provide caring, professional legal services to those who have been harmed through the negligence of others. We believe that everyone deserves access to our civil justice system and that wrongdoers should be held accountable for their actions. To achieve this, Nicholson Revell LLP remains a resourceful group of like-minded professionals committed to the pursuit of justice for all our clients.*



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## Nicholson Revell LLP

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The information included in this newsletter is not intended as a substitute for professional legal advice. For your specific situation, please call the appropriate legal professional.

## Community Involvement

At Nicholson Revell LLP, we are devoted not only to the pursuit of justice, but also to the betterment of our local community. We love the Augusta area, and we recognize the importance of giving back to our hometown. We are proud to award the Julian Carl Berrien Memorial Scholarship annually to an African American student interested in pursuing a career in law. We have also invested a large amount of time and resources into many local charities and non-profits. These are some of the organizations we have supported:

Augusta Prep  
United Way of the CSRA  
Augusta Sports Council  
Easter Seals of East Georgia  
Leukemia and Lymphoma Society  
Child Enrichment  
Phinizy Center for Water Sciences  
Community Foundation of the CSRA  
Georgia Legal Services  
Augusta Bar Association

State Bar of Georgia  
United Cerebral Palsy  
Colton Ballet  
Augusta Bar Foundation  
The Family Y  
Lakeside Panther Athletic Association  
Shield Club of Greater Augusta  
Columbia County Greenspace Committee  
Lake Forest Hills PTO