

1991

91-08-01

Insurance Bad Faith: Underinsured Motorists' Coverage/Non Payment Verdict: \$1,540,000

Plaintiff Attorney: Lawrence R. Booth & Johnna J. Hansen (Booth & Koskoff) (213) 515-1361
Defendant Attorney: confidential
Trial Judge: confidential Norwalk
Trial Time: 10 days Deliberation Time: 1 1/2 days
Case: confidential

Facts: Plaintiff, 57 year-old engineer, was injured in an auto vs. auto accident with a drunk driver who had \$15,000 coverage. Defendant insurance company was Plaintiff's carrier who provided underinsured motorists' coverage for \$25,000 and therefore Plaintiff submitted a claim for the difference or \$10,000. Plaintiff had approximately \$5,000 in medical specials and no loss of earnings since he was off work only two days. Plaintiff claimed brain injury confirmed by psychometric testing. Defendant carrier in underlying underinsured motorist case denied brain injury and offered nothing. Plaintiff, in underlying case, demanded \$10,000 coverage. Case went to arbitration approximately 9 months after demand for arbitration and resulted in an Arbitration Award of the full \$10,000.

Injuries: Claimed emotional distress for a 9 month period between the time that negligent driver's carrier paid \$15,000 and the ultimate arbitration award.

Contentions: Plaintiff: Claimed that Defendants stonewalled case and never did any real investigation to attempt to settle the case in good faith. Plaintiff had provided medical authorizations which Defendant carrier never used. Defendant carrier's own doctors had recommended that Defense psychometric testing be done, which was not done. Plaintiff claimed that handling of claim by Defendant insurance company was a simple pro-forma defense with no interest in attempting to settle the claim in good faith at all.

Defense: Argued a legitimate difference of opinion on value.

Settlement: Offer: \$50,000 raised to \$500,000 during trial Demand: \$1,500,000

Verdict: \$1,500,000 in punitive damages plus \$40,000 in compensatory. Plaintiff and Defendant had entered into a high-low arrangement while the jury was deliberating punitive damages which guaranteed Plaintiff a low of \$250,000 and a high of \$1,500,000. Pursuant to this arrangement Defendant waived motion for new trial and appeal and agreed to pay the verdict within 20 days.

Plaintiff Experts: One Attorney/Bad Faith
Defense Experts: One Attorney/Bad Faith

91-08-02

Pedestrian Accident: Crosswalk Verdict: \$700,000/Defense

Plaintiff Attorney: Constantine M. Boukidis (Law Offices of David M. Harney), Los Angeles (213) 482-0881
Defendant Attorneys: Albert S. Israel (Carlsmith, Ball, Wichman, Murray, Case, Mukai & Ichiki)
for Mullen: William Reidder (Senior Deputy city Attorney)
for Long Beach: Max Z. Wisot (Retired) L.A. Central 2/28/91
Trial Judge: 12 days Deliberation Time: 2 1/2 days
Trial Time: Buffington vs. Mullen & City of Long Beach
Case: Mullen vs. City of Long Beach
X-Comp. SOC 75190

Facts: Bifurcated Trial
10/13/84: At approximately 8:30 p.m. Plaintiff, 36 year-old waiter, was crossing Ocean Boulevard at the intersection of Ocean and Cerritos Avenue in Long Beach and was hit by Defendant. Plaintiff was in the western crosswalk, which was a painted-in crosswalk, and crossing from the south side of Ocean Boulevard to the north side. Defendant testified that he was being attentive and was driving approximately the speed limit, which was 35 m.p.h., but failed to see the pedestrians (Plaintiff was crossing the street with another individual) until he was approximately 5 or 10 feet from the point of impact. Defendant Mullen testified that a short period of time before the impact, he had "glanced" down at his dog which was sitting in the well between his seat and the right front passenger seat.