



Verdictum Juris®

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Ventura County
 Los Angeles County
 Orange County
 San Bernardino County
 Riverside County
 San Diego County

Annually: \$175.

Civil Jury Verdicts

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NOVEMBER 1-15, 1998

OUR CENTERFOLD . . . LIKE FATHER . . . LIKE SON: Who ever said that being a lawyer wasn't hereditary? In this issue we have **Roger Booth**, the young son of Larry Booth, walking off with a \$1.5 million dollar verdict in only his second trial. He and **Richard Koskoff** teamed up on a complicated products liability case where the Plaintiff crushed his hand. **David Ortega** and **Ralph Wyatt** defended. After seven days in trial and one day in deliberation, the verdict came in for \$1,519,823, and that sets a record for a crushed hand in Orange County.

THE BOX SCORE: In this issue we are reporting 68 verdicts. There were 29 Plaintiff verdicts and 39 Defense verdicts. Here is how the money was spent.

| | <u>Demands</u> | <u>Offers</u> | <u>Verdicts</u> |
|-------------------------------|---------------------|--------------------|---------------------|
| Breach of Contract: (5 cases) | \$15,427,000 | \$155,000 | \$80,303,508 |
| Slander: (2) | 1,000,000 | -0- | 3,049,712 |
| Negligence: (4) | 1,310,689 | -0- | 1,412,189 |
| Products Liability: (5) | 3,404,999 | 420,500 | 1,962,273 |
| Wrongful Termination: (4) | 1,170,000 | 19,000 | 982,922 |
| Real Estate: (5) | 1,075,000 | 299,800 | 1,111,821 |
| Medical Malpractice: (13) | 1,434,998 | 110,009 | 862,780 |
| Premises Liability: (10) | 1,243,950 | 156,500 | 303,731 |
| Subrogation: (1) | 92,268 | -0- | 27,341 |
| Automobile Accidents: (14) | 1,256,632 | 301,754 | 83,130 |
| Insurance Bad Faith: (3) | 258,500 | 33,000 | -0- |
| False Arrest: (1) | 500,000 | -0- | -0- |
| Toxic Tort: (1) | 75,000 | 25,000 | -0- |
| TOTAL | \$28,249,036 | \$1,520,653 | \$90,099,407 |

PLFF. ATTY: **Roger E. Booth & Richard B. Koskoff**
 (Booth & Koskoff), Torrance (310) 515-1361

Experts: Teleisnik, Julia Orthopedic Hand Surgeon Orange
 Schneider, Sandra Vocational Rehabilitation Los Angeles
 Pickersgill, Joyce Economist Santa Ana
 Chandler, Richard Machine Engineer Huntington Beach

DEF. ATTY: for Anderson: **David R. Ortega**
 (Law Offices of James P. Zurawski), Orange (714) 971-1422

for Columbia: **Ralph Wyatt**
 (Wyatt & Baker), Bakersfield (805) 633-1111

Experts: Molina, Steve Vocational Rehabilitation Santa Ana
 Merati, Jubin Economist Los Angeles
 Kenton, William Machine Engineer San Diego

INSURANCE CO: **Liberty Mutual for Anderson Hydraulics**

CASE: Miguel Rodriguez vs. Anderson Hydraulics and Columbia Machine Company
 No: 77 87 44

JUDGE: John M. Watson Santa Ana 9/2/98

TRIAL: 7 Days JURY OUT: 1 Day

POLL: 12-0 liability and economic damages, 11-1 employer negligence, 10-2 noneconomic damages

FACTS

6/21/96: Plaintiff, a 38-year-old male, had been employed by Angelus Block Company for 16 years, working on a machine which created concrete blocks. He was removing small rocks and debris from the machine when it suddenly came down and crushed his hand. A hydraulic cylinder which had recently been refurbished by Anderson Hydraulics had failed. The machine was manufactured by Columbia Machine Company.

Plaintiff claimed that in refurbishing the hydraulic cylinder, Anderson Hydraulics used seals which were too small. These seals prevented the hydraulic mechanism from holding the weight of the upper portion of the machine. Anderson Hydraulics was the only company that ever refurbished these cylinders. The machine had just come back from Anderson Hydraulics. This was the first use of the machine since it had come back.

Defendants argued the manufacturer should have put a fail-safe device in the machine in the event of hydraulic failure. Plaintiff's employer should have had Plaintiff block up the machine before he reached into it to remove the debris. The operating manual for the machine required blocking when repairs were made, but not during normal operation. This particular defective cylinder might not have been refurbished by Anderson Hydraulics.

INJURIES: Severe crush injury to left minor hand. b RTreatment: Four surgeries.
Residuals: Useless left hand.

MEDICAL COSTS: \$82,000 paid by workers' compensation

LOSS OF EARNINGS: \$88,000 past, \$621,223 future

DEMAND: \$800,000 increased to \$1,000,000 CCP 998 policy limits two months before trial
OFFER: \$400,000

VERDICT

\$1,551,223 gross, \$1,519,823 net; \$791,223 economic (\$621,223 future loss of earnings, \$88,000 past loss of earnings and \$82,000 past medical) and \$760,000 noneconomic

The jury found Plaintiff's employer 4% negligent.

Editor's Note: Plaintiff settled with Columbia Machine Company for \$125,000 and purchased the workers' compensation lien for \$65,000. The total workers' compensation lien was \$115,000, including past medical bills.

Plaintiff will be claiming CCP 998 interest and expert expenses. The carrier which refused to pay \$1,000,000 is now liable for the total amount of the verdict.

Defendants filed a motion for new trial and JNOV. The case settled for \$1,200,000 before hearings on motions.