

E.I. Dupont De Nemours & Co., D.B. Western Inc.-TEXAS, D.B. Western International Inc., D.B. Western Inc., Harmony Corp., Harmony LLC, Turner Industries Group LLC and International Contractors Inc., 2012 TX Jury Verdicts Review LEXIS 64 (Mar. 28, 2012)

**CASE NUMBER:** 200980504

**JUDGE:** Josefina Muniz Rendon

**EXPERTS:** Not published

**ATTORNEYS:** Daniel P. Barton of Barton Law Firm in Houston, TX, and Tom Marshall Harrison of Hornblower, Manning & Ward, Professional Corporation, Corpus Christi, TX for the plaintiff; Mary Szilagyi-Ovaitt in Conroe, TX for the defendant

**INJURED PARTY:** 54 year old male

**EVENT:** While working at the defendant chemical plant, the plaintiff suffered severe burns to over 50% of his body when fell into a pool or vat of steam

**SPECIFIC INJURY:** Second and third degree burns to over 50% of body; Torn rotator cuff; Mental anguish

**PERTINENT INFORMATION:** The case went to trial against the defendant DuPont as the other defendants had settled before trial. The award included: \$60,000 to plaintiff's wife for her loss of consortium claim, \$2,000,000 for past and future disfigurement, \$2,500,000 for past pain and suffering, \$2,000,000 for future pain and suffering and \$2,500,000 for past and future physical impairment, and \$11,000,000 verdict for past and future lost earnings and past and future medical costs

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**AMOUNT:** \$2,500,000 (U.S. Dist. Ct. ED VA)

**CASE:** Wright v. Ryobi Technologies, et al., 2015 Federal Jury Verdicts Rptr. LEXIS 39 (Jan. 22, 2015)

**CASE NUMBER:** 2:13-345

**JUDGE:** Raymond A. Jackson

**EXPERTS:** Steve Christofferson, Engineer, San Antonio, TX for the plaintiff; name of the defendant's expert not published

**ATTORNEYS:** Richard N. Shapiro, Shapiro Lewis & Duffan, Virginia Beach and Robert C. Sullivan, Sullivan Law, Kansas City, MO for the plaintiff; John R. Owen, Harman Claytor Corrigan & Wellman, Glen Allen and Frederick W. Bode, III and Douglas M. Grimsley, Dickie McCamey & Chilcote, Pittsburgh, PA, for the defendants

**DECEDENT:** 88 year old male

**EVENT:** The decedent suffered fatal burn injuries when the lawnmower he was riding caught fire. A year after the decedent bought the lawnmower, the defendant

manufacturer introduced a new model with a safer fuel connector but did not issue a recall

**SPECIFIC INJURY:** Death; burns

**PERTINENT INFORMATION:** The jury ruled for the estate against the manufacturer on a negligence count but not the other defendant Home Depot that sold the lawnmower

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**AMOUNT:** \$410,000 (Snohomish Co., WA)

**CASE:** Becky Bayern v. 24 Hour Fitness, 2012 WA Jury Verdicts & Sett. LEXIS 90 (March 19, 2012)

**CASE NUMBER:** 10-2-06854-4

**JUDGE:** George Appel

**EXPERTS:** Dr. Matthew Klein (plastic surgeon) Seattle, WA for the plaintiff; Randal Beaton Ph.D. (psychologist) Seattle, WA for the plaintiff; Dr. Alfred Blue (plastic surgeon) Seattle, WA, Dr. John Hackett (dermatologist) Bellevue, WA, Dr. John Hamm (psychiatrist) Seattle, WA for the defendant

**ATTORNEYS:** Ronald Unger of Buckley & Associates, Seattle, WA for the plaintiff; Sean Lanz, Barger Law Group, Lake Oswego, OR for the defendant

**INJURED PARTY:** 56 year old female

**EVENT:** The plaintiff fell backwards onto a sauna burner in the defendant's dry sauna when the rail she was leaning on gave way

**SPECIFIC INJURY:** Back injury; second degree burns to back, shoulder and arms

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**PERTINENT INFORMATION:** The award included medical expenses of \$3,625

**§ 6.03 Inadequate****AMOUNT:** \$3,680,000 (Delaware Co., IN)**CASE:** Gray v. Jarden Corporation, et al.; 2015 IN Jury Verdicts Rptr. LEXIS 1 (March 8, 2014)**CASE NUMBER:** 18C02-0701-CT3**JUDGE:** Dowling**EXPERTS:** Name of the plaintiff's expert not published; Thomas Wilhoite, Engineering, Estero, FL for the defendant**ATTORNEYS:** P. Gregory Cross and Danyel Struble, The Cross Law Firm, P.C., Muncie, IN for the plaintiff; Jeffrey J. Mortier, Frost Brown Todd, LLC., Indianapolis, IN for the defendant**INJURED PARTY:** Male electrician**EVENT:** The plaintiff independent contractor was electrocuted while working on an upgrade to the electrical system at a manufacturing facility**SPECIFIC INJURY:** Leg amputation below the knee; severe burns over much of the body resulting in permanent scarring and disfigurement**PERTINENT INFORMATION:** The jury found the plaintiff 43% at fault for a gross verdict of \$2,097,600. The jury did not award the plaintiff's wife any damages on her loss of consortium claim

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**AMOUNT:** \$13,800,000 (Hinds Co., MS)**CASE:** Moser v. Hemphill Construction, 2014 MS Jury Verdicts & Sett. LEXIS 55 (May 16, 2014)**CASE NUMBER:** 10-1082**JUDGE:** Winston Kidd**EXPERTS:** Lee Swanger, Mechanical Failure, Miami, FL, John Thomas Bryant, Engineer, Carrollton, TX, Dr. Howard Katz, Physical Medicine, Jackson, MS, Shelene Giles, Life Care Plan Hendersonville, SC, James Koerber, economist, Hattiesburg, MS for the plaintiff; Philip Sher, Pipeline Consultant, Cherwood, MA, Richard Hoffman, Engineer/metallurgy, Bruce Brawner, Economist, for the defendant**ATTORNEYS:** Eugene M. Harlow and Norman G. Hortman, Jr., Hartman Harlow Bassi Robinson & McDaniel, Laurel, MS for the plaintiff; Kyle V. Miller, Adam J. Spicer and Joshua J. Wiener, Butler Snow, Ridgeland, MS for the defendant**INJURED PARTY:** 38 year old male self employed laborer**EVENT:** The defendant construction company installed water lines for the city near the plaintiff's home and a natural gas line. Shortly thereafter, the plaintiff

smelled natural gas but lit a cigarette and leaking natural gas exploded

**SPECIFIC INJURY:** Catastrophic burns; ruptured colon; post-traumatic stress

**PERTINENT INFORMATION:** The jury assessed the defendant construction company 50% at fault and anon-party. The jury rejected the imposition of fault to the plaintiff. The award included \$9,800,000 for medical bills, future medical bills and lost wages, \$2,000,000 for non-economic damages and \$2,000,000 for the wife's consortium interest. Mississippi has a statutory cap on punitive damages

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**AMOUNT:** \$2,760,000 (Middlesex Co., NJ)

**CASE:** Thakkan v. Tarheel Enterprises, Inc., 2014 NJ Jury Verdicts Review LEXIS 295 (Oct. 8, 2014)

**CASE NUMBER:** MID-L-7071-11

**JUDGE:** Douglas Wolfson

**EXPERTS:** Dr. Sigred Blume-Eberweis, burn specialist/pain management, Allentown, PA, William Guila, construction specialist, Bridgewater, NJ, Kristin Kusma, economics, Livingston, NJ for the plaintiff; Scott Derector, construction safety, Edison, NJ, Michael Soudry, economics, Roseland, NJ, Robert Gottfried, Esq, immigration attorney, New York, NY for the defendant

**ATTORNEYS:** Name of the plaintiff's attorney not published; Methfessel & Werbel, PC, Edison, NJ for the defendant

**DECEDENT:** 29 year old male construction inspector

**EVENT:** While inspecting a construction site, a steam roller hit the decedent and knocked him into hot asphalt. The decedent died 11 days after being placed in a medically induced coma

**SPECIFIC INJURY:** Death; third degree burns to 27% of body; multiple fractures to legs

**PERTINENT INFORMATION:** The jury found the defendant 70% negligent and the decedent 30% comparatively negligent. The award included \$960,000 for medical bills, \$500,000 for pain and suffering, \$300,000 for the loss of guidance and advice, \$200,000 for past income loss and \$800,000 for future income loss

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**§ 6.04 Excessive****AMOUNT:** \$905,317 (Broward Co., FL)**CASE:** Santarelli v. Al-Karim Donuts, Inc., 2015 FL Jury Verdicts Review LEXIS 298 (July 28, 2015)**CASE NUMBER:** CACE 13021445**JUDGE:** John Luzzo**EXPERTS:** Carl Schulman, Miami, FL for the plaintiff; name of the defendant's expert not published**ATTORNEYS:** Mark G. Dicowden of Mark G. Dicowden, PA., Hollywood, FL for the plaintiff; name of the defendant's attorney not published**INJURED PARTY:** Adult male**EVENT:** The plaintiff was burned by a hot cup of coffee at the defendant drive through donut shop**SPECIFIC INJURY:** Second degree burns to groin; Sexual dysfunction**PERTINENT INFORMATION:** The jury found the defendant 80% negligent and the plaintiff 20% comparatively negligent and the award was reduced accordingly

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**AMOUNT:** \$4,568,116 (Hinds Co., MS)**CASE:** Walls v. Williams-Pyro, 2014 MS Jury Verdicts & Sett. LEXIS 96 (Oct. 7, 2014)**CASE NUMBER:** 13-126**JUDGE:** Winston Kidd**EXPERTS:** Ray Franco, Fire Investigator, Vicksburg, NS, Richard Forbes, Engineer, MS for the plaintiff; Donald Hoffman, Engineer for the defendant**ATTORNEYS:** Rocky Wilkins and Ben Wilson, Rocky Wilkins Law Firm, Jackson, MS and R. Allen Smith, Jr., The Smith Law Firm, Ridgeland, MS, Dr. William Lineaweaver, Jackson, MS, Charles Dennis, economist, Hattiesburg, MS, Bruce Brawner, Madison, MS, life care planner, for the plaintiff; Edwin S. Gault, Jr. and Brian B. Hannula, Forman Perry Watkins Krutz & Tardy, Jackson, MS for the defendant**INJURED PARTY:** 22 year old male**EVENT:** The plaintiff was cooking on a stove when a grease fire erupted. A fire suppressant device on the stove activated causing the hot oil to splash onto the plaintiff**SPECIFIC INJURY:** Second and third degree to hand, arm, feet and lower legs**PERTINENT INFORMATION:** The jury award included \$568,116 in economic damages, \$3,000,000 in non-economic damages and \$1,000,000 punitive dam-

ages. The verdict was reduced by \$3,676,087. A motion is pending on Mississippi's statutory cap on punitive damages

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**AMOUNT:** \$1,910,000 (Harris Co., TX)

**CASE:** Renanta Doss v. Michael Gomez, M.D. and Youthful Essence Medical Spa, 2012 TX Jury Verdicts Review LEXIS 192 (July 23, 2012)

**CASE NUMBER:** 201003270

**JUDGE:** Joseph Halbach, Jr.

**EXPERTS:** Not published

**ATTORNEYS:** Sarnie Randle of S.A. Randle and Associates, Houston, TX for the plaintiff; Mark Sossi of R. W. Armstrong & Associates, Brownsville, TX for the defendant

**INJURED PARTY:** Female

**EVENT:** The defendant plastic surgeon treated the plaintiff for excessive abdominal fat with a type of liposuction called Smart Liposuction. After the third follow-up appointment, the plaintiff was rushed to the hospital where she was diagnosed with third degree burns to 75% of her stomach and 20–30% of her body, cellulitis of her trunk, pneumonia, and acute renal failure, group A strep infection, pulmonary embolism and dehydration

**SPECIFIC INJURY:** Abdominal burns and scarring; pulmonary embolism; renal failure

**PERTINENT INFORMATION:** The jury awarded \$410,000 in economic damages and \$1,500,000 in non-economic damages. However, the non-economic damages portion of the verdict was reduced to \$250,000 as required by the Texas Civil Practice and Remedies Code

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# **CHAPTER 7**

## **CHEST INJURIES**

### **§ 7.01 Settlement**

**AMOUNT:** \$871,919 (Orange Co., CA)

**CASE:** Plaintiff Driver and Passenger v. Defendant Driver, 2014 Nat. Jury Verdict Review LEXIS 133 (March 21, 2014)

**CASE NUMBER:** Not published

**JUDGE:** Not published

**EXPERTS:** Not published

**ATTORNEYS:** Daniel M. Hodes of Hodes Milman Liebeck LLP, Irvine, CA for the plaintiff; name of the defendant's attorney not published

**INJURED PARTIES:** Husband and wife in their 60s

**EVENT:** The defendant's vehicle made a left turn into the plaintiffs' lane of travel and collided into the plaintiffs' vehicle. The force of the collision caused the plaintiffs' vehicle to collide into the base of the traffic signal at the intersection. The plaintiffs and another passenger, who died shortly after the accident, were trapped in the vehicle for approximately thirty minutes until they could be extricated by the fire department utilizing the Jaws of Life device

**SPECIFIC INJURY:** Ankle fracture; fractured ribs

**PERTINENT INFORMATION:** The parties settled through mediation. The claim of the estate for the deceased passenger was not included in this settlement

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**AMOUNT:** \$1,000,000 (Orange Co., CA)

**CASE:** Patricia Chaidez v. Garfa Transport LLC, 2012 LexisNexis Jury Verdicts & Settlements 102 (July 18, 2012)

**CASE NUMBER:** 30-2011-00515475

**JUDGE:** Glenda Sanders

**EXPERTS:** Not published

**ATTORNEYS:** Sean Banafsheh, Banafsheh Danesh & Javid, Beverly Hills, CA for the plaintiff; name of the defendant's attorney not published

**INJURED PARTY:** Female

**EVENT:** The plaintiff lost control of her vehicle and as she backed up to

straighten out her vehicle, and the defendant driver rear-ended her vehicle. The force of the impact knocked her unconscious

**SPECIFIC INJURY:** Multiple rib fractures; liver and thyroid lacerations; diffuse axonal injury; severe intracranial hemorrhaging.

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**AMOUNT:** \$3,500,000 (Santa Clara Co., CA)

**CASE:** Plaintiff v. Defendant Medical Group, 2012 Medical Litig. Alert LEXIS 223 (Feb. 27, 2012)

**CASE NUMBER:** Not published

**JUDGE:** Not published

**EXPERTS:** Dr. Barbara J. Gitlitz (cancer) Los Angeles, CA, Patrick F. Mason, Ph.D. (economics) San Francisco, CA, Dr. Carl T. Boylan (pulmonary and critical care) Los Angeles, CA, Dr. Robert J. McKenna, Jr. (thoracic surgery) Los Angeles, CA, Dr. Myron Marx (vascular and interventional radiology) San Francisco, CA for the plaintiff; name of the defendant's expert not published

**ATTORNEYS:** Not published

**INJURED PARTY:** 37-year-old male electrical engineer

**EVENT:** The plaintiff alleged that the defendant radiologist was negligent in misreading the patient's chest x-ray that would have disclosed Stage I lung cancer. By the time a follow-up chest x-ray was performed two years later, the cancer had progressed and was deemed incurable

**SPECIFIC INJURY:** Lung cancer

**PERTINENT INFORMATION:** The parties agreed to a confidential settlement

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**AMOUNT:** \$6,100,000 (Hartford Co., CT)

**CASE:** Ambrosio v. AWAC Services Co., et al., 2015 CT Jury Verdicts Review LEXIS 19 (October 6, 2015)

**CASE NUMBER:** CV12-6036172-S

**JUDGE:** Not published

**EXPERTS:** Not published

**ATTORNEYS:** Michael C. Jainchill of Riscassi & Davis, Hartford, CT for the plaintiff; name of the defendant's attorney not published

**INJURED PARTY:** 54 year old female nurse

**EVENT:** The plaintiff alleged that the defendant driver lost control of her vehicle as she came around a curve and collided into the plaintiff's vehicle

**SPECIFIC INJURY:** Fractures to both legs, ribs, sternum, spine, and ankle

**PERTINENT INFORMATION:** The parties settled the claim after mediation

**AMOUNT:** \$1,700,000 (Broward Co., FL)

**CASE:** Robert and Lisa Denault, as Personal Representatives of the Estate of Duane A. Converse v. DHL Express (USA), Inc. and DHL Global Customer Solutions (USA), Inc., 2012 FL Jury Verdicts Rptr. LEXIS 445 (Apr. 18, 2012)

**CASE NUMBER:** 0:10-cv-61633-WJZ

**JUDGE:** William J. Zloch

**EXPERTS:** Not published

**ATTORNEYS:** John Eric Romano and Todd Romano of Romano Law Group, Lake Worth, FL, Kent W. Spence and Grant H. Lawson of The Spence Law Firm, LLC, Jackson, WY for the plaintiff; Christopher D. Brown of Wilson, Esler, et al., LLP, Miami, FL, Andrew J. Harakas of Clyde & Co. US, LLP, New York, NY for the defendant

**DECEDENT:** 39-year-old male

**EVENT:** The decedent was struck and killed by a forklift while working as a civilian employee in Iraq

**SPECIFIC INJURY:** Blunt force trauma to the head and chest; Death

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**AMOUNT:** \$5,600,000 (MA)

**CASE:** Plaintiff v. Defendant Asbestos Manufacturer, 2012 MA Jury Verdicts Review LEXIS 191 (Jan. 18, 2012)

**CASE NUMBER:** Not published

**JUDGE:** Not published

**EXPERTS:** Not published

**ATTORNEYS:** Edward P. Coady, Christopher P. Duffy, David W. Fanikos of Coady Law Firm, Boston, MA for the plaintiff; name of the defendant's attorney not published

**INJURED PARTY:** 51-year-old male

**EVENT:** The plaintiff alleged that the decedent died from mesothelioma because of exposure to asbestos contained in products produced by the defendants, including building products, joint compound and heating systems and components

**SPECIFIC INJURY:** Sarcomatoid mesothelioma; Death

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**AMOUNT:** \$2,000,000 (MA)

**CASE:** Plaintiff v. Defendant Doctor, 2015 Medical Litig. Alert LEXIS 290 (October 2015)

**CASE NUMBER:** Not published

**MEDIATOR:** Not published

**EXPERTS:** Not published

**ATTORNEYS:** Patrick T. Jones and Donna R. Corcoran of Jones Kelleher, Boston, MA for the plaintiff; name of the defendant's attorney not published

**INJURED PARTY:** 32 year old female

**EVENT:** The plaintiff alleged that the defendant failed to timely diagnose breast cancer

**SPECIFIC INJURY:** Breast cancer

**PERTINENT INFORMATION:** The parties entered into a confidential settlement following mediation

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**AMOUNT:** \$4,100,000 (Mercer Co., NJ)

**CASE:** Dey v. Ourach, 2014 NJ Jury Verdicts Review LEXIS 136 (May 7, 2014)

**CASE NUMBER:** MER-L-2484-12

**JUDGE:** Not published

**EXPERTS:** Dr. Gary Goldstein, forensic orthopedic, Voorhees, NJ, Ellen Rader Smith, functional capacity, Montville, NJ, Varsha Desai, life care planning, Blue Bell, PA, Alexander Pendino, DO, neurology, Hamilton, NJ, Dr. Charles Terry, physical and rehabilitative medicine, Lawrenceville, NJ, Anthony Gamboa, PhD, vocational economics for the plaintiff; name of the defendant's expert not published

**ATTORNEYS:** Dennis S. Brotman of Fox Rothschild, LLP, Lawrenceville, NJ for the plaintiff; name of the defendant's attorney not published

**INJURED PARTY:** 30-year-old male

**EVENT:** The defendant's automobile driver suddenly made a left hand turn into the path of the plaintiff's motorcycle. The plaintiff was wearing a helmet

**SPECIFIC INJURY:** Loss of use of dominant right arm; Spinal injury; Temporary loss of use of leg; Concussion and post concussion syndrome; Cognitive deficits; Rib fractures

**PERTINENT INFORMATION:** The parties settled prior to trial. The plaintiff made a claim of approximately \$1,100,000 in diminution in earning capacity

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**AMOUNT:** \$1,000,000 (Hudson Co., NJ)

**CASE:** Snyder v. Fritz, 2013 NJ Jury Verdicts Review LEXIS 157 (May 20, 2013)

**CASE NUMBER:** HUD-L-1034-11

**JUDGE:** Jeffrey Jablonski

**EXPERTS:** Dr. Peter Salgo (pain management) New York, NY, Dr. Robert Perkel

(primary care) Philadelphia, PA, Dr. Nicholas Hill (pulmonology) Boston, MA for the plaintiff; name of the defendant's expert not published

**ATTORNEYS:** Francis X. Dorrity of Law Offices of Francis X. Dorrity, Jersey City, NJ for the plaintiff; name of the defendant's attorney not published

**DECEDENT:** 36-year-old male

**EVENT:** The decedent went to the defendant doctor with signs and symptoms of pneumonia, including labored breathing and an inability to pass a pulmonary function test, but the defendant failed to order a chest X-ray, conduct a pulse oximetry test or refer the patient to a pulmonologist. The decedent's wife brought him to the emergency room two days later and a chest X-ray revealed that the untreated pneumonia had progressed to Adult Respiratory Distress Syndrome (ARDS) and the decedent died a few weeks later

**INJURY:** Adult Respiratory Distress Syndrome (ARDS); Death

**PERTINENT INFORMATION:** The parties settled during jury selection for the defendant's \$1,000,000 policy limits

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**AMOUNT:** \$1,225,000 (Middlesex Co., NJ)

**CASE:** Burzichelli v. Lytle, et al., 2015 NJ Jury Verdicts Review LEXIS 300 (Dec. 30, 2015)

**CASE NUMBER:** MID-L-5438-12

**JUDGE:** Vincent LeBlon

**EXPERTS:** Dr. Robert Smith, diagnostic radiology, Jamaica, NY, Kristin Kucsma, economics, Livingston, NJ, Dr. Mark G. Graham, internal medicine, Philadelphia, PA, Dr. John Russo, internal medicine, West Orange, NJ, Dr. Stephen R. Veach, oncology, New York, NY, Dr. Carla Ellis, pathology, Atlanta, GA, Dr. Roger Berg, radiology, Morristown, NJ for the plaintiff; Dr. Gary Weine, internal medicine, Morristown, NJ, Dr. Arnold Baskies, oncology, Charlotte, NC, Dr. Steven Papish, oncology, Morristown, NJ, Dr. James Vogel, oncology, New York, NY, Dr. David S. Strayer, pathology, Philadelphia, PA, Dr. William D Matuzozzi, radiology, Summit, NJ for the defendant

**ATTORNEYS:** James Martin William Levinson and Dana McDade of Martin Kane & Kuper, East Brunswick, NJ for the plaintiff; name of the defendant's expert not published

**DECEDENT:** 54 year old female

**EVENT:** The plaintiff alleged that the defendants failed to diagnose lung cancer

**SPECIFIC INJURY:** Death; lung cancer

**PERTINENT INFORMATION:** The parties settled after four weeks of trial

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**AMOUNT:** \$212,500 (Middlesex Co., NJ)

**CASE:** Jaikissoon v. Wright, 2014 NJ Jury Verdicts Review LEXIS 207 (July 31, 2014)

**CASE NUMBER:** MID-L-7603-12

**JUDGE:** Not published

**EXPERTS:** Dr. Rudolf Thompson, plastic surgery, Colts Neck, NJ for the defendant; name of the defendant's expert not published

**ATTORNEYS:** Michael J. Hanus of Gill & Chamas, Woodbridge, NJ for the plaintiff; name of the defendant's attorney not published

**INJURED PARTY:** 12-year-old male

**EVENT:** The plaintiff was playing basketball on the defendant's driveway when the defendant's Rottweiler rushed out through the screen door, knocked him down, and bit him twice

**SPECIFIC INJURY:** Puncture wounds and scarring on non-dominant arm and chest

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**AMOUNT:** \$950,000 (Middlesex Co., NJ)

**CASE:** Plaintiff v. Hart, 2013 NJ Jury Verdicts Review LEXIS 279 (September 4, 2013)

**CASE NUMBER:** MID-L-7543-11

**JUDGE:** Not published

**EXPERTS:** David Bunin (economics) Philadelphia, PA, Joseph Tracy, Ph.D. (neuropsychology) Lawrenceville, NJ, Dr. Robert Dennis (orthopedic surgeon) Neptune, NJ, Ellen Rader Smith (vocational) Totowa, NJ for the plaintiff; name of the defendant's expert not published

**ATTORNEYS:** Richard Gale of Lomurro Davison Eastman & Munoz, PA, Freehold, NJ for the plaintiff; name of the defendant's attorney not published

**INJURED PARTY:** Female in her mid 30s

**EVENT:** The plaintiff alleged that the defendant driver failed to stop at a red light, causing the collision

**SPECIFIC INJURY:** Closed head injury; Cognitive deficits; Adjustment disorder with anxiety; Femur fracture with leg shortening; Left partial rotator cuff tear; Lung contusion

**PERTINENT INFORMATION:** The parties settled prior to trial for \$950,000 of the defendant's \$1,250,000 in coverage

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**AMOUNT:** \$3,225,000 (Middlesex Co., NJ)

**CASE:** DaSilva, et al. v. The Bennett Group, et al., 2012 NJ Jury Verdicts Review LEXIS 143 (May 2012)

**CASE NUMBER:** MID-L-9573-09

**JUDGE:** Not published

**EXPERTS:** Not published

**ATTORNEYS:** Charles A. Cerussi of Cerussi & Gunn, PC, Shrewsbury, NJ, Michael T. Carton of Kroll Heineman Carton, LLC, Iselin, NJ for the plaintiffs; name of the defendant's attorney not published

**INJURED PARTIES:** Two 20-year-old males

**EVENT:** The plaintiffs, who were both masons, were involved in the construction of a pharmacy, when a wall collapsed and they fell 22 feet

**SPECIFIC INJURIES:** Plaintiff one—Open fracture of the right calcaneus; Torn plantar fascia; Cardiac ablation

Plaintiff two—Pelvis, right scapula and rib fractures; degloving injury to the scalp

**PERTINENT INFORMATION:** The first plaintiff's case settled for \$2,900,000 and the second plaintiff's case settled for \$325,000. The first plaintiff is an undocumented alien and made no future income claims

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**AMOUNT:** \$1,000,000 (Monmouth Co., NJ)

**CASE:** Nogueira v. Farm Family Cas. Ins. Co., 2012 NJ Jury Verdicts Review LEXIS 214 (June 29, 2012)

**CASE NUMBER:** Not published

**JUDGE:** Not published

**EXPERTS:** Not published

**ATTORNEYS:** John E. Keefe, Jr. of Keefe Bartels, LLC, Red Bank, NJ for the plaintiff; Name of the defendant's attorney not published

**INJURED PARTY:** Male landscaper in his late 50s

**EVENT:** The defendant driver struck the plaintiff while he was working on the shoulder of the road

**SPECIFIC INJURY:** Left ankle, lower left leg, several ribs and right shoulder fractures

**PERTINENT INFORMATION:** The plaintiff received a \$900,000 underinsured motorist (UIM) arbitration award and the case settled for \$1,000,000, including the policy limits from the underlying defendant driver

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**AMOUNT:** \$1,200,000 (Ocean Co., NJ)

**CASE:** Lemig, et al. v. Strungis, et al., 2014 NJ Jury Verdicts Review LEXIS 139 (April 2014)

**CASE NUMBER:** OCN-L-2344-12

**JUDGE:** Arnold Goldman

**EXPERTS:** Dr. Arthur Vasan, orthopedist, Ocean, NJ, Dr. Cary Skolnick, orthopedist, Manalapan, NJ for the plaintiff; name of the defendant's attorney not published

**ATTORNEYS:** Kevin M. Stankowitz of Rosenberg Kirby Cahill Stankowitz & Richardson, Toms River, NJ, Dennis M. Donnelly of Blume Donnelly Fried Forte Zerres & Molinari, PC, Chatham, NJ for the plaintiff; name of the defendant's attorney not published

**INJURED PARTIES:** Male and female in their 70s

**EVENT:** The plaintiffs, a driver and passenger, were struck head-on when the defendant on-coming driver lost control and swerved across the double yellow line

**SPECIFIC INJURY:**

Driver: Left right leg femur fractures, heel fracture, lacerations to the liver, lung, diaphragm; severe closed head trauma; degloving injuries to her left and right leg

Passenger: Ankle, right, dominant pinky, left wrist and several rib fractures; non-fracture injury to the left shoulder

**PERTINENT INFORMATION:** The parties settled prior to trial for \$1,200,000, including the full \$1,000,000 insurance policy limit. The plaintiffs made a claim for punitive damages stemming from the inebriated defendant driver. The plaintiff driver would receive \$660,000 and the plaintiff passenger would receive \$540,000

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**AMOUNT:** \$300,000 (Ocean Co., NJ)

**CASE:** Woods v. Montgomery, 2012 NJ Jury Verdicts Review LEXIS 260 (Dec. 12, 2012)

**CASE NUMBER:** OCN-L980-12

**JUDGE:** Not published

**EXPERTS:** Dr. David Polonet (orthopedic surgery) Wall, NJ for the plaintiff; Name of the defendant's expert not published

**ATTORNEYS:** Kevin M. Stankowitz of Rosenberg Kirby Cahill & Stankowitz, Toms River, NJ for the plaintiff; name of the defendant's attorney not published

**INJURED PARTY:** 50-year-old male

**EVENT:** The plaintiff alleged that the defendant negligently lost control of his vehicle and crossed over the center line, causing it to collide head-on with the plaintiff's vehicle

**SPECIFIC INJURY:** Abdominal scarring; Ankle fracture; Wrist fracture; Rib fractures

**PERTINENT INFORMATION:** The defendant had \$250,000 coverage and the

plaintiff had \$300,000 in underinsured motorist (UIM) coverage of which \$50,000 remained available. The case settled during discovery for the \$300,000 policy limits

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**AMOUNT:** \$875,000 (Passaic Co., NJ)

**CASE:** Plaintiff v. Defendant Doctor, 2014 Medical Litig. Alert LEXIS 15 (January 2014)

**CASE NUMBER:** Not published

**JUDGE:** Not published

**EXPERTS:** Dr. James Sarnelli (breast surgeon) Stamford, CT, Kristin Kuscma, MA (economics) Livingston, NJ, Dr. Peter Sherer (oncology) Wheaton, MD, Dr. Roger Berg (radiology) Short Hills, NJ for the plaintiff; name of the defendant's experts not published

**INJURED PARTY:** 38-year-old female

**EVENT:** The plaintiffs alleged that the defendants delayed in diagnosing breast cancer

**SPECIFIC INJURY:** Breast cancer; metastasis to the lung, liver and bones

**PERTINENT INFORMATION:** The case settled for slightly less than the defendant's coverage

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**AMOUNT:** \$14,500,000 (Passaic Co., NJ)

**CASE:** Domelewski v. Hillerich & Bradley Co., et al., 2012 NJ Jury Verdicts Review LEXIS 199 (Aug. 22, 2012)

**CASE NUMBER:** PAS-L-2119-08

**JUDGE:** Not published

**EXPERTS:** Michael V. Ciocco, Ph.D. (baseball bat training) Cleveland, OH, Kristen Kuscma, M.A. (economics) Livingston, NJ, Stephen B. Wilcox, Ph.D. (human factors) Herndon, VA, Linda Lajterman, R.N. (life care planning) Ramsey, NJ, Thomas Eagar, Sc.D., P.E. (metallurgical) Cambridge, MA, Dr. Jon Meliones (pediatric cardiology) MS, CCM Durham, NC, Michael Rappeport, Ph.D. (product research/consumer survey) Princeton, NJ, Kenneth R. Laughery, Ph.D. (warnings) Houston, TX for the plaintiff; Name of the defendant's expert not published

**ATTORNEYS:** Ernest P. Fronzuto, III, Adam Boyle; Casey Anne Cordes of Fronzuto Law Group, Woodland Park, NJ for the plaintiff; name of the defendant's attorney not published

**INJURED PARTY:** 12-year-old male

**EVENT:** While pitching in a PAL baseball game, the plaintiff was struck in the

chest by an aluminum bat. The plaintiff alleged that the aluminum alloy bat could have been easily designed with to produce less force

**SPECIFIC INJURY:** Chest trauma; Cardiac arrest; Profound brain damage

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**AMOUNT:** \$1,850,000 (Passaic Co., NJ)

**CASE:** Dimitrov v. Vision Equities, et al., 2012 NJ Jury Verdicts Review LEXIS 86 (Feb. 23, 2012)

**CASE NUMBER:** PAS-L-001992-10

**JUDGE:** Not published

**EXPERTS:** Not published

**ATTORNEYS:** Ronald Ricci, Joseph Fava of Ricci & Fava, Woodland Park, NJ for the plaintiff; name of the defendant's attorney not published

**INJURED PARTY:** Male

**EVENT:** The plaintiff, an employee of a subcontractor scheduled to demolish an abandoned office building, fell after having taken several steps onto a roof that collapsed. The plaintiff fell approximately 20 feet and landed on his head

**SPECIFIC INJURY:** Shattered jaw; Neuropsychological deficits involving memory and concentration; Diplopia in one eye; Fractured ribs, a fractured pelvis; Shattered jaw

**PERTINENT INFORMATION:** The settlement included \$800,000 from the owner, \$800,000 from the asbestos company and \$250,000 from the demolition company. The plaintiff is an undocumented alien and the plaintiff made no income claims

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**AMOUNT:** \$8,800,000 (Kings Co., NY)

**CASE:** Krick v. City of New York, et al., 2014 NY Jury Verdicts Review LEXIS 75 (Jan. 2014)

**CASE NUMBER:** 20275/11

**JUDGE:** Not published

**EXPERTS:** Not published

**ATTORNEYS:** Stephen J. Murphy and David L. Scher of Block O'Toole & Murphy, LLP, New York, NY for the plaintiff; name of the defendant's attorney not published

**INJURED PARTY:** 51-year-old female

**EVENT:** The plaintiff was struck by a vehicle that had collided with another vehicle at an intersection. The plaintiff alleged that the city failed to trim trees near the stop sign at the intersection

**SPECIFIC INJURY:** Facial fractures; Clavicle fracture; Scapula fracture; Multiple rib fractures; Closed head injury; Brain hemorrhaging

**PERTINENT INFORMATION:** The settlement included one drivers' policy limits of \$1,250,000, the other driver's limit of \$50,000 and \$7,500,000 from the city

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**AMOUNT:** \$4,856,718 (Richmond Co., NY)

**CASE:** Capone v. Lifestyles for the Disabled, Inc., City of New York et al., 2015 NY Jury Verdicts Review LEXIS 128 (June 23, 2015)

**CASE NUMBER:** 104414/11

**JUDGE:** Thomas P. Aliotta

**EXPERTS:** Al Cipriani, P.E., accident reconstruction, Baltimore, MD for the plaintiff; Ali Sadegh, P.E., accident reconstruction, New York, NY for defendant City of New York

**ATTORNEYS:** Ben B. Rubinowitz and Peter J. Saghir of Gair, Gair, Conason, Steigman, Mackauf, Bloom & Rubinowitz, New York, NY for the plaintiff; name of the defendant's attorney not published

**DECEDENT:** 61 year old disabled adult

**EVENT:** The decedent was a passenger in a van operated by the defendant rehabilitation program that was struck by a fire truck

**SPECIFIC INJURY:** Left humeral shaft fracture, fractured ribs, fractured pelvis, and a back injury; death

**PERTINENT INFORMATION:** The case settled prior to jury selection. The settlement included \$3,356,718 from the driver and group home employer, and \$1,500,000 from the City

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**AMOUNT:** \$10,000,000 (Suffolk Co., NY)

**CASE:** Van Horne v. State of New York, 2012 NY Jury Verdicts Review LEXIS 205 (July 27, 2012)

**CASE NUMBER:** Not published

**JUDGE:** Gloria Lopez-Summa

**EXPERTS:** Not published

**ATTORNEYS:** David Godosky, Anthony P. Gentile of Godosky & Gentile, PC, New York, NY for the plaintiff; name of the defendant's attorney not published

**INJURED PARTY:** 24-year-old male

**EVENT:** The plaintiff, a union apprentice, was standing on a metal grate and helping during the construction of a state owned building when the metal grate

shifted and he fell approximately 25 feet to the bottom of the shaft

**SPECIFIC INJURY:** Fractured rib and a pneumothorax; Calcaneal fracture; Fractures at L1 and T12; Cauda equina syndrome; Neurogenic bladder; Comminuted fracture to the right, dominant humerus

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**AMOUNT:** \$2,050,000 (Multnomah Co., OR)

**CASE:** Hanson v. County of Yakima, Bravo Environmental, Inc., 2014 Ore. Jury Verdicts & Sett. LEXIS 144 (Aug. 8, 2014)

**CASE NUMBER:** 1303-04432

**JUDGE:** Jacob Tanzer

**EXPERTS:** Dr. Robert Thomas, orthopedic surgeon, Denver, CO., Anthony Choppa, life care planner, Bothell WA, Richard Gleason, safety expert, Seattle WA, Stanley Potocki, vocational rehabilitation, Ashland, OR, Richard Gill Ph.D., human factors, Spokane WA for the plaintiff;. Dr. Alfred Bowles II, general surgeon, San Antonio TX, Dr. Jennifer James, physiatrist, Seattle WA, Theodore Becker Ph.D., physical capacities, Everett WA, Jesse Binford PE, investigative Engineer, Auburn WA for the defendants

**ATTORNEYS:** Thomas D'Amore & Nicholas Kahl, D'Amore Law Group, Lake Oswego, OR, Vito de la Cruz, Tamaki Law, Yakima WA for the plaintiff; Amanda Gamblin of Schwabe Williamson & Wyatt, Daniel Hasson of Davis Rothwell Earle & Xochihua, Portland, OR, Mark Watson of Meyer Fluegge & Tenney, Yakima, WA for the defendants

**INJURED PARTY:** 45-year-old male

**EVENT:** Yakima County hired the plaintiff's employer to clean the inside of a water storage tank. The plaintiff fell more than 40 feet when a portion of the wooden deck at the top of the tank collapsed while he was standing on the deck cleaning the tank

**SPECIFIC INJURY:** Back injury; Spine fractures; Dislocated hip; "open book" pelvic fracture; Shoulder injury; fractured right scapula; Lacerated liver; Fractured rib; left-sided punctured lung

**PERTINENT INFORMATION:** The settlement included medical expenses of \$549,756 and lost wages. Previously, the plaintiff brought an action against Yakima County in U.S. District Court, Eastern District of Washington, which settled on 1/8/13. The plaintiff brought this action in Oregon State Court against his employer under a non-complying employer theory

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**AMOUNT:** \$4,000,000 (Multnomah Co., OR)

**CASE:** David Sale, et al. v. Tri-Met, et al, 2013 Ore. Jury Verdicts & Sett. LEXIS 127 (August 12, 2013)

**CASE NUMBER:** 1012-17188

**JUDGE:** Judith Matarazzo

**EXPERTS:** Not published

**ATTORNEYS:** Rick Pope of Kirklin Thompson & Pope, Hala Gores, Michelle Burrows, Portland, OR for plaintiffs; Kimberly Sewell & Erik Van Hagen, Portland, OR, Keith Garza, Law Offices of Keith Garza, Oak Grove, OR, Peter Richter, Heather Cavanaugh & Stacey Martinson of Miller Nash, Portland, OR, Jeffrey Eden & Ryan Boyle of Schwabe Williamson & Wyatt, Portland, OR for the defendants

**INJURED PARTIES:** 22-year-old female, 26-year-old females, 28-year-old male, 22-year-old male

**EVENT:** As the plaintiffs proceeded through a crosswalk, a bus driven by the defendant made an illegal left turn from the far right lane, coming from behind the group, and striking them. Two of the plaintiffs were knocked aside and the other three were dragged under the bus

**SPECIFIC INJURIES:**

Female plaintiff age 22—Death

Female plaintiff age 26—Death

Male plaintiff age 22—Fractured pelvis, scapula, left foot and ribs; partially degloved left foot; Pleural effusion; contusions to both lungs and a collapsed left lung and chest cavity; Ruptured spleen; epigastric artery bleed; Closed head injury with loss of consciousness; loss of three front teeth; Crush injury to the right thigh and groin; multiple bruises, lacerations, contusions and sprains; Post Traumatic Stress Disorder; survivor's guilt; depression

Male plaintiff age 22—Severe emotional trauma

Female plaintiff age 26—Severe emotional trauma

**PERTINENT INFORMATION:** The settlement included medical expenses of \$155,000, lost wages of \$2,000,000 in future net lost and lost wages of \$3,000,000 in future net lost earnings and lost services

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**AMOUNT:** \$1,000,000 (Multnomah Co., OR)

**CASE:** Sharon Tata and Dale Campbell v. Scott Foster, Foster Plumbing, 2013 Ore. Jury Verdicts & Sett. LEXIS 14 (Nov. 8, 2012)

**CASE NUMBER:** 1206-07361

**JUDGE:** Not published

**EXPERTS:** David Karlin PE (accident reconstructionist) Portland, OR for the plaintiff; Name of the defendant's expert not published

**ATTORNEYS:** Thomas D'Amore & Emily Terriquez, D'Amore Law Group,

Lake Oswego, OR for the plaintiff; Leslie Kocher-Moar of MacMillan Scholz & Marks, Portland, OR for the defendant

**INJURED PARTY:** 55-year-old female

**EVENT:** As she was crossing the street, a "box truck" driven by the defendant struck the plaintiff and she flew approximately 50 feet into the air

**SPECIFIC INJURY:** Fractured clavicle and eight ribs; Fractured sacrum/coccyx; Head injury; Fractured temporal bone; Left leg injury; fractured fibula; Spleen and right knee ligament injuries; Kidney laceration

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**AMOUNT:** \$1,000,000 (Multnomah Co., OR)

**CASE:** Ronald and Gayl Anderson v. Heather Morris, City of Portland, John Garner, Mark Wigginton and Andy Lee, 2012 Nat. Jury Verdict Review LEXIS 244 (May 29, 2012)

**CASE NUMBER:** 1106-08013

**JUDGE:** Judith Matarazzo

**EXPERTS:** Gary D. Sloan, Ph.D. (human factors) Olympia, WA, Dr. Nancy Futrell (neurology) Salt Lake City, UT, Patricia Camplair, Ph.D. (neuropsychology) Portland, OR, Larry Moore, Ph.D. Portland, OR, Alana Raber, Ph.D. (psychology) Portland, OR for the plaintiff; name of the defendant's expert not published

**ATTORNEYS:** Thomas D'Amore of D'Amore Law Group, P.C., Lake Oswego, OR for the plaintiff; name of the defendant's attorney not published

**INJURED PARTY:** 63-year-old retired male

**EVENT:** The plaintiff was pinned between the entry way booth and the trailer of the defendant's vehicle as it passed through the entryway booth used by both pedestrians and vehicular traffic at the defendant's racetrack

**SPECIFIC INJURY:** Fractured arm; 16 rib fractures; Collapsed lung; Brain injury

**PERTINENT INFORMATION:** The plaintiff settled the claim against the racetrack and its employees for the sum of \$1,000,000 in a pre-trial agreement. The plaintiffs settled with the owner and driver of the vehicle for the sum of \$350,000

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**AMOUNT:** \$395,000 (Washington Co., OR)

**CASE:** Plaintiff v. Biscuits Café, 2012 Ore. Jury Verdicts & Sett. LEXIS 121 (June 2012)

**CASE NUMBER:** Not published

**JUDGE:** Not published

**EXPERTS:** Not published

**ATTORNEYS:** Charlie Hepworth of Hepworth Janis & Kluksdal, Boise ID for the plaintiff; Name of the defendant's attorney not published

**INJURED PARTY:** Female in her 70s

**EVENT:** While exiting the defendant's restaurant through the patio area, the plaintiff tripped and fell over a cable that was connected to the patio furniture. The restaurant was under construction at the time of the incident

**SPECIFIC INJURY:** Elbow fracture; Rib fracture

**PERTINENT INFORMATION:** Damages included medical expenses of \$150,000, which was paid by Medicare

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**AMOUNT:** \$4,950,000 (Allegheny Co., PA)

**CASE:** Estate of Linda J. Lefever by Steven Wertheim v. Lawrence J. McNamee, M.D., 2013 PA Jury Verdicts Review LEXIS 191 (March 25, 2013)

**CASE NUMBER:** GD-08-010644

**JUDGE:** Stanton R. Wettick

**EXPERTS:** Paul Genecin (internal medicine) New Haven, CT, Gerald Sokol (pharmacology/oncology) Hudson, FL for the plaintiff; name of the defendant's expert not published

**ATTORNEYS:** Patrick J. Loughren of Loughren Loughren & Loughren P.C., Pittsburgh, PA for the plaintiff; John C. Conti of Dickie, McCamey & Chilcote, Pittsburgh, PA, Paula A. Koczan of Weber Gallagher Simpson Stapleton Fires & Newby LLP, Pittsburgh, PA, Daniel P. Carroll of Davies, McFarland & Carroll, P.C., Pittsburgh, PA, Christopher C. Rulis of O'Brien, Rulis & Bochicchio, LLC, Pittsburgh, PA for the defendant

**INJURED PARTY:** 48-year-old female

**EVENT:** The plaintiffs alleged that the defendants failed to properly diagnose and treat lung cancer

**SPECIFIC INJURY:** Death; Lung cancer

**PERTINENT INFORMATION:** The parties settled for \$4,950,000. The decedent was survived by a husband and two adult children

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**AMOUNT:** \$3,750,000 (Allegheny Co., PA)

**CASE:** Sherri Scott, Administratrix of the Estate of Jeffrey Scott v. Jefferson Regional Medical Center, et al., 2012 Medical Litig. Alert LEXIS 330 (Nov. 2012)

**CASE NUMBER:** 09-006268

**JUDGE:** Ronald Folino

**EXPERTS:** Not published

**ATTORNEYS:** Renee Metal, Pittsburgh, PA for the plaintiff; Wilbur McCoy Otto of Dickie, McCamey & Chilcote, Pittsburgh, PA for the defendant

**DECEDENT:** 37-year-old male

**EVENT:** The plaintiff alleged that the defendant doctor negligently failed to discuss with the decedent the results of a lung x-ray, which resulted in the lung cancer going undiagnosed for over a year

**SPECIFIC INJURY:** Lung cancer; Death

**PERTINENT INFORMATION:** The decedent was survived by a wife, one adult child and one minor child

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**AMOUNT:** \$2,620,000 (Philadelphia Co., PA)

**CASE:** McLies v. Defendants, 2015 PA Jury Verdicts Review LEXIS 38 (March 8, 2015)

**CASE NUMBER:** 12-10-02798

**JUDGE:** Leon W. Tucker

**EXPERTS:** Kevin O'Connor, accident reconstruction, Phoenixville, PA, Joseph Nicolo, Audubon, PA, Andrew Verzilli, economics, Lansdale, PA, Alex Karras, life care, Malvern, PA, Brenda M. Ivker, neuropsychology, Philadelphia, PA, Guy W. Fried, pain management, Philadelphia, PA for the plaintiff; name of the defendant's expert not published

**ATTORNEYS:** Kevin R. Marciano and Patrick D. MacAvoy of Marciano & MacAvoy, Media, PA for the plaintiff; name of the defendant's attorney not published

**INJURED PARTY:** 42 year old male assistant manager home improvement store

**EVENT:** The plaintiff collided with the defendant delivery truck while he was riding his bicycle

**SPECIFIC INJURY:** Closed head injury; Multiple rib fractures; Punctured lung; Humerus fracture; Finger fracture; Neck and back injuries; Emotional injuries

**PERTINENT INFORMATION:** The parties settled during jury selection

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**AMOUNT:** \$4,000,000 (Philadelphia Co., PA)

**CASE:** Zepp v. Defendants, 2012 PA Jury Verdicts Review LEXIS 156 (June 28, 2012)

**CASE NUMBER:** 091200421

**JUDGE:** Not published

**EXPERTS:** David Hopkins (economics) West Conshohocken, PA, Matthew

Burkhart (engineering) Southampton, PA, Mona Yudkoff (life care) Bala Cynwyd, PA Christopher A. Hawkins (orthopedic surgery) Sugarloaf, PA, Guy Fried (rehabilitation) Philadelphia, PA, Donald Jennings (vocational) Feasterville, PA, Stephen A. Estrin (work safety) New York, NY for the plaintiff; names of the defendant's experts not published

**ATTORNEYS:** Robert J. Mongeluzzi, Andrew R. Duffy, Jeffrey P. Goodman of Saltz, Mongeluzzi, Barrett & Bendesky, Philadelphia, PA for the plaintiff; Name of the defendant's attorney not published

**INJURED PARTY:** 46-year-old male

**EVENT:** The plaintiff fell some 50 feet from a climbing work platform while he was working at the Lehigh County Courthouse

**SPECIFIC INJURY:** Neurological injuries; Skull fracture; Brain injury characterized by continuing cognitive deficits; Fractures to ribs, pelvis, ankle and spine

**PERTINENT INFORMATION:** The case settled with the defendants. The company that contracted to install panels on the outside of the courthouse settled for \$1,900,000.. The defendant construction manager agreed to contribute \$1,650,000. The defendant owner of the work platform agreed to pay \$10,000 and the American distributor of the equipment settled for \$440,000

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**AMOUNT:** \$26,100,000 (Philadelphia Co., PA)

**CASE:** Peter M. Sneeringer II, et al. v. GLC Transportation Inc., et al., 2012 PA Jury Verdicts Review LEXIS 78 (June 5, 2012)

**CASE NUMBER:** 110501252

**JUDGE:** Marlene F. Lachman

**MEDIATOR:** James R. Melinson

**EXPERTS:** Not published

**ATTORNEYS:** Alan M. Feldman, Daniel J. Mann and Edward S. Goldis, Feldman Shepherd Wohlgelernter Tanner Weinstock & Dodig, Philadelphia, PA for the plaintiff; Chester A. Dudzinski, Salvatore Vilardi and Judith A. Moses, Cipriani & Werner, Philadelphia, PA for the defendant

**INJURED PARTIES:** Two adult males and one adult female

**EVENT:** The plaintiff driver was stopped in traffic due to road construction when her vehicle was struck in the rear by a tractor-trailer traveling more than 70 mph. The plaintiff father of the driver was in front of the vehicle and died in the crash and the plaintiff husband was in the rear of the vehicle

**SPECIFIC INJURY:**

Plaintiff husband—traumatic brain injury

Plaintiff father—death

**Plaintiff driver—multiple rib fractures; Liver laceration; Vertebral fractures**

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**AMOUNT:** \$1,000,000 (SC)

**CASE:** Scott v. Defendant Doctor, 2013 Medical Litig. Alert LEXIS 247 (July 2013)

**CASE NUMBER:** Not published

**JUDGE:** Not published

**EXPERTS:** Dr. Barry Singer (oncology) Norristown, PA for the plaintiff; name of the defendant's expert not published

**ATTORNEYS:** David B. Yarborough, Jr. and William E. Applegate, IV of Yarborough Applegate in Mount Pleasant, SC, and Steven E. Goldberg of the Steinberg Law Firm, Charleston, SC for the plaintiff; name of the defendant's attorney not published

**DECEDENT:** 64-year-old male

**EVENT:** The plaintiffs alleged that the defendants failed to advise the decedent that he had lung cancer in August 2008. He died about a year later

**SPECIFIC INJURY:** Death; lung cancer

**PERTINENT INFORMATION:** The case settled for \$1,000,000

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**AMOUNT:** \$1,150,000 (U.S. Dist. Ct. E.D. WA)

**CASE:** Michael Hanson, et al. v. County of Yakima, 2013 LexisNexis Jury Verdicts & Settlements 1 (Jan. 10, 2013)

**CASE NUMBER:** 12-cv-3059

**JUDGE:** Rosanna Malouf Peterson

**EXPERTS:** Not published

**ATTORNEYS:** Thomas D'Amore, D'Amore Law Group, Lake Oswego, OR, Vito R. de la Cruz, Tamaki Law Offices, Yakima, OR for the plaintiff; Mark David Watson, Meyer Fluegge & Tenney, Yakima, WA, Lawrence Andrew Peterson, Yakima County Prosecuting Attorney's Office, Yakima, WA for the defendant

**INJURED PARTY:** Male

**EVENT:** Yakima County hired the plaintiff's employer to clean the inside of a water storage tank. The plaintiff fell more than 40 feet when a portion of the wooden deck at the top of the tank collapsed while he was standing on the deck cleaning the tank

**SPECIFIC INJURY:** Spinal, back, rib and lung injuries

**PERTINENT INFORMATION:** The plaintiff claimed to have incurred \$537,076.44 in medical expenses

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**AMOUNT:** \$2,700,000 (King Co., WA)

**CASE:** Elizabeth Borock v. William Finney, et al., 2014 WA Jury Verdicts & Sett. LEXIS 189 (March 3, 2014)

**CASE NUMBER:** 12-2-16454-1SEA

**MEDIATOR:** Keith Kubik

**EXPERTS:** Dr. Stanley Herring, physiatrist, Dr. Lynn Davis, reproductive medicine, Seattle, WA, Frederick DeKay Ph.D., economist, Kenmore, WA for the plaintiff; Dr. Sean Ghidella, orthopedic surgeon, Tacoma, WA, Dr. Paul Zarutskie, reproductive medicine, Seattle, WA, David Knowles Ph.D., economist, Seattle, WA for the defendant

**ATTORNEYS:** Robert N. Gellatly, Luvera Law Firm, Seattle, WA for the plaintiff; Jeffrey Hansen, Portland, OR & Kyle Riley, Smith Freed & Eberhard, Michael Jaeger of Lewis Brisbois Bisgaard & Smith, Seattle, WA for the defendant

**INJURED PARTY:** 46-year-old female physician

**EVENT:** The defendant intoxicated driver struck the driver's-side door of the plaintiff's vehicle, resulting in a t-bone collision

**SPECIFIC INJURY:** Pelvic, rib and wrist fracture; Liver and spleen lacerations

**PERTINENT INFORMATION:** The plaintiff claimed medical expenses of \$136,000 and lost wages of \$237,000

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**§ 7.02 Adequate**

**AMOUNT:** \$3,600,000 (Madison Co., AL)

**CASE:** ODell Turner, as Administratrix of the Estate of Thurston Turner, Ralph Shoulders, as Administrator of the Estate of Tanqueray Beavers, Autora Rogers, and William Reliford v. Jamal Woods and T.G.I. Friday's Inc., 2012 AL Civil Trial Rptr. LEXIS 140 (Jan. 23, 2012)

**CASE NUMBER:** CV-2008-901213

**JUDGE:** James P. Smith

**EXPERTS:** Not published

**ATTORNEYS:** Leah O. Taylor of Taylor & Taylor, Birmingham, AL, Mark McDaniel of McDaniel & McDaniel, LLC, Huntsville, AL, William Atkinson of Fite, Davis, et al., P.C., Hamilton, AL for the plaintiff; William F. Smith, II, of Vernis & Bowling of Birmingham, LLC, Birmingham, AL for defendant T.G.I. Friday's, defendant Jamal Woods appeared pro se

**INJURED PARTIES:** Adult males and female

**EVENT:** The plaintiffs were business invitees at defendant T.G.I. Friday's along when the defendant Jamal Woods, was also there drinking at the bar with two friends and his wife, became angry with one of the plaintiffs. The defendant went to his car to get a gun, returned and shot the plaintiffs. The plaintiffs filed a wrongful death claims of assault and battery against defendant Woods and claims of negligence and violation of dram shop laws against defendant T.G.I. Friday's

**SPECIFIC INJURIES:** Plaintiffs Thurston Turner and Tanqueray Beavers-Death

Plaintiff Autora Rogers—Collapsed lung

Plaintiff William Reliford—Permanent loss of hearing in left ear; ringing in left ear; Partial loss of sight in left eye; Disfigurement and scarring on left side of face

**PERTINENT INFORMATION:** The verdict against defendant Jamal Woods included \$1,000,000 to the Estate of Thurston Turner, \$1,000,000 to the Estate of Tanqueray Beavers, \$1,500,000 to Autora Rogers, and \$100,000 to William Reliford. The court granted summary judgment against defendant TGI Friday's

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**AMOUNT:** \$1,000,000 (Mobile Co., AL)

**CASE:** Gerald Simoneau v. United Parcel Service, Inc., 2014 AL Civil Trial Rptr. LEXIS 292 (Aug. 28, 2014)

**CASE NUMBER:** CV-2012-901209

**JUDGE:** Michael A. Youngpeter

**EXPERTS:** Not published

**ATTORNEYS:** Lucy E. Tufts and Robert L. Mitchell of Cunningham Bounds, LLC, Mobile, AL for the plaintiff; Brent Ross and Pamela Springrose of Carr

Allison, Birmingham, AL; O. Daniel Ansa of Ansa Assuncao, LLP, Philadelphia, PA for the defendant

**INJURED PARTY:** Male

**EVENT:** The plaintiff alleged that the defendant UPS driver attempted to cross all four lanes of traffic, pulled out in front of plaintiff, causing the plaintiff to strike the side of the UPS truck

**SPECIFIC INJURY:** Five broken ribs; broken clavicle; broken sternum; permanent arm injuries; chipped tooth

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**AMOUNT:** \$6,951,000 (Alameda Co., CA)

**CASE:** Emerson v. Union Pacific Railroad Co., 2015 Nat. Jury Verdict Review LEXIS 349 (December 4, 2015)

**CASE NUMBER:** RG-13698637

**JUDGE:** Not published

**EXPERTS:** Not published

**ATTORNEYS:** Joseph Satterley, Justin Bosl & Denise Abrams of Kazan, McClain, Satterley & Greenwood, Oakland, CA, for the plaintiff; name of the defendant's attorney not published

**DECEDENT:** Male boilermaker

**EVENT:** The decedent was diagnosed with mesothelioma due to asbestos exposure at the railway where he worked

**SPECIFIC INJURY:** Death; mesothelioma

**PERTINENT INFORMATION:** The award included \$6,500,000 for pain and suffering and \$451,265 for economic damages

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**AMOUNT:** \$1,300,000 (New London Co., CT)

**CASE:** Stern v. McEwen, et al., 2016 CT Jury Verdicts Review LEXIS 9 (November 10, 2015)

**CASE NUMBER:** CV10-6006881-S

**JUDGE:** Timothy D. Bates

**EXPERTS:** Not published

**ATTORNEYS:** William Bloss and Christopher Mattei of Koskoff, Koskoff & Bieder, P.C., Bridgeport, CT for the plaintiff; name of the defendant's attorney not published

**INJURED PARTY:** Adult female

**EVENT:** The plaintiffs' vehicle was rear ended by the defendant driver's vehicle. The impact caused the plaintiffs' vehicle to leave the roadway and the plaintiff

female was trapped in the vehicle. Prior to the accident, the defendant driver had been drinking at the defendant's tavern

**SPECIFIC INJURY:** Knee injury; fractured nose; fractured pelvis; fractured ribs

**PERTINENT INFORMATION:** The jury assessed liability at 40% to the defendant tavern and 60% to the defendant driver

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**AMOUNT:** \$37,500,000 (Broward Co., FL)

**CASE:** Estate of Laura Grossman v. R.J. Reynolds, 2013 FL Jury Verdicts Review LEXIS 259 (August 1, 2013)

**CASE NUMBER:** CACE07036748

**JUDGE:** Jack Tuter

**EXPERTS:** Not published

**ATTORNEYS:** Steven J. Hammer, Jonathan Gdanski of Schlesinger Law Offices, P.A., Fort Lauderdale, FL for the plaintiff; Stephanie E. Parker; John F. Yarber, John M. Walker of Jones Day, Atlanta, GA, Charles Morse of Jones Day, New York, NY, Eric L. Lundt, Gordon James, III of Sedgwick, Detert, Moran & Arnold LLP, Fort Lauderdale, FL for the defendants

**DECEDENT:** 38-year-old female

**EVENT:** The plaintiff alleged that the defendants targeted teenagers like the decedent, a heavy smoker who died of lung cancer

**SPECIFIC INJURY:** Lung cancer; Death

**PERTINENT INFORMATION:** The plaintiff was awarded \$37,500,000 in damages

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**AMOUNT:** \$5,900,000 (Duval Co., FL)

**CASE:** Estate of Richard Aycock v. R.J. Reynolds Tobacco Co., et al., 2013 FL Jury Verdicts Rptr. LEXIS 168 (April 18, 2013)

**CASE NUMBER:** 3:09-cv-10928-RBD-JBT

**JUDGE:** Richard W. Goldberg

**EXPERTS:** Name of the plaintiff's experts not published; Dr. Arthur Andrew (pulmonology) Tampa, FL, Dr. Brian Peterson (pathology) Milwaukee, WI, Dr. Daphne Dorce (addiction medicine), Boca Raton, FL for the defendant

**ATTORNEYS:** Norwood Wilner and Richard Lantinberg of The Wilner Firm, Jacksonville, FL, Kenneth S. Byrd of Lieff, Cabraser, et al., Nashville, TN, Charlie Farah and Eddie Farah of Farah & Farah, P.A., Jacksonville, FL for the plaintiff; Jack M. Williams, Christopher A. Kreiner, and Aulica Lin Monroe of Womble, Carlyle, et al., Winston-Salem, NC for the defendant

**DECEDENT:** Adult male

**EVENT:** The decedent died of lung cancer after smoking two to three packs of cigarettes a day for over 50 years

**SPECIFIC INJURY:** Lung cancer; Death

**PERTINENT INFORMATION:** The award of \$5,900,000 was reduced 27.5% for the decedent's comparative negligence

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**AMOUNT:** \$30,000,000 (Jackson Co., FL)

**CASE:** Smith v. R.J. Reynolds Tobacco Co., 2012 FL Jury Verdicts Review LEXIS 109 (Mar. 28, 2012)

**CASE NUMBER:** 09-719-CA

**JUDGE:** John L. Fishel, II

**EXPERTS:** Frank Burns (addiction) San Diego, CA, Fred Raffa (economics) Orlando, FL, Roland Schwarting (pathology) Camden, NJ, Robert Proctor (tobacco historian) Stanford, CA for the plaintiff; name of the defendant's expert not published

**ATTORNEYS:** Richard J. Diaz of Richard J. Diaz, PA, Coral Gables, FL; J.B. Harris of J.B. Harris, PA, Miami, FL, Robert Trammell of the Saunders Law Firm, Tallahassee, FL, Don Fitzgerald of Crabtree & Associates, Key Biscayne, FL, Stuart N. Ratzan of Ratzan Law Group, Miami, FL for the plaintiff; name of the defendant's attorney not published

**INJURED PARTY:** 81-year-old male

**EVENT:** The plaintiff, an 81-year-old minister, started smoking in 1944 when he was 13 years old and smoked the brands manufactured by the defendant, R.J. Reynolds. The plaintiff tried numerous times to quit his smoking habit, but was unsuccessful. The plaintiff finally quit smoking in 1992 when he was diagnosed with lung cancer

**SPECIFIC INJURY:** Lung cancer; Removal of lung

**PERTINENT INFORMATION:** The jury found the plaintiff 30% comparatively negligent. The jury awarded the plaintiff \$20,000,000 in punitive damages. The defendant's post-trial motions were denied, but an appeal is expected

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**AMOUNT:** \$45,000,000 (Miami-Dade Co., FL)

**CASE:** The Estate of Coleman Alexander v. Lorillard Tobacco Co., 2012 FL Jury Verdicts Review LEXIS 342 (May 1, 2012)

**CASE NUMBER:** 2007-046830-CA-01

**JUDGE:** Peter Lopez

**EXPERTS:** Not published

**ATTORNEYS:** Alex Alvarez of Alvarez Law Firm, n Coral Gables, FL for the plaintiff; Edward Cheffy of Cheffy Passidomo, Naples, FL for the defendant

**DECEDENT:** Adult male

**EVENT:** The widow of a man who died of small cell lung cancer after smoking for more than 40 years brought an action against the defendant tobacco company for product liability for their failure to warn of the dangers associated with their product

**SPECIFIC INJURY:** Lung cancer; Death

**PERTINENT INFORMATION:** The jury awarded \$20,000,000 and an additional \$25,000,000 in punitive damages. The jury found the deceased 20% liable

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**AMOUNT:** \$4,500,000 (Miami-Dade Co., FL)

**CASE:** Linda Grant and Hector Evangelista v. STL Electronics, LTD., 2012 FL Jury Verdicts Rptr. LEXIS 264 (Feb. 22, 2102)

**CASE NUMBER:** 10-27955 CA 40

**JUDGE:** Jerald Bagley

**EXPERTS:** Michael T. Kleinman, Ph.D (toxicology) Irvine, CA, Dr. Jose R. Alvarez (pulmonology) Plantation, FL for the plaintiff; name of the defendant's expert not published

**ATTORNEYS:** Robert C. Maland of Robert C. Maland, P.A., Miami, FL for the plaintiff; name of the defendant's attorney not published

**INJURED PARTIES:** Adult male and female

**EVENT:** After purchasing an ionic air purifier, the plaintiffs developed respiratory problems

**SPECIFIC INJURY:** Respiratory distress; Chronic Obstructive Pulmonary Disease (COPD); Scarring of lungs

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**AMOUNT:** \$14,219,865.28 (Pasco Co., FL)

**CASE:** Viola Fowler, Representative of the Estate of Raymond C. McWilliams; Georgette DeFranco, Representative of the Estate of Linda McWilliams and Oscar Bassi, Representative of the Estates of Gerard and Denise Bassi v. David A. Belniak, 2012 FL Jury Verdicts Rptr. LEXIS 356 (June 12, 2012)

**CASE NUMBER:** 51-2008-CA-009847-WS

**JUDGE:** W. Lowell Bray, Jr.

**EXPERTS:** John Murdoch, P.E. (forensic engineering and accident reconstruction) Gainesville, FL; Frank Fore, P.E. (forensic engineering and accident reconstruction) Jupiter, FL for the defendant

**ATTORNEYS:** Maureen M. Deskins and Christopher S. Knopik of Knopik Deskins Law Group, Tampa, FL for plaintiffs Fowler and DeFranco, Steven H. Myer of Steven H. Meyer, P.A., Boca Raton, FL for plaintiff Oscar Bassi, Jeffrey M. Adams of Abbey, Adams, et al., LLP, St. Petersburg, FL for plaintiff Estate of Raymond McWilliams in defense of counterclaim brought by defendant David A. Belniak; Bruce D. Austin of Austin, Ley, et al., Saint Petersburg, FL, and Debra B. Tuomey, Spring Hill, FL for defendant Belniak

**INJURED PARTIES:** Plaintiff Raymond McWilliams-64-year-old male

Plaintiff Linda McWilliams-66-year-old female

Plaintiff Denise Bassi-50-year-old female

Plaintiff Gerard Bassi-51-year-old male

**EVENT:** The defendant drove his vehicle into the rear of a vehicle at a high rate of speed, killing three of the vehicle's occupants; plaintiffs Linda McWilliams, Denise Bassi and Gerard Bassi, and causing serious injuries to the driver, plaintiff Raymond McWilliams. The defendant David Belniak pled guilty to three counts of driving under the influence (DUI) manslaughter for causing or contributing to the motor vehicle accident which caused the three deaths and one count of felony DUI for causing or contributing to the accident which resulted in injuries. The plaintiff Raymond McWilliams died a few years after the accident from a cause unrelated to the accident

**SPECIFIC INJURIES:** Plaintiffs Linda McWilliams, Denise Bassi, Gerard Bassi-Death Plaintiff Raymond McWilliams-Subdural hematoma; Torn rotator cuff tendons; Broken ribs

**PERTINENT INFORMATION:** The verdict included \$250,230.01 for the Estate of Raymond C. McWilliams; \$469,635.27 for the Estate of Linda A. McWilliams, and \$4,500,000 to the Estates of Gerard and Denise Bassi

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**AMOUNT:** \$4,100,000 (Marion Co., IN)

**CASE:** Matthews v. Lupton, et al., 2012 IN Jury Verdicts Rptr. LEXIS 160 (Aug. 20, 2012)

**CASE NUMBER:** 49D12-1011-CT-48963

**JUDGE:** Welch

**EXPERTS:** Dr. Leslie Iffy (ob-gyn), Summit, NJ, Dr. James O'Leary, (ob-gyn), Naples, FL, Dr. Daniel Adler (pediatric neurology) New York, NY; Dr. Robert Allen (biomedical engineering) Baltimore, MD, Dr. Ronald Missun (vocational economics), Louisville, KY; and Lawrence Forman (life care planning) Miami, FL for the plaintiff; Dr. John Elliott (ob-gyn) Phoenix, AZ, Dr. Robert Demott (ob-gyn) Green Bay, WI, Dr. Jeffrey Phelan (maternal/fetal medicine) Hacienda Heights, CA and Dr. Stephen Coats (ob-gyn) Fort Wayne, IN for the defendant

**ATTORNEYS:** Lance D. Cline and Kathy Lee, Cline Farrell Christie & Lee, P.C.,

Indianapolis, IN for the plaintiff; Jon M. Pinnick and Julia Condict, Schultz & Pogue, LLP., Indianapolis, IN for the defendant

**INJURED PARTY:** Infant male

**EVENT:** The plaintiff infant suffered significant injuries following a difficult vaginal delivery

**SPECIFIC INJURY:** Shortened right arm; multiple rib fractures; Brachial plexus injuries

**PERTINENT INFORMATION:** The court reduced the award to the statutory cap and entered a judgment for \$1,250,000

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**AMOUNT:** \$2,162,518 (Carlisle Co., KY)

**CASE:** Wilson v. Roach, 2015 KY Trial Ct. Rev. LEXIS 95 (August 18, 2015)

**CASE NUMBER:** 12-7

**JUDGE:** Langford

**EXPERTS:** Dr. Saeed Jortani, toxicology, Dr. Kelly Clark, addiction medicine for the plaintiff; Dr. Jonathan Lipman, neuropharmacology, Jerry Pigman, accident reconstruction for the defendant

**ATTORNEYS:** Craig Housman and Clay Duncan, Houseman & Associates, Paducah and Steven D. Gray, Dorsey King Gray Norment & Hopgood, Henderson, KY for the plaintiff; William E. Pinkston and Paul Bradford, Denton & Keuler, Paducah and Robert L. Prince, Prince & Brien, Benton, KY for the defendant

**INJURED PARTY:** Female teacher's assistant

**EVENT:** While on a school field trip, the plaintiff was seriously injured when the bus she was traveling in rolled over

**SPECIFIC INJURY:** Traumatic spinal cord injury; 12 broken ribs; post traumatic stress disorder

**PERTINENT INFORMATION:** The award included \$120,000 for future medical expenses, \$30,000 for impairment, \$1,500,000 for pain and suffering, and \$10,000 for her husband's loss of consortium

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**AMOUNT:** \$4,951,073 (Jefferson Co., KY)

**CASE:** Bibelhauser v. TARC, 2015 KY Trial Ct. Rev. LEXIS 18 (Feb. 12, 2015)

**CASE NUMBER:** 13-6061

**JUDGE:** Perry

**EXPERTS:** John Fabian, Bus Safety, Albany, NY, Bill Cloyd, Lexington, KY, Accident Reconstruction, Van Kirk, Accident Animation, Lexington, KY, Sharon

Lane, vocational, Louisville, KY, William Baldwin, economist, Lexington, KY for the plaintiff; Jennifer Yaek, Farmington Hills, MI for the defendant

**ATTORNEYS:** Douglass Farnsley and Julie M. McDonnell, Stites & Harbison, Louisville, KY for the plaintiff; R. Allen Button and R. Thad Keal, Turner Keal & Dallas, Prospect, KY for the defendant

**INJURED PARTY:** 27-year-old male law firm messenger

**EVENT:** A Transit Authority of River City (TARC) bus struck the plaintiff as he was crossing the street

**SPECIFIC INJURY:** Traumatic brain injury; Skull fracture; Rib fracture; Broken thumb

**PERTINENT INFORMATION:** The plaintiff claimed medical expenses of \$292,217 plus \$250,000 more for future care. His lost wages were \$8,856

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**AMOUNT:** \$3,638,888 (Rockcastle Co., KY)

**CASE:** Merritt v. Super Service, 2013 KY Trial Ct. Rev. LEXIS 25 (Feb. 18, 2013)

**CASE NUMBER:** 11-27

**JUDGE:** Tapp

**EXPERTS:** Dr. Robert Granacher (neuropsychiatry) Lexington, KY, Sharon Lane (vocational) Louisville, KY for the plaintiff; Dr. David Shraber (neuropsychiatry) Lexington, KY for the defendant

**ATTORNEYS:** E. Liddell Vaughn, Anderson Vaughn & Allen, Louisville and Robert D. Walker, II, Walker Wallace, Louisville, KY for the plaintiff; Scott Jones and Danielle Ravencraft, Reminger, Co., Lexington, KY for the defendant

**INJURED PARTY:** 41-year-old female social worker

**EVENT:** While the plaintiff was stopped at a stop light, the defendant truck rear-ended the plaintiff at about 55 mph

**SPECIFIC INJURY:** Broken nose; Traumatic brain injury; Back, rib, and scapula fractures

**PERTINENT INFORMATION:** The verdict included medical expenses of \$235,000, future care expenses of \$75,000, impairment of \$250,000, pain and suffering of \$3,000,000

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**AMOUNT:** \$7,267,390 (U.S. Dist. Ct. MS)

**CASE:** Clemons v. USA, 2012 MS Jury Verdicts & Sett. LEXIS 139 (Nov. 1, 2012)

**CASE NUMBER:** 4:10-209