

14. Ceiling Collapsed Judge: Stanton

Verdict: \$225,000 9-3

(Motion for New Trial - Deft)

Attorneys: Plf: Moray & Moray

by Howard A. Kapp.

Defts: Murtaugh, Hatcher & Miller

by Patricia A. McDonald.

Doctors: Plf: Joshua Goldman (Neuro)

Alfred Kanzler (Psychol)

Defts: Jerome Fuchs (Ortho)

David Gelles (Neuro)

Experts: Plf: James Schierholz (Econ)

Defts: None Called

Demand: \$35,000 (998) withdrawn 2/82

per plf's Atty.

\$300,000 at trial per deft's Atty.

Offer: \$15,000 (998) withdrawn 2/82.

\$30,000 during trial.

Case: Donna Routelle vs Downey Plaza Apts

and S. K. Management Co.

Facts: Plf (34) was a tenant in deft's Apt complex when, on 4 Nov 1979, a portion of the bathroom ceiling fell on her; no serious injuries. Ceiling was repaired and 2 mos later same portion collapsed on plf allegedly causing severe chronic occipital headaches, neck and back pain. Plf's Atty asked Jury for \$900,000.

Injuries: Claimed permanent injuries from plaster falling on plf's head. Residual chronic headaches, neck and back pain to date and for the remainder of plf's life.

Specials: \$10,000 to date plus \$120,000 future MED, \$15,000 to date plus \$200,000 future LE.

Defense: Reasonable action on part of defts under circumstances; unable to repair immediately because of rainy weather conditions. Disputed extent of injuries; no objective findings for present pain and contended no neuroma to greater occipital nerve based on findings in plf's medical records. #SEC-32782 (Norwalk) (21 Dec 1982)

15. Crushed by Tractor Judge: Bigelow
(Wrongful Death)

Verdict: \$133,848 (Net) 9-3 Liability

vs Deft #2 10-2 Damages

(\$243,360 gross reduced by 45% for decedent's neg)

(Verdict will be further reduced by

\$92,500 settlement paid by deft #1

and by \$41,000 W-C lien)

Attorneys: Plf: Peggy Garrity.

Deft: Bodkin, McCarthy, Sargent & Smith by Gordon F. Sausser.

Doctors: Plf: Ronald Markman (Forensic

Deft: None Called Psychia)

Experts: Plf: Derwyn Severy (Safety Engr)

James Schierholz (Econ)

Deft: Tom Batterton (Safety Engr)

Richard Pland (Woods Mgr)

Albert Burg (Human Factor)

Herbert Moskowitz (Psychopharmacologist)

Facts: Plfs were minor daughters (5 and 6 yrs old) of decedent (28-a logger) hired by deft #2. Accident happened on 7 Nov 1976 in the Piute Mountains. Decedent, on his second day on the job, hitched a ride on an Allis Chalmers Caterpillar tractor to retrieve fallen logs. While riding on the outside, one track went over a stump forcing tractor to tip and decedent was caught between the canopy and a tree. Plfs claimed Peculiar Risk Doctrine applied and Jury was so instructed. Alleged deft failed to provide safe place to work and proper instructions.

Demand: \$400,000

Offer: \$ 10,000 (would pay more)

Defense: Contended Peculiar Risk Doctrine did not apply. Sole cause was negligence of decedent and tractor driver.

Case: (1) Amanda & (2) Angela Barnes vs (1) Allis Chalmers and (2) Sierra Forest Products Inc. #C-219-350 (LA Central) (30 Nov 1982)

16. Auto/Motorcycle Judge: Kilts

Verdict: \$20,372.50 (Net) 12-0

(\$28,100 gross reduced by 27.5% for plf's neg)

Attorneys: Plf: Kenneth Willis and

Daniel C. Padnick.

Deft: Spray, Gould & Bowers

by Eugene Bennett.

Doctors: Plf: Douglas Morgan (DDS)

Richard Fedder (Ortho)

Deft: Yoshiro Yamaguchi (DDS)

Demand: \$32,500 per plf's Atty

\$60,000 per deft's Atty

Offer: \$23,000 per plf's Atty

\$20,000 per deft's Atty

#C-219-786 (LA Central) (9 Nov 1982)

Facts: Deft was exiting private driveway on east side of street to make L/turn across N/B lanes in order to go south. Deft was allegedly in violation of CVC 21803 when he collided broadside w/plf who was N/B on a motorcycle.

Injuries: TMJ problems w/future surgery indicated. Soft tissue to neck, back and knee mostly resolved by trial. Some residual soft tissue damage to ankle and knee. Avulsion fracture to ankle. 12" gash around ankle w/residual scar.

Specials: \$3,100 to date plus \$9,000-\$11,000 future MED, \$2,300 LE, \$600 PD.

Defense: Comparative negligence; plf was not wearing helmet, should have yielded R/of way and was speeding.

Case: Julius C. Dorsey vs Alan Gilbert.

17. Power Lift Judge: Wenke
Accident

Verdict: \$92,500 12-0 Damages

(To be Off-Set by 10-2 Liability

Facts: Plf (47-truck driver) drove to deft's premises Aug 1979. After backing into loading dock, plf entered truck to unload but was pinned to inside wall of truck by power lift operated by