



## Shuttle operator closed door on hand, crushing plaintiff's fingers

**Type:** Mediated Settlement

**Amount:** \$2,000,000

**State:** California

**Venue:** Orange County

**Court:** Superior Court of Orange County, Santa Ana, CA

**Injury Type(s):**

- *hand/finger* - fracture, finger; crush injury, hand
- *neurological* - neurological impairment; causalgia; reflex sympathetic dystrophy; complex regional pain syndrome

**Case Type:**

- *Transportation - Bus*
- *Worker/Workplace Negligence*

**Case Name:** Susan Andrea Fitch-Hutton v. Hilton International Co. and PM Hospitality Strategies, Inc., No. 30-2013-00690942-CU-PO-CJC

**Date:** February 16, 2015

**Plaintiff(s):**

- Susan Andrea Fitch-Hutton (Female, 58 Years)

**Plaintiff Attorney(s):**

- James P. Carr; Yuhl Carr LLP; Marina del Rey CA for Susan Andrea Fitch-Hutton
- Tyler J. Barnett; Yuhl Carr LLP; Marina del Rey CA for Susan Andrea Fitch-Hutton

**Plaintiff Expert (s):**

- Anne Barnes R.N.; Life Care Planning; Glendale, CA called by: James P. Carr, Tyler J. Barnett
- Peter Formuzis Ph.D.; Economics; Santa Ana, CA called by: James P. Carr, Tyler J. Barnett
- Leonard N. Matheson Ph.D.; Vocational Rehabilitation; St. Charles, MO called by: James P. Carr, Tyler J. Barnett
- Richard M. Paicius M.D.; Pain Management; Newport Beach, CA called by: James P. Carr, Tyler J. Barnett

**Defendant(s):**

- Hilton International Co.
- PM Hospitality Strategies Inc.

**Defense Attorney(s):**

- George Muhar; Law Offices of Halas & Muhar; Orange, CA for PM Hospitality Strategies Inc.
- None reported for Hilton International Co.

**Defendant Expert(s):**

- Amy M. Sutton Ph.D.; Life Care Planning; Long Beach, CA called by: for George Muhar
- Jennie M. McNulty C.P.A.; Economics; Los Angeles, CA called by: for George Muhar
- Steven Molina Ph.D.; Vocational Rehabilitation; Santa Ana, CA called by: for George Muhar
- Ezekiel Fink M.D.; Neurology; Beverly Hills, CA called by: for George Muhar
- Kenneth R. Sabbag M.D.; Orthopedic Surgery; Pasadena, CA called by: for George Muhar

**Insurers:**

- Liberty Mutual Insurance Co.

**Facts:**

On the evening of Sept. 9, 2012, plaintiff Susan Fitch-Hutton, 58, a senior director for Apria Healthcare, was standing outside a shuttle that she was going to take from the Baltimore-Washington International Airport, in Baltimore, to a Hilton Hotel when the van door closed on her left hand, allegedly injuring it.

Fitch-Hutton sued the hotel management company that was believed to be responsible, in part, for shuttle van operations, Hilton International Co. However, after filing the lawsuit, it was learned that Hilton International did not own or operate the subject van, and did not employ the shuttle operator. As a result, Hilton International was dismissed from the lawsuit and PM Hospitality Strategies Inc., the correct entity, was substituted in as the defendant. Fitch-Hutton alleged that the shuttle operator, Wasihune Gebre-Mariam, was negligent in the operation of the van and that PM Hospitality was liable for Gebre-Mariam's actions through the course and scope of his work.

Fitch-Hutton claimed that while she was stowing her luggage in the shuttle van, with her left hand holding onto the side of the open door, Gebre-Mariam manually closed the door on her hand.

During depositions, Gebre-Mariam claimed that Fitch-Hutton shoved her hand out in the area of the closing door.

PM Hospitality ultimately stipulated to liability.

**Injury:**

Following the incident, Fitch-Hutton went to the hotel and was later admitted to the Emergency Department at Baltimore Washington Medical Center, in Glen Burnie, where she was treated for a crush injury to her left index and middle fingers. Her fingers were subsequently evaluated, stabilized, and found to be neurovascularly intact. Fitch-Hutton was then released early the next morning with finger splints and pain medication.

Fitch-Hutton returned early from her business trip and began receiving medical care, rehabilitation and pain management. She also maintained her employment through Oct. 29, 2013, when she stopped working in order to undergo surgery on her left hand. While recovering from surgery, she was released from employment and has not returned to work.

Fitch-Hutton claimed she was diagnosed with complex regional pain syndrome, also known as reflex sympathetic dystrophy or causalgia, a chronic pain condition, and she ultimately received a spinal cord stimulator to treat her condition. She claimed \$73,056.41 in past medical costs, which were paid by workers' compensation. She also received \$61,869.76 in disability benefits through worker's compensation. Thus, Fitch-Hutton sought recovery of \$209,829 to \$220,750 in past lost earnings, inclusive of disability benefits; \$1,349,273 to \$1,419,976 in future lost earnings; and \$1,773,276 in future medical costs.

Counsel for PM Hospitality asserted that Fitch-Hutton did not have CRPS and was fully capable of returning to work. In support, counsel obtained surveillance videos of Fitch-Hutton engaged in activities that were allegedly inconsistent with a diagnosis of CRPS and with someone incapable of returning to gainful employment.

Thus, counsel for PM Hospitality contended that, at a maximum, PM Hospitality should be held liable for only past lost earnings of \$193,806 to \$200,133, future lost earnings of \$179,169 to \$212,166, and future medical care costs of \$265,673.

**Result:**

One day before trial, PM Hospitality agreed to \$2 million settlement, which was finalized via the guidance of Michael Moorhead, of Judicate West, in Los Angeles.

**Trial Information:****Judge:**

James J. Di Cesare, Michael D. Moorhead

**Editor's  
Comment:**

This report is based on information that was provided by plaintiff's counsel. Counsel for PM Hospitality Strategies Inc. declined to contribute.

**Writer**

Dan Israeli

## Truck's unsafe turn resulted in bicyclist's need for amputation

**Type:** Verdict-Plaintiff

**Amount:** \$34,555,220

**State:** California

**Venue:** Los Angeles County

**Court:** Superior Court of Los Angeles County, Los Angeles, CA

**Injury Type(s):**

- *leg*
- *amputation* - leg; leg (below the knee)
- *mental/psychological* - emotional distress

**Case Type:**

- *Motor Vehicle* - Bicycle; Right Turn; Intersection; Tractor-Trailer

**Case Name:** Alan Casillas v. Landstar Ranger, Inc. and Francisco Azurdia, and Does 1-50, inclusive, No. BC500485

**Date:** January 29, 2015

**Plaintiff(s):**

- Alan Casillas (Male, 19 Years)

**Plaintiff Attorney(s):**

- Brian J. Panish; Panish Shea & Boyle LLP; Los Angeles CA for Alan Casillas
- Thomas A. Schultz; Panish Shea & Boyle LLP; Los Angeles CA for Alan Casillas

**Plaintiff Expert(s):**

- Jan Roughan R.N., B.S.N.; Life Care Planning; Monrovia, CA called by: Brian J. Panish, Thomas A. Schultz
- John R. Brault M.S.; Biomechanical; Mission Viejo, CA called by: Brian J. Panish, Thomas A. Schultz
- John W. Michael M.Ed., C.P.O.; Prosthetics; Chicago, IL called by: Brian J. Panish, Thomas A. Schultz
- Alvin Lowi, III P.E.; Accident Reconstruction; El Segundo, CA called by: Brian J. Panish, Thomas A. Schultz
- Peter Formuzis Ph.D.; Economics; Santa Ana, CA called by: Brian J. Panish, Thomas A. Schultz

**Defendant(s):**

- Francisco Azurdia
- Landstar Ranger, Inc.

**Defense  
Attorney(s):**

- Kevin J. Gramling; Klinedinst PC; Santa Ana, CA for Landstar Ranger, Inc., Francisco Azurdia
- James J. Yukevich; Yukevich | Cavanaugh; Los Angeles, CA for Landstar Ranger, Inc., Francisco Azurdia
- Patrick J. Cimmarusti; Yukevich | Cavanaugh; Los Angeles, CA for Landstar Ranger, Inc., Francisco Azurdia

**Defendant  
Expert(s):**

- Jim C. Lee Ph.D., P.E.; Traffic; Phoenix, AZ called by: for Kevin J. Gramling, James J. Yukevich, Patrick J. Cimmarusti
- David M. Lechuga Ph.D.; Psychology/Counseling; Lake Forest, CA called by: for Kevin J. Gramling, James J. Yukevich, Patrick J. Cimmarusti
- Erich S. Phillips Ph.D.; Ergonomics/Human Factors; San Carlos, CA called by: for Kevin J. Gramling, James J. Yukevich, Patrick J. Cimmarusti
- Laura Fuchs Dolan M.B.A.; Economics; San Diego, CA called by: for Kevin J. Gramling, James J. Yukevich, Patrick J. Cimmarusti
- Alfred D. Chichester M.B.A.; Vocational Rehabilitation; Mentone, CA called by: for Kevin J. Gramling, James J. Yukevich, Patrick J. Cimmarusti
- Andrew E. Levitt; Accident Reconstruction; Torrance, CA called by: for Kevin J. Gramling, James J. Yukevich, Patrick J. Cimmarusti
- Thomas L. Hedge, Jr. M.D.; Psychiatry; Northridge, CA called by: for Kevin J. Gramling, James J. Yukevich, Patrick J. Cimmarusti
- Richard Kent Tracy C.P.O.; Prosthetics; Northridge, CA called by: for Kevin J. Gramling, James J. Yukevich, Patrick J. Cimmarusti

**Insurers:**

- American International Group Inc.

**Facts:**

On Dec. 7, 2012, at around 8:40 a.m., plaintiff Alan Casillas, 19, a high school student, was riding his beach cruiser bicycle on a sidewalk along westbound Tweedy Boulevard, in Los Angeles. After Casillas came to a stop at the intersection with Alameda Street, a 55-foot-long trailer, part of a tractor-trailer operated by Francisco Azurdia, drove over the sidewalk, striking Casillas' bike and knocking Casillas to the ground. The rear wheels of the trailer then ran over Casillas' left leg.

Casillas sued Azurdia and the owner of the tractor-trailer, Landstar Ranger Inc. Casillas alleged that Azurdia was negligent in the operation of the tractor-trailer and that Landstar was vicariously liable for Azurdia's actions.

Plaintiff's counsel contended that Azurdia drove the tractor-trailer into the intersection and was attempting to make a right turn onto Alameda Street. However, after interviewing Casillas, Azurdia and multiple eyewitnesses, the responding the California Highway Patrol officer determined that Azurdia caused the collision by driving his trailer over the sidewalk when Azurdia failed to allow enough room to safely make the right turn. Thus, plaintiff's counsel (and the responding CHP officer) determined that Azurdia's actions constituted a violation of California Vehicle Code § 22107 (for unsafe turning movement).

Defense counsel initially asserted that Casillas was comparatively at fault, in that Casillas could have avoided the trailer, but that he was inattentive due to being on a cell phone. Counsel also initially asserted that the design of the intersection was a dangerous condition. However, during jury selection, Azurdia admitted that he was solely at fault for the accident.

**Injury:**

Casillas was taken to St. Francis Medical Center, in Lynwood, where he remained hospitalized for 54 days. After the third day of hospitalization, Casillas' left leg, which was swollen and discolored, was amputated below the knee. He then underwent a course of rehabilitation.

After rehab, Casillas was prescribed a prosthesis for walking. However, he claimed that two of the prosthetic legs caused him pain and that he ultimately required more revision surgeries.

Casillas is now 21 years old and he can drive without assistance. However, he claimed that he is embarrassed about needing assistance with getting around and that he is saddened by the appearance of his leg since the amputation. He also claimed that looking at his leg depresses him, so he tries not to look at it. Casillas further claimed additional emotional distress, including nightmares, which have since subsided.

Before the accident, Casillas dropped out of high school when he was in the 11th grade and worked in manual labor. He claimed he was athletic and liked to ride his bike long distances, as well as run, but that he can no longer do so. He also claimed he has been unable to return to work in construction because of the pain he suffers and the difficulty he has getting around. In addition, Casillas testified about his strong family ties, marriage and fatherhood, and about obtaining his General Educational Development (GED) diploma after the accident.

The parties agreed that Casillas' past medical expenses totaled \$754,351.

Defense counsel noted that Casillas was able to earn his GED diploma after the accident and that he attended junior college. Counsel also noted that Casillas got married, had a child, and participated in many family activities. In addition, counsel noted that Casillas was able to secure employment and that he is able to drive a car and walk with a prosthesis. Thus, defense counsel argued that Casillas made a good recovery and has a bright future. Counsel further challenged the amount of damages sought by Casillas and asked the jury to award Casillas between approximately \$5 million and \$7 million.

**Result:**

The jury determined that Casillas' damages totaled \$34,555,220.

## **Alan Casillas**

\$5,187,230 Personal Injury: Future Medical Cost

\$66,099 Personal Injury: Past Lost Earnings Capability

\$672,540 Personal Injury: FutureLostEarningsCapability

\$754,351 Personal Injury: past medical costs (stipulated)

\$11,700,000 Personal Injury: past non-economic damages

\$16,175,000 Personal Injury: future non-economic damages

### **Trial Information:**

**Judge:** Elizabeth Allen White

**Demand:** \$23,100,000 (C.C.P. § 998)

**Offer:** \$10,000,000 (during jury deliberations)

**Trial Length:** 2 weeks

**Trial  
Deliberations:** 1 days

**Jury Vote:** 12-0

**Post Trial:** After the verdict, a confidential settlement was reached.

**Editor's  
Comment:** This report is based on information that was provided by plaintiff's counsel. Defense counsel did not respond to the reporter's phone calls.

**Writer** Priya Idiculla



## Shopper claimed permanent shoulder injury from fall on wet floor

**Type:** Mediated Settlement

**Amount:** \$250,000

**State:** California

**Venue:** Orange County

**Court:** Superior Court of Orange County, Orange, CA

**Injury Type(s):**

- *shoulder* - rotator cuff, injury (tear)
- *epidermis* - contusion

**Case Type:**

- *Premises Liability* - Store; Dangerous Condition; Negligent Repair and/or Maintenance
- *Slips, Trips & Falls* - Slip and Fall

**Case Name:** Bertha Erroa v. Northgate Gonzalez, LLC, No. 30-2013-00640518-CU-PO-CJC

**Date:** January 09, 2015

**Plaintiff(s):**

- Bertha Erroa (Female, 53 Years)

**Plaintiff Attorney(s):**

- Eric V. Traut; Traut Firm; Santa Ana CA for Bertha Erroa
- Steven B. Effres; Effres & Associates; Agoura Hills CA for Bertha Erroa

**Plaintiff Expert(s):**

- Mack A. Quan Ph.D.; Mechanical; El Segundo, CA called by: Eric V. Traut, Steven B. Effres
- Peter Formuzis Ph.D.; Economics; Santa Ana, CA called by: Eric V. Traut, Steven B. Effres
- Ralph A. Gambardella M.D.; Sports Medicine; Los Angeles, CA called by: Eric V. Traut, Steven B. Effres

**Defendant(s):**

- Northgate Market

**Defense  
Attorney(s):**

- John J. Higgins; Higgins Harris Sherman & Rohr; Palm Desert, CA for Northgate Market
- Jerry Howard; Higgins Harris Sherman & Rohr; Palm Desert, CA for Northgate Market

**Defendant  
Expert(s):**

- Lawrence C. Mozan M.D.; Orthopedic Surgery; Long Beach, CA called by: for John J. Higgins, Jerry Howard

**Insurers:**

- Liberty Mutual Insurance Co.

**Facts:**

On the morning Oct. 20, 2011, plaintiff Bertha Erroa, 53, an assembly line worker, was shopping at Northgate Market Store #34 in Placentia. As she was walking near refrigerated wet racks located near the checkout counter, Erroa slipped and fell while she was carrying a small bag of vegetables. Erroa claimed she injured her right shoulder and leg.

Erroa sued Northgate Market, which was doing business as Northgate Market Store #34 and which was initially erroneously sued as Northgate Gonzalez, LLC. Erroa alleged that the defendants failed to properly maintain the subject location, creating a dangerous condition.

With the aid of a Spanish interpreter, Erroa provided deposition testimony about the incident. She claimed she slipped on water that had emanated from the refrigeration racks and that she was wet after hitting the ground.

Plaintiff's counsel contended that, due to the frequency of water spilling on the floor next to the wet racks, Northgate Market should have had a floor mat at the location where Erroa fell. Counsel also deposed 10 Northgate Market employees who stated that video surveillance in the store would have captured the incident, as well as any prior floor inspection that day. According to plaintiff's counsel, a claims adjuster for the defense initially acknowledged in writing that Northgate Market had video and photographs of the incident, and stated that Northgate Market accepted liability. However, after Erroa's counsel filed suit, Northgate Market denied liability and disavowed the existence of any record of the fall.

Defense counsel denied that any water had accumulated at the alleged site of Erroa's fall. Counsel cited sweep sheet floor inspection logs from the day of the alleged incident, which did not denote a slippery area.

**Injury:**

Erroa alleged that she was left on the ground for approximately 20 minutes before being helped up by an employee. She then called her son, who spoke to store management and took her to the emergency room at Coastal Communities Hospital, in Santa Ana, where she was treated and released. Shortly after the accident, Erroa underwent several MRIs and was diagnosed with a rotator cuff tear of her right, dominant shoulder and a contusion of her right leg. On May 1, 2012, she underwent arthroscopic surgery to repair the torn rotator cuff. Erroa then underwent additional arthroscopic surgery on April 22, 2014, for further repair of the rotator cuff and the removal of adhesions.

Erroa claimed that due to her shoulder injury, she is unable to lift her arm above her shoulder and she is unable lift objects weighing heavier than 10 or 15 pounds. She alleged that as a result of these restrictions, she is unable to work.

The plaintiff's sports medicine expert provided a written report in which he opined that Erroa's rotator cuff tear was a result of the alleged fall. He also opined that Erroa's condition following the second shoulder surgery was likely permanent and that Erroa could no longer perform heavy lifting.

Defense counsel disputed the nature and extent of Erroa's alleged shoulder injury.

The defense's expert orthopedic surgeon examined Erroa and provided a written report stating that he found Erroa's pain complaints to be anatomically unexplainable. He also stated in the report that he did not understand the basis for the alleged functional problem with Erroa's shoulder.

**Result:**

One month before the scheduled trial, the parties agreed to a \$250,000 settlement, which was finalized via the guidance of mediator Michael Moorhead, of Judicate West.

**Trial Information:****Judge:**

Gregory H. Lewis, Michael D. Moorhead

**Editor's  
Comment:**

This report is based on information that was provided by plaintiff's counsel. Defense counsel did not respond to the reporter's phone calls.

**Writer**

Max Robinson

## Skier claimed construction of staging area caused accident

**Type:** Verdict-Plaintiff

**Amount:** \$21,987,215

**Actual Award:** \$3,957,699

**State:** California

**Venue:** Los Angeles County

**Court:** Superior Court of Los Angeles County, Los Angeles, CA

**Injury Type(s):**

- *neck* - fracture, neck; fracture, C6; fracture, vertebra; fracture, C6
- *other* - retropulsion
- *paralysis/quadriplegia* - quadriplegia

**Case Type:**

- *Premises Liability* - Ski Slope; Failure to Warn

**Case Name:** Leslie McLaughlin v. CNL Lifestyle Properties, Inc. and Mountain High Resort Associates LLC, No. MC023780

**Date:** December 22, 2014

**Plaintiff(s):**

- Leslie McLaughlin (Female, 32 Years)

**Plaintiff Attorney(s):**

- Scott H. Carr; Greene Broillet & Wheeler, LLP; Santa Monica CA for Leslie McLaughlin
- Bruce Broillet; Greene Broillet & Wheeler, LLP; Santa Monica CA for Leslie McLaughlin
- Taylor Rayfield; Greene Broillet & Wheeler, LLP; Santa Monica CA for Leslie McLaughlin

**Plaintiff Expert  
(s):**

- Ann T. Vasile M.D.; Physical Medicine; Long Beach, CA called by: Scott H. Carr, Bruce Broillet, Taylor Rayfield
- Carol Hyland M.A., M.S.; Life Care Planning; Lafayette, CA called by: Scott H. Carr, Bruce Broillet, Taylor Rayfield
- Peter Formuzis Ph.D.; Economics; Santa Ana, CA called by: Scott H. Carr, Bruce Broillet, Taylor Rayfield
- Daniel E. Zehler Psy.D.; Neuropsychology; Long Beach, CA called by: Scott H. Carr, Bruce Broillet, Taylor Rayfield
- Lester M. Zackler M.D.; Neuropsychiatry; Sherman Oaks, CA called by: Scott H. Carr, Bruce Broillet, Taylor Rayfield
- Wilson C. "Toby" Hayes Ph.D.; Biomechanical; Corvallis, OR called by: Scott H. Carr, Bruce Broillet, Taylor Rayfield
- Leonard N. Matheson Ph.D.; Vocational Rehabilitation; Saint Charles, MO called by: Scott H. Carr, Bruce Broillet, Taylor Rayfield
- Richard Gill Ph.D.; Ergonomics/Human Factors; Spokane, WA called by: Scott H. Carr, Bruce Broillet, Taylor Rayfield

**Defendant(s):**

- CLP Mountain High, LLC
- CNL Lifestyle Properties Inc.
- Mountain High Resorts Associates, LLC

**Defense  
Attorney(s):**

- Steven R. Parminter; Wilson Elser Moskowitz Edelman & Dicker LLP; Los Angeles, CA for Mountain High Resorts Associates, LLC
- None reported for CNL Lifestyle Properties Inc., CLP Mountain High, LLC
- Patrick M. Kelly; Wilson Elser Moskowitz Edelman & Dicker LLP; Los Angeles, CA for Mountain High Resorts Associates, LLC

**Defendant  
Expert(s):**

- Elia Hamilton; Design; West Dover, VT called by: for Steven R. Parminter, Patrick M. Kelly
- Jack Dahlberg; Life Care Planning; Castle Rock, CO called by: for Steven R. Parminter, Patrick M. Kelly
- Joel S. Rosen M.D.; Physical Medicine; Northridge, CA called by: for Steven R. Parminter, Patrick M. Kelly
- Paul Baugher; Skiing; Ashford, WA called by: for Steven R. Parminter, Patrick M. Kelly
- Brian Brill; Computer Imaging/Mapping; Dillon, CO called by: for Steven R. Parminter, Patrick M. Kelly
- David J Weiner Ph.D.; Economics; Los Angeles, CA called by: for Steven R. Parminter, Patrick M. Kelly
- Edward L. Bennett M.S.; Vocational Rehabilitation; Santa Barbara, CA called by: for Steven R. Parminter, Patrick M. Kelly
- Edward C. Fatzinger, Jr. M.S., P.E.; Accident Reconstruction; Torrance, CA called by: for Steven R. Parminter, Patrick M. Kelly
- Irving Scher Ph.D.; Biomechanical; Seattle, WA called by: for Steven R. Parminter, Patrick M. Kelly
- Ruston M. Hunt Ph.D.; Ergonomics/Human Factors; Norcross, GA called by: for Steven R. Parminter, Patrick M. Kelly

**Insurers:**

- Great American Insurance Group
- NOVA Casualty Co.

**Facts:**

On March 1, 2012, plaintiff Leslie McLaughlin, 32, an equine veterinarian, and her friend, James Tollins, went to Mountain High Resort, a ski resort in Wrightwood. At approximately 11:30 a.m., on their fourth run of the day, McLaughlin and Tollins began to ski down Woodworth Gulch, marked as a green circle, or a "beginner" run, which they both had never been down before.

McLaughlin claimed that from over 200 feet above, she noticed an uphill portion of the trail ahead that extended the entire width of the gulch. She claimed that she believed the uphill portion was a gentle uphill grade and rollover that was part of the natural terrain. However, she acknowledged that she could not see the other side of the uphill rise and that she did not know what was on the other side. The uphill rise was actually a staging area that was over 6-feet tall, extending the entire width of the gulch with a flat top that was over 17-feet wide. The staging area was meant for skiers and snowboarders to prepare and use a group of designed terrain features, such as jumps, rails, and jibs that are located in "The Playground."

McLaughlin claimed that as she started going up the slope, she was suddenly launched into the air and rotated backward, landing on her neck and back. She was ultimately rendered paralyzed from the accident.

McLaughlin sued the operator of the ski resort, Mountain High Resort Associates LLC, alleging negligence and premises liability.

CNL Lifestyle Properties Inc. was also named as a defendant, but it was dismissed early in the proceedings and was substituted with CLP Mountain High, LLC, which was also dismissed from the case. In addition, McLaughlin voluntarily dismissed her claim for premises liability prior to trial. Thus, the matter proceeded to trial against Mountain High Resort Associates on the negligence cause of action only.

McLaughlin claimed that she did not know the area was a staging area and that she was not intending to jump when she hit the uphill portion of the slope. She also claimed the uphill slope and terrain park were not marked in any way.

Plaintiff's counsel contended that Mountain High Resort unreasonably increased the risks inherent in the sport of skiing by building a staging area across the entire width of a green, beginner trail, and by building the staging area with a concave uphill slope that causes patrons to become airborne and rotate backward. Counsel also contended that Mountain High Resort was negligent for allowing patrons to use the staging area as a jump, for not constructing an appropriate landing area since it was known that the staging area was used as a jump, and for not providing any warnings or signage to alert patrons that the man-made structure is a staging area with a terrain park on the other side.

Mountain High Resort claimed that it did not increase the risks inherent in the sport of skiing. It claimed there had been no other incidents like McLaughlin's accident since the creation of the staging area in 2004, despite almost 3 million guests using it since its creation. It also claimed the staging area was groomed every night and inspected every day by members of three different departments.

Counsel for Mountain High Resort argued that McLaughlin was solely responsible for the accident, as Mountain High Resort is an all-terrain park mountain, which means there are jumps and terrain features everywhere. Counsel contended that the jumps and terrain features on the mountain were clearly noted on trail maps, and on signs at the bottom and top of all chairlifts. Counsel further contended that the staging area was open and obvious, and was visible from over 800 feet uphill of the staging area. Thus, Mountain High's counsel argued that McLaughlin did not adhere to warnings and instructions on the signs placed on the mountain regarding proper use of terrain features. Counsel further argued that McLaughlin ignored clear information in the brochures and on trail maps that designated Woodworth Gulch as a slow zone and as a trail having terrain features present.

The defense's accident reconstruction and biomechanics expert testified that McLaughlin was skiing too fast, traveling at roughly 39 to 45 mph, and that she was out of control, which the expert opined was the true cause of McLaughlin's backward rotation. (However, the plaintiff's accident reconstruction and biomechanics expert testified that McLaughlin was only skiing at 34 to 37 mph at the time of the accident.) The defense's biomechanics expert further testified that McLaughlin should have stopped or slowed down when she came to the staging area until she had determined what it was and how she intended to use it.

**Injury:**

McLaughlin sustained a C6 burst fracture with retropulsion of the bony fragments into the spinal cord. She was subsequently airlifted to an emergency room, where she was ultimately diagnosed with C6-7 complete quadriplegia. However, McLaughlin maintained use of her arms and limited use of her hands.

McLaughlin claimed that she was an equine veterinarian that specialized in racehorses and that she was earning \$105,000 per year. She claimed that since the date of the incident, she has not returned to work and will not be able to work as a veterinarian in the future.

The plaintiff's expert economist testified about McLaughlin's past and future economic damages. The expert opined that McLaughlin's past and future medical costs and lost earnings would be in the range of \$14.4 million to \$15.6 million. McLaughlin also sought recovery of damages for her past and future pain and suffering.

Defense counsel did not contest the nature and extent of McLaughlin's injuries, but disputed McLaughlin's alleged future medical expenses and past and future loss of earnings.

**Result:**

The jury found McLaughlin 82 percent at fault and Mountain High Resort Associates 18 percent at fault. It also found that McLaughlin's damages totaled \$21,987,215.32. After a reduction for comparative fault, McLaughlin's recovery would be \$3,957,698.76.

## **Leslie McLaughlin**

\$893,821 Personal Injury: Past Medical Cost

\$7,915,439 Personal Injury: Future Medical Cost

\$317,482 Personal Injury: Past Lost Earnings Capability

\$1,860,473 Personal Injury: FutureLostEarningsCapability

\$1,000,000 Personal Injury: Past Pain And Suffering

\$10,000,000 Personal Injury: Future Pain And Suffering

### **Trial Information:**

**Judge:** Mary Ann Murphy

**Trial Length:** 36 days

**Trial  
Deliberations:** 4 days

**Jury  
Composition:** 4 male, 8 female

**Editor's  
Comment:** This report is based on information that was provided by plaintiff's and defense counsel.

**Writer** Dan Israeli



## Trailer's detached tire and rim caused accident, plaintiff alleged

**Type:** Mediated Settlement

**Amount:** \$2,250,000

**State:** California

**Venue:** Fresno County

**Court:** Superior Court of Fresno County, Fresno, CA

**Injury Type(s):**

- *back* - stenosis; spondylosis
- *neck* - stenosis; spondylosis
- *other* - back and neck; physical therapy

**Case Type:**

- *Motor Vehicle* - Tractor-Trailer; Dangerous Condition

**Case Name:** Randy J. Royal and Tracy S. Royal v. Pacific Mobile Structures, Inc. and Laurentino Medino Flores, No. 13 CECG 03452 KCK

**Date:** November 10, 2014

**Plaintiff(s):**

- Randy Royal (Male, 42 Years)
- Tracy Royal (Female, 39 Years)

**Plaintiff Attorney(s):**

- Richard C. Watters; Miles, Sears & Eanni; Fresno CA for Randy Royal, Tracy Royal

**Plaintiff Expert(s):**

- Rene A. Castaneda P.E.; Engineering; Fresno, CA called by: Richard C. Watters
- Peter Formuzis Ph.D.; Economics; Santa Ana, CA called by: Richard C. Watters
- Michelle R. Hoffman M.S.; Biodynamical; Phoenix, AZ called by: Richard C. Watters

**Defendant(s):**

- Laurentino Medino Flores
- Pacific Mobile Structures Inc.

**Defense  
Attorney(s):**

- Guy R. Gruppie; Murchison & Cumming, LLP; Los Angeles, CA for Pacific Mobile Structures Inc., Laurentino Medino Flores
- Eric P. Weiss; Murchison & Cumming, LLP; Los Angeles, CA for Pacific Mobile Structures Inc., Laurentino Medino Flores
- Susan E. Hobson; Harris & Yempuku; Sacramento, CA for Pacific Mobile Structures Inc., Laurentino Medino Flores

**Insurers:**

- Fireman's Fund Insurance Co.
- Liberty Mutual Insurance Co.

**Facts:**

On Dec. 26, 2012, at approximately 11:27 a.m., plaintiff Randy Royal, 42, a California Highway Patrol (CHP) officer, was in the course and scope of his employment while driving his CHP Ford Crown Victoria cruiser in the center lane of northbound State Route 99 when he approached a tractor-trailer operated by Laurentino Flores. As Royal was approaching the commercial tractor, which was towing a trailer carrying a school house model, the left rear tire and rim detached from the trailer and came into Royal's lane. The tire and rim then bounced underneath Royal's vehicle, causing the vehicle to catapult into the air for approximately one second before forcefully crashing down on the pavement. (The CHP vehicle had an MVARs recording system onboard that filmed the entire incident.) Royal's vehicle was rendered a total loss, and he claimed injuries to his back and neck.

Royal sued Flores, and Flores' employer and owner of the tractor-trailer, Pacific Mobile Structures Inc. Royal alleged that Flores was negligent in the operation the tractor-trailer and that Pacific Mobile was vicariously liable for Flores' actions through the course and scope of his work.

Plaintiff's counsel performed, via his engineering expert, one day of vehicle crash testing in Phoenix and asserted that the defendants were negligent under the *res ipsa loquitur* doctrine. Specifically, counsel contended that the defendants violated a non-delegable duty to have their motor vehicle maintained in safe mechanical condition.

The defendants' disputed Royal's liability claims in their mediation brief, asserting that Royal could not show why the tire and rim detached.

**Injury:**

Royal left the scene of the accident in another CHP cruiser and went back to the office to take his K-9 partner to the veterinarian. Later in the day, he went to his family practitioner, in Clovis, with complaints of neck and back pain. Royal underwent X-rays of his neck and back, and followed up with physical therapy. He was also seen by an agreed medical examiner, through workers' compensation, who eventually ordered a cervical MRI. The MRI was conducted in September 2013 and it revealed spondylotic changes of the cervical spine, resulting in central spinal stenosis and cord compression that was moderate at C5-6 and mild at C6-7, as well as mild narrowing of the left C3-4 neural foramina and moderate narrowing of right C5-6 neural foramina. Royal was then seen by three specialists at Sierra Pacific Orthopedics, in Fresno, one of which recommended steroid injections. He was also recommended by two surgeons to undergo an anterior cervical discectomy and fusion at the C5-6 and C6-7 levels, if his condition became too severe.

Royal claimed he was earning \$93,077 yearly as a K-9 CHP officer at the time of the accident. His treating physicians made Royal retire on disability in March 2014, and Royal is now receiving a disability pension in the amount of \$3,888.73 per month. Royal claimed the difference between disability and vested benefit was a present value figure of \$224,520.

Plaintiff's counsel contended that the matter was a collateral source, but if it was to be considered by a trier of fact, the accrued value of the disability pension was earned and paid through Royal's employment. Thus, counsel contended that the difference of \$224,520 would be the only lien that should be reduced by attorney's fees. However, plaintiff's counsel noted that he corresponded with CalPERS on two occasions, but could not get a reply.

Royal sought recovery of \$1,776,021 for the present value losses (as prepared by the plaintiff's expert economist). He also sought recovery of damages for his pain and suffering, while his wife, Tracy Royal, sought recovery of damages for her loss of consortium.

Defense counsel contended that Royal should have the proposed surgery, which would most probably allow Royal to go back to work as a CHP officer. Counsel further contended that Royal had pre-existing disc degeneration and some stenosis that was asymptomatic, and that the condition was moderately aggravated by the subject accident.

**Result:**

The parties agreed to a \$2.25 million cash settlement, which was finalized via the guidance of mediator Steven Vartabedian, of Dowling Aaron Inc.

Due to the settlement, the State Compensation Insurance Fund will recover its lien in the amount of \$23,977.64 and will have a credit as to all benefits except the medical treatment award, which was left open. Thus, Royal will be able to have his neck surgery paid for by SCIF at the appropriate time. (The lien of CalPERS is pending.)

**Trial Information:****Judge:**

Steven Vartabedian

**Editor's  
Comment:**

This report is based on information that was provided by plaintiffs' counsel. Defense counsel did not respond to the reporter's phone calls.

**Writer**

Dan Israeli

## Plaintiff claimed fall from height due to defendant's directions

**Type:** Verdict-Plaintiff

**Amount:** \$505,524

**Actual Award:** \$404,419

**State:** California

**Venue:** Los Angeles County

**Court:** Superior Court of Los Angeles County, Van Nuys, CA

**Injury Type(s):**

- *hip* - hip replacement; fracture, femoral neck
- *chest* - fracture, rib
- *mental/psychological* - depression; emotional distress

**Case Type:**

- *Premises Liability* - Tree; Residence; Dangerous Condition
- *Slips, Trips & Falls* - Fall from Height

**Case Name:** Edmond Feredonzadeh, Tony Feredonzadeh and Zhagelin Shahverdianfard v. Tina Avakian, No. EC058142

**Date:** October 10, 2014

**Plaintiff(s):**

- Tony Feredonzadeh (Male)
- Edmond Feredonzadeh (Male, 49 Years)
- Zhagelin Shahverdianfard

**Plaintiff Attorney(s):**

- Cameron Y. Brock; Law Offices of Burg & Brock; Sherman Oaks CA for Edmond Feredonzadeh, Zhagelin Shahverdianfard, Tony Feredonzadeh
- Craig Rackohn; Law Offices of Burg & Brock; Sherman Oaks CA for Edmond Feredonzadeh, Zhagelin Shahverdianfard, Tony Feredonzadeh

**Plaintiff Expert  
(s):**

- Sean Pakdaman Ph.D.; Psychology/Counseling; Encino, CA called by: Cameron Y. Brock, Craig Rackohn
- Peter Formuzis Ph. D.; Economics; Santa Ana, CA called by: Cameron Y. Brock, Craig Rackohn
- Stepan Kasimian M.D.; Orthopedic Surgery; Beverly Hills, CA called by: Cameron Y. Brock, Craig Rackohn

**Defendant(s):**

- Tina Avakian

**Defense  
Attorney(s):**

- Barry S. Jorgensen; Law Office of Barry S. Jorgensen; Diamond Bar, CA for Tina Avakian

**Facts:**

On Oct. 27, 2011, at 5 p.m., plaintiff Edmond Feredonzadeh, 49, a day laborer, was allegedly asked to pick avocados for Tina Avakian, his landlord in Glendale. He subsequently went up onto the flat roof of a building to pick avocados from a tree. However, as Feredonzadeh held onto a branch to lean off the roof in an attempt to pick avocados beyond his reach, the limb broke and he fell to the concrete 10 feet below, fracturing his leg, hip and ribs.

Feredonzadeh sued Avakian, alleging that he was following Avakian's direction at the time of the accident. Thus, he claimed that Avakian was liable for his fall.

Defense counsel filed a motion in limine to exclude evidence that Feredonzadeh was working for Avakian at the time of the incident, and the motion was granted.

Defense counsel argued that Avakian was not negligent nor was she responsible for Feredonzadeh's decision to pick avocados from the roof. Counsel also attempted to argue that Feredonzadeh assumed the risk of falling when he went up onto the roof to pick avocados and that Feredonzadeh was, therefore, responsible for his accident. However, this assumption-of-risk claim was not contained in the responses filed by Avakian's original attorney. As a result, defense counsel was not allowed to amend the answer nor inform the jury of this defense.

**Injury:**

Feredonzadeh sustained fractures of the left femoral neck and two ribs. He was subsequently treated by paramedics at the scene before being taken to a hospital.

The paramedic report indicated that Feredonzadeh met the trauma center criteria that he was "obedient and oriented" and that there was "no indication of any intoxication, or alcohol." The hospital triage and initial assessment report indicated that Feredonzadeh had a major hip injury from falling from an avocado tree when a tree branch broke. As a result, a CT scan of the abdomen/pelvis was taken, and Feredonzadeh was diagnosed with a fracture of the left femoral neck with rotation or angulation through the site of the fracture. A CT scan of the chest was also taken and Feredonzadeh was diagnosed with a mildly displaced fracture of the left 10th rib and a non-displaced fracture of the adjacent left 11th rib.

On Oct. 20, 2011, Feredonzadeh was transferred to Memorial Hospital of Gardena for surgery. Ten days later, he underwent surgery to repair the left femoral neck fracture and to have a hip replacement.

The plaintiff's treating orthopedic surgeon opined that the trauma from the fall caused chronic pain to Feredonzadeh's left hip and fractured ribs and that this pain is ongoing and permanent. He testified that when Feredonzadeh followed up with him on Feb. 1, 2012, he noted that Feredonzadeh experiences ongoing pain at the left hip. The orthopedist also testified that when he examined Feredonzadeh on Aug. 4, 2014, he noted that Feredonzadeh still had left rib cage pain, left hip pain, and lower back pain. The doctor further testified that Feredonzadeh has weakness and loss of balance, worse on the left lower extremity, and that Feredonzadeh's left hip pain is chronic. Thus, the plaintiff's treating orthopedic surgeon opined that Feredonzadeh will require a future hip replacement within the next 10 to 20 years.

Feredonzadeh claimed he also suffers emotional distress as a result of the accident, causing him to undergo therapy from Dec. 22, 2011, to July 13, 2012. The plaintiff's treating psychologist testified that Feredonzadeh suffers from severe depression and that Feredonzadeh will continue to need psychotherapy sessions twice a month for the next three years.

In addition, Feredonzadeh claimed his condition prevents him from returning to work as a day laborer. The plaintiff's expert economist testified that as a day laborer, Feredonzadeh's loss of income will be approximately \$24,000 per year.

Two of Feredonzadeh's family members, Tony Feredonzadeh and Zhagelin Shahverdianfard, alleged that they suffered emotional distress as a result of witnessing Edmond Feredonzadeh fall from the roof. Thus, they sought recovery of damages due to Avakian's negligent infliction of emotional distress.

**Result:**

The jury found that Edmond Feredonzadeh was following Avakian's direction at the time of the accident. Thus, it determined that Avakian was 80 percent liable for the accident and that Edmond Feredonzadeh was 20 percent liable. The jury also determined that the plaintiffs' damages totaled \$505,524.35, including \$486,324.35 for Edmond Feredonzadeh, \$9,600 for Tony Feredonzadeh and \$9,600 for Shahverdianfard. After the comparative-fault reduction, the plaintiffs' total recovery would be \$404,419.48.

## **Trial Information:**

**Judge:** Elizabeth A. Lippitt

**Demand:** \$250,000

**Offer:** \$0

**Trial Length:** 5 days

**Trial  
Deliberations:** 1 days

**Jury Vote:** 12-0

**Jury  
Composition:** 12 women

**Post Trial:** Defense counsel moved for a new trial based on the court's decision to not allow the defense to amend the answer or inform the jury of the assumption-of-risk claim. The motion was denied. Judge Elizabeth Lippitt also awarded the plaintiffs costs of \$29,226.42. In addition, Avakian, who was the plaintiffs' landlord, gave credit of \$26,400 for rent that was not paid since the accident. Avakian has filed a notice of appeal.

**Editor's  
Comment:** This report is based on information that was provided by plaintiffs' and defense counsel.

**Writer** Donna Christopher



## Driver negligent in crosswalk collision, pedestrian claimed

**Type:** Settlement

**Amount:** \$5,250,000

**State:** California

**Venue:** Orange County

**Court:** Superior Court of Orange County, Orange, CA

**Injury Type(s):**

- *brain* - coma; traumatic brain injury
- *other* - scar and/or disfigurement
- *dental* - fractured teeth
- *face/nose* - face; fracture, jaw; fracture, maxilla; fracture, nose; fracture, facial bone; fracture, maxilla; scar and/or disfigurement, face
- *mental/psychological* - depression; cognition, impairment; memory, impairment

**Case Type:**

- *Motor Vehicle* - Crosswalk; Pedestrian

**Case Name:** Autumn McDonough, by and through her Guardian Ad Litem, Misti McDonough v. Daniel Brenna and Desiree Schunke, No. 30-2013-00627423-CU-PA-CJC

**Date:** September 14, 2014

**Plaintiff(s):**

- Autumn McDonough (Female, 13 Years)

**Plaintiff Attorney(s):**

- Denis Alexandroff; Law Offices of Denis Alexandroff; Encino CA for Autumn McDonough
- Spencer R. Lucas; Panish, Shea & Boyle, LLP; Los Angeles CA for Autumn McDonough
- Andrew P. Owen; Panish, Shea & Boyle, LLP; Los Angeles CA for Autumn McDonough

**Plaintiff Expert  
(s):**

- Jan Roughan B.S.N., P.H.N., R.N.; Life Care Planning; Monrovia, CA called by: Spencer R. Lucas, Andrew P. Owen
- Carl A. Beels M.S.; Ergonomics/Human Factors; Escondido, CA called by: Spencer R. Lucas, Andrew P. Owen
- Rick A. Sarkisian Ph.D.; Vocational Rehabilitation; Fresno, CA called by: Spencer R. Lucas, Andrew P. Owen
- Alvin Lowi, III P.E.; Accident Reconstruction; El Segundo, CA called by: Spencer R. Lucas, Andrew P. Owen
- David M. Lechuga Ph.D.; Neuropsychology; Lake Forest, CA called by: Spencer R. Lucas, Andrew P. Owen
- Karen Owens P.T., P.C.S.; Pediatric Rehabilitation; Irvine, CA called by: Spencer R. Lucas, Andrew P. Owen
- Peter Formuzis Ph. D.; Economics; Santa Ana, CA called by: Spencer R. Lucas, Andrew P. Owen
- Susan Meyers Fosnot Ph.D.; Speech Pathology; Woodland Hills, CA called by: Spencer R. Lucas, Andrew P. Owen
- Naresh C. Jain M.D.; Medical Toxicology; Buena Park, CA called by: Spencer R. Lucas, Andrew P. Owen
- Ronald S. Gabriel M.D.; Pediatric Neurology; Los Angeles, CA called by: Spencer R. Lucas, Andrew P. Owen

**Defendant(s):**

- Daniel Brenna
- Desiree Schunke

**Defense  
Attorney(s):**

- Scott B. Spriggs; Kinkle, Rodiger & Spriggs P.C.; Riverside, CA for Daniel Brenna, Desiree Schunke
- Michael F. Moon; Kinkle, Rodiger & Spriggs P.C.; Riverside, CA for Daniel Brenna, Desiree Schunke

**Defendant  
Expert(s):**

- Jon B. Landerville M.S., P.E.; Accident Reconstruction; Torrance, CA called by: for Scott B. Spriggs, Michael F. Moon
- Vina R. Spiehler Ph.D.; Medical Toxicology; Newport Beach, CA called by: for Scott B. Spriggs, Michael F. Moon
- Barry I. Ludwig M.D.; Neurology; Los Angeles, CA called by: for Scott B. Spriggs, Michael F. Moon
- Jacob E. Tauber M.D.; Orthopedic Surgery; Glendale, CA called by: for Scott B. Spriggs, Michael F. Moon
- Laura Fuchs Dolan M.B.A.; Economics; San Juan Capistrano, CA called by: for Scott B. Spriggs, Michael F. Moon
- Alfred D. Chichester M.B.A.; Vocational Rehabilitation; Mentone, CA called by: for Scott B. Spriggs, Michael F. Moon
- George K. Henry Ph.D.; Psychology/Counseling; Los Angeles, CA called by: for Scott B. Spriggs, Michael F. Moon
- Robert B. Post Ph.D.; Ergonomics/Human Factors; Granite Bay, CA called by: for Scott B. Spriggs, Michael F. Moon
- Stacey R. Helvin B.S.N., R.N.; Life Care Planning; Anaheim, CA called by: for Scott B. Spriggs, Michael F. Moon

**Insurers:**

- Allstate Insurance Co.

**Facts:**

On the evening of Nov. 22, 2011, plaintiff Autumn McDonough, 13, was crossing within a marked crosswalk on Pacific Coast Highway, at the intersection with Main Street, in Huntington Beach. Before she completed her crossing, the stop light for the cross traffic phased to green. At the same time, Daniel Brenna, who was operating his mother's Suburban in the far right, number three, lane, continued traveling south on Pacific Coast Highway. He allegedly did not see Autumn attempting to cross the street and struck her. Autumn sustained various facial fractures and injuries to her head.

Misti McDonough, acting as Autumn's guardian ad litem, sued Brenna and the owner of Brenna's vehicle, Desiree Schunke. Misti McDonough alleged that Brenna was negligent in the operation of the Suburban and that Schunke was negligent for entrusting her vehicle to her son.

Plaintiff's counsel asserted that Brenna was driving unsafely for the conditions at the time. Counsel contended that there was a street fair going on with hundreds of pedestrians in the area, so even though Brenna's light phased to green, Brenna failed to take reasonable steps to ensure the intersection had been cleared of pedestrian traffic before proceeding into the intersection. Counsel also noted that traffic in the number one and two lanes were not moving, but that Brenna failed to take note of that. Plaintiff's counsel further contended that Brenna was impaired at the time of the collision, as Brenna told a police officer that he took someone else's prescription medication earlier that day and as a subsequent blood test revealed THC in his system.

Plaintiff's counsel also asserted that Schunke had negligently entrusted the Suburban to Brenna, as she allegedly knew or should have known that Brenna was an unfit and unsafe driver based on his habitual marijuana use, and history of accidents and traffic violations prior to the collision.

Defense counsel contended that Autumn was solely responsible for the collision, as she entered into the crosswalk after the signal for pedestrian traffic had already begun to flash red. Counsel also asserted that even after Autumn had improperly begun crossing, she could have retreated to the center island and waited for the pedestrian signal to change. In addition, counsel noted that the traffic collision report blamed the accident on Autumn.

Defense counsel asserted that the adult supervising Autumn and her friend at the time of the accident shared responsibility for the collision by allowing them to cross the roadway when it was unsafe to do so. Counsel further asserted that Brenna passed all of the administered field sobriety tests and that despite the levels of THC found in his system, Brenna was not intoxicated or impaired at the time of the collision.

**Injury:**

Autumn was struck on her body and head, and knocked to the ground. She sustained several different injuries, including a fractured nose, fractured teeth, and other maxilla facial fractures. She also sustained a traumatic brain injury, which rendered her comatose at the scene. After the accident, Autumn scored a 3/15 on the Glasgow Coma Scale, which is the lowest possible score available. She was subsequently transported to UC Irvine Medical Center, in Orange, where she was in and out of consciousness. Autumn's facial fractures did not require surgery, but she was hospitalized for 10 days.

Various diagnostic tools and imaging studies revealed that Autumn had suffered a moderate to severe traumatic brain injury, which resulted in impaired judgment and executive functioning, memory loss, and various behavioral changes that included depression, anger, and defiance. She was also left with facial scarring.

After the collision, Autumn's grades dropped significantly. As a result, Autumn's parents and attorneys arranged a full evaluation by the school psychologist, who recommended and implemented a full Individualized Education Plan that allows Autumn various special accommodations and unique learning assistance.

Plaintiff's counsel contended that Autumn will require a lifetime of care to assist her in the activities of daily living.

After the defendants' depositions, Autumn amended her complaint to allege punitive damages. Plaintiff's counsel contended that at the time of the collision, Brenna was impaired by marijuana and the prescription drugs he had ingested, and that such conduct showed a reckless disregard for Autumn's safety.

Defense counsel moved for summary judgment as to the punitive damages claim, which the court denied.

**Result:**

The case settled shortly after the court denied the defendants' motion for summary judgment on Autumn's punitive damages claim. The defendants' insurer agreed to tender the full policy limits of \$5.25 million.

**Trial Information:**

**Judge:** Ronald L. Bauer

**Editor's Comment:** This report is based on information that was provided by plaintiff's and defense counsel.

**Writer** Priya Idiculla