

Brian

Tri-Service

NOVEMBER 1995

SETTLEMENT REPORTS

VOL 95, NC

Construction Defects: Grading Work	\$5,300,000	
\$7,000,000 Cost of Repair Van Nuys/Thomas Schneider Plf: Alexander Robertson and Edward D. Vaisbord (Knopfler & Robertson), Universal City		
Auto vs. Truck: Head-On in the Rain	\$4,500,000	
Death/age 34 Glendale/Otero Plf: Brian J. Panish and Geoffrey S. Wells (Greene, Broillet, Taylor & Wheeler), Santa Monica		
Apartment Manager Negligence: Christmas Tree Fire	\$1,500,000	6
Death/age 3, Burns to 3 Others Long Beach Plf: Michael H. Whitehall (Kussman & Whitehill), Los Angeles		
Auto vs. Auto: Rearend	\$1,200,000	7
Death/age 13, Back Injuries to Mother JAMS/Trotter Plf: Lawrence R. Booth (Law Offices of Booth & Koskoff), Torrance Douglas Easton (Law Offices of W. Douglas Easton), Costa Mesa		
Premises Liability: Unsafe Baseball Bleachers	\$900,000	8
Subdural Hematoma, Brain Injury Alameda Plf: Eric H. Ivary (Gwilliam, Ivary, Chiosso, Cavalli & Brewer), Oakland		
Construction Accident: Fall From Roof	\$770,000	8
Death/age 60's Burbank/Feinerman Plf: Andrew C. Bryman (Law Offices of Effres & Bryman), Calabasas		
Auto vs. Police Car: Flashing Lights/No Siren	\$725,000	9
Herniated Disc San Joaquin Plf: Robert A. Harlem (Robert A. Harlem & Associates), San Francisco		
Medical Malpractice: Delayed Diagnosis of Cancer	\$650,000	10
Death/age 58 L.A. Central/O'Neil Plf: James J. Pagliuso (Law Offices of James J. Pagliuso), Glendale		
Auto vs. Motorcycle: Left Turn	\$600,000	11
Near Amputation of Leg, Fx Tibia/Fibula Fresno/Krum Plf: Robert A. Brenner (Brenner & Rostand), Van Nuys		
Insurance Bad Faith: Electronic Equipment Theft	\$500,000	12
Delay of Settlement L.A. Central/Cooper Plf: Scott A. Marks (Mazursky, Schwartz & Angelo), Los Angeles		
Negligence: Injured While Unloading Pipe	\$321,000	13
Leg and Foot Fractures Plf: Donald J. Beck and Johnna J. Hansen (Law Offices of Booth & Koskoff), Torrance		
Negligence: Injured on Shoe Stitching Machine	\$200,000	14
Loss of Finger Santa Monica/Rudof Plf: Steven V. Angarella (Vastano & Angarella), Los Angeles		
Medical Malpractice: Lumbar Puncture	\$162,500	15
Permanent Drop Foot San Bernadino/Wilde Plf: Robert Rabe (Law Offices of Zoran K. Basich), Glendale		

remaining developer defendant, Cabot, Cabot & Forbes. Plaintiff's damages for the soils-related that remain in the case against Cabot, Cabot & Forbes exceeds \$6,000,000.

Plaintiff Experts:	Takahashi, Edward K.	Forensic Architect	L
	Spears, Rodney B.	Forensic Structural Engineer	
	Laines, Charles S.	Forensic Structural Engineer	I
	Axten, Gregory W.	Geotechnical Engineer	
	Vaderslice, Mark C.	Roofing Consultant	Y
	Griffin, Jim	Cost Estimator	
	Bennett, Paul	Mechanical Engineer	
Defense Experts:	Dunn, Alan	General Contractor	
	Unknown		

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S95-11-02

Auto vs. Truck: Head-On in the Rain**Settlement: \$4,500,000**

Plaintiff Attorneys:	Brian J. Panish and Geoffrey S. Wells (Greene, Broillet, Taylor & Wheeler), Santa Monica	(310) 576-1200
Defendant Attorney:	John S. Williamson (Long & Williamson), Santa Ana	(714) 668-1400
Court:	Glendale	Judge: James Otero
Case:	Teraberanyans vs. Browning-Ferris Industries, et al.	Date: 8/17/95 BC 104 179

Facts: 3/24/94: Decedent, a 34 year-old mechanic with Goodyear Tires, was driving eastbound on La Tuna Canyon Road when a recycling truck owned and operated by Browning-Ferris Industries, Inc. unexpectedly crossed the center divider and struck Plaintiffs' Decedent's vehicle. As a result of the accident, Decedent was fatally injured and died at the scene shortly after the accident. Decedent's spouse was following behind the Decedent and saw the accident. She came up to his car and comforted him before he died. The accident occurred in a heavy rain storm, which in part caused the Defendant's vehicle to hydroplane and come across the center divider.

Injuries: Death, age 34; survived by wife and two minor children. Wife claimed negligent infliction of emotional distress based on Dillon vs. Legg.

Contentions: Plaintiffs claimed that Defendant Browning-Ferris Industries was negligent in that its driver was driving too fast for the conditions which caused his vehicle to hydroplane and come across the center line and strike Decedent. The City of Los Angeles negligently failed to properly install sufficient drainage inlets on La Tuna Canyon, where there had been numerous prior accidents. The case against the City of Los Angeles is still ongoing.

Defendant argued that the driver was not negligent. The cause of the accident was the sheeting of water on the roadway, which caused his vehicle to go out of control. Discovery has revealed that numerous drainage inlets were supposed to be constructed on La Tuna Canyon Road, however, they were never put in place.

Settlement: 1st Offer: Unknown 1st Demand: \$5,000,000
Settled for \$4,500,000.

Plaintiff Experts:	Krueper, Harry	Road Design/Traffic Engineering	San Bernadino
	Pabst, Wes	Accident Reconstruction	Los Alamitos
	Formuzis, Peter	Economist	Santa Ana
Defense Experts:	Pringle, Wes	Traffic Engineer	Fullerton
	Kerkhoff, John	Accident Reconstruction	Somis
	Varat, Michael S.	Accident Reconstruction	Somis

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