

Confidential Report For Attorneys CRA N/A

Vol. 32 No. 21/22
November 30, 1995

Assault

Sparkletts man allegedly attacks customer who objects to removal of water cooler; Male, 34, soft tissue - **Defense** 14

Security guards assault undercover cops who are investigating the guards; civil rights violations - **\$150,000** 38

Boating Accident

Teenage jet ski operator struck by another watercraft in narrow river channel; Male, 16, death - **\$615,000** 22

Breach of Contract and Fraud

Elderly motel owner claims wealthy real estate developer duped her; female, 70's, **\$21.3 million** 44

Remodeler uses another contractor's license number, fails to complete job; \$72,000+ in losses - **Defense** 36

Sales commissions, lost profits disputed in fallout from timeshare project - **\$4 million net** 27

Insurance broker says former employees violated employment agreements; \$604,000 damages - **\$471,952** 30

Construction Site Accidents

Plumber falls when ladder slips in spilled hydraulic fluid; Male, 51, fractured elbow - **Defense** 41

Experienced roofer falls, general contractor said responsible for safety; Male, 60, wrongful death - **\$770,000** . . . 7

Negligently installed ceiling joist fails under the weight of drywall; Male, 36, herniated disks - **\$300,000** 10

Food Service

Restaurant patron tells waitress she can't eat nuts, but desert served her is alleged to contain nuts; Female, 30, allergic reaction, cerebral hemorrhage/stroke - **\$1 million** . . . 5

Insurance

Football player's disability claim denied by NFL; Male, 54, addiction injury, long-term disability - **\$1 million+** 40

Insurer refuses government claim for damage from hurricane-generated waves; \$28.9 million due - **\$86.7 million** 1

Maritime

Passengers suffer smoke inhalation after fire breaks out on off-shore yacht; wrongful death - **Confidential** 41

Medical Malpractice

Psychiatric inpatient treatment said not appropriate; Female, 20, emotional distress, attempted suicide - **Defense** . . . 32

Untimely care at VA Hospital blamed for second heart attack; Male, 67, second heart attack - **\$167,500** 20

Doctors fail to timely rule out deep vein thrombosis; Female, 46, death from massive pulmonary emboli - **\$150,000** . . 10

FHP allegedly renders care to diabetic on a selective basis for economic reasons; Male, 65, heart attack - **Defense** . . 14

Kaiser doc performs cervical surgery at wrong level; Female, 54, loss of use of dominant hand - **\$175,000** 17

Cervical surgery called unnecessary and negligent; Female, 33, paralyzed left arm - **Defense** 42

Pain follows "pop" heard during physical therapy session; Female, fracture of fused disks, disability - **Defense** 32

Bowel perforation during penile implant is not effectively resolved; Male, 68, death - **\$98,600** 25

Nursing care after ulcer surgery called negligent; Female, 72, death - **\$125,000** 2

Patient alleges mammogram results called for aspiration or biopsy; Female, 52, loss of breast - **\$500,000** 28



TRAGEDY OF THE SEASON...One child dies, mother and brother are badly burned when workers move christmas tree too close to apartment wall heater (pg. 18)

Continued on Inside Cover

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CASE TYPE: Vehicles - head-on
RESULT: \$4.5 million

COUNTY: Los Angeles
REPORT TYPE: Settlement

SUMMARY: Wife watches as pickup truck crosses center line, strikes her husband's vehicle; Male, 34, death

CASE: Teraberanyans v. Browning-Ferris Industries, et al.
CASE NO. BC 014 179
PLTF ATTY: Greene, Broillet, et al., By: Brian J. Panish and Geoffrey S. Wells, *Santa Monica*
DEFT ATTY: Long & Williamson, By: Jack Williamson, *Santa Ana*
PLTF TECH'L: Wes Pabst, Accident Recon, *Los Alamitos*

DEFT TECH'L: Harry J. Krueper, Jr., Traffic Engineer, *San Bernardino*
Richard Anderson, Accident Recon, *Phoenix, AZ*
Peter Formuzis, Economist, *Santa Ana*
Weston Pringle, Traffic Engineer, *Fullerton*
John Kerkhoff, Accident Recon, *Somis*
Michael S. Varat, Accident Recon, *Somis*

DEMAND: \$5 million
OFFER: \$1.7 million
FACTS:

On March 24, 1994 Pltf's husband, a 34-year-old mechanic, was driving his automobile in a heavy rainstorm eastbound on La Tuna Canyon Road. Pltf spouse was following in another automobile directly behind her husband when Deft's 3/4-ton pickup truck crossed over the center line and struck Pltf's husband's vehicle in a grazing, head-on collision. Pltfs' Decedent was fatally injured and died at the scene. Pltf viewed the collision and rushed to her husband to comfort him as he died.

PER PLTF:

That the Deft's driver was driving too fast for the conditions, which speed caused his vehicle to hydroplane, cross the center line and strike Decedent's vehicle. That this negligent operation of a motor vehicle was the sole, legal cause of the collision and Pltf's husband's wrongful death. Pltfs also contended that the City of Los Angeles negligently failed to properly install sufficient drainage inlets on La Tuna Canyon, where there had been numerous prior accidents, thereby leading to excessive water on the roadway during rainstorms. Death of spouse/father of two minor children. Pltf also claimed Dillon v. Legg emotional distress injuries from observing her husband's suffering/death.

INJURIES:

DEFENSE:

Contended that the Deft's driver was not negligent; that the cause of the accident was the sheeting of water on the roadway which caused the vehicle to go out of control. In their cross-complaint against the City of Los Angeles, Deft contended that excessive water on the roadway constituted a dangerous condition of public property; that the surface water accumulating on the roadway caused Deft's vehicle to hydroplane. Discovery revealed that numerous drainage inlets were supposed to be constructed on La Tuna Canyon Road; however, they were never put in place.

SPECIALS: \$1.1 million present value of future L.E.
SETTLEMENT: \$4.5 million. The actions by Pltf and cross-complainant against the City are pending.
JUDGE: James Otero

COURT: L.A. County Superior Court, Glendale

DATE: 8/17/95
CRA # 6392

CASE TYPE: Medical Malpractice/Negligent Nursing
RESULT: \$125,000

COUNTY: Los Angeles
REPORT TYPE: Settlement

SUMMARY: Nursing care after ulcer surgery called negligent; Female, 72, death

CASE: Lou Shaw and Mac Shaw, et al. v. Doe Hospital
CASE NO. YC 019 626
PLTF ATTY: McNicholas & McNicholas, By: David M. Ring, *Los Angeles*
DEFT ATTY: Rushfeldt, Shelley & Drake, By: Stacy Raphael, *Sherman Oaks*
DEMAND: Pltfs sought \$250,000 in general damages, the maximum recoverable under MICRA.

FACTS: On April 12, 1993, Pltfs' sister, a 72-year-old retiree, was admitted to Deft hospital for revision surgery to a perforated duodenal ulcer. Although the surgery was successful, the patient remained in intensive care for ten days. On April 21 she was transferred to the telemetry unit. However, within eight hours of being transferred, the patient died. At 12:30 a.m. the patient was noted by the nurse to be resting in bed. At 1:05 a.m. the Deft's nurse was making her normal rounds and discovered the Decedent lying on the floor of her