

**VERDICT:** \$2.2 million: \$1.1 million economic damages and \$1.1 million non-economic damages against Deft driver. There was a directed verdict against Deft driver on liability. Case went to the jury on damages and on the cross-complaint against the State for a dangerous road condition. Defense verdict for State. The Pltfs will be asking the Court to award reasonable attorney's fees pursuant to CCP §1021.4

**NOTES:** The Deft was insured with Farmers for \$100,000 but Farmers denied coverage, saying the policy was cancelled. *Deft Vincent's attorney states* that Pltfs offered to settle for policy limits, but Farmer's never notified Deft Vincent of the offer. There is a pending declaratory relief action regarding Deft Vincent's insurance coverage, and Pltf says there is likely to be a bad faith case to follow.

**DATE:** 8/14/92 **TRIAL TIME:** 7 days **JURY OUT:** 7 hours **JURY POLL:** 12-0 (damages)

**JUDGE:** Duane M. Lloyd **COURT:** San Bernardino **CRA #** 3571

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**CASE TYPE:** Product Liability - wrongful death **COUNTY:** Orange  
**RESULT:** \$6.3 million **REPORT TYPE:** Jury Trial

**SUMMARY:** Marines COBRA helicopter crash blamed on defective fuel nozzle; Males, 26 & 35, deaths

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**CASE:** Johnson, Riggs v. Pratt & Whitney  
**CASE NO.** 540 389  
**PLTF ATTY:** Greene, Broillet et al., By: R. Browne Greene and Brian J. Panish, *Santa Monica*  
**DEFT ATTY:** Kirkland & Ellis, By: Jeffrey Davidson and Mary Blodgett, *Los Angeles*  
**PLTF TECH'L:** Peter Formuzis, Economist, *Santa Ana*  
**DEFT TECH'L:** David Fractor, Economist, *Los Angeles*  
**DEMAND:** \$350,000 from Johnson and \$1 million from Riggs per CCP §998; withdrawn at time of trial.  
**OFFER:** None  
**FACTS:** Summary judgment on liability was entered against Defts on March 30 following wome 16 months of discovery. The Court entered a default judgment by striking Deft's answer when it found that Deft Pratt & Whitney Canada's discovery abuses precluded Pltfs from prosecuting their case. Deft secured new trial counsel, Kirkland and Ellis, for the damages trial (see Notes below).  
On October 7, 1988 the Decedents were on a training flight in an AH-IT COBRA helicopter out of Camp Pendleton when an engine caught fire. A crash resulted near the Cleveland National Forest. The helicopter engines were manufactured by Deft Pratt & Whitney Canada for the U.S. military. Decedents were United States Marine Corps pilots. Decedent Johnson was a 26-year-old 1st Lieutenant. Decedent Riggs was a 35-year-old Major.

**PER PLTF:** In its complaint Pltf contended that engine failure resulted from a defectively manufactured fuel nozzle which cracked. Pltf further alleged that Deft had experienced similar failures yet intentionally concealed information from U.S. government despite issuing a warning to all civilian operators of engines which contained the same fuel nozzles; that Deft's motive for withholding such information from the government was financial.

**INJURIES:** Death. Johnson was survived by his parents, Riggs by his wife and two minor children.  
**DEFENSE:** In its answer to the complaint Deft denied any intentional concealment of the manufacturing defect. In the damages trial following summary judgment on liability Deft contested the extent of damages.  
**SPECIALS:** \$5.3 million past and future L.E. for Riggs. Loss of comfort and society for parents of Johnson.  
**VERDICT:** \$4.9 million verdict plus \$1.4 million interest. The \$4.9 million verdict included \$250,000 non-economic damages to each parent of Decedent Johnson. \$4.4 million total for Riggs Pltfs with \$2.1 million economic damages plus \$1.3 million non-economic to Decedent's wife and \$500,000 to each child.

**NOTES:** During a 16 month period which included 15 law and motion hearings the Court imposed monetary and discovery sanctions against Deft P&WC for its willfull refusal to respond properly to discovery requests. On March 30 the Court ordered Deft's answer stricken, found for Pltf on liability, and sanctioned Deft against introducing any further evidence on liability. Deft's counsel during this period prior to summary judgment was Garland Bell of Bell and Weissman, Pasadena. Mr. Bell told CRA that his client was sanctioned for failure to produce documents. "They (Deft) told me certain documents were destroyed, but all the while these documents were already in the possession of Pltf's expert, who was a former employee of Pratt & Whitney."

**DATE:** 8/12/92 **TRIAL TIME:** 6 days **JURY OUT:** 1 day

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CASE TYPE: Medical Malpractice COUNTY: Orange  
 RESULT: \$377,300 REPORT TYPE: Jury Trial  
 SUMMARY: IV line causes infection which contaminates hip replacement; Male, 60's, multiple hospitalizations

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CASE: Al Sanbrano et al. v. Humana Hospital

CASE NO. 52 17 82

PLTF ATTY: Lopez & Hodes, By: Daniel M. Hodes, *Santa Ana Heights*

DEFT ATTY: Baker, Silberberg & Keener, By: Alfred Omansky, *Santa Monica*

PLTF MED'L: Pablo Prietto, M.D., Orthopedist, *Orange*

Lawrence Dorr, M.D., Orthopedist, *Inglewood*

Karen McLachlan, R.N., Nurse, *Long Beach*

William Kirby, M.D., Infectious Diseases, *Seattle, WA*

DEFT MED'L: Ronald Fishbach, M.D., Infectious Diseases, *Los Angeles*

Michael Schlens, M.D., Orthopedist, *Burbank*

DEMAND: \$450,000 per CCP §998, reduced to \$425,000 at trial.

OFFER: \$100,000 after 11th day of trial.

FACTS: On October 27, 1986 Pltf, a man in his 60's, was admitted to St. Joseph's Hospital for a total hip arthroplasty by Dr. Prietto. Post-operatively, the Pltf had elevated temperatures and an elevated white blood count. He was discharged on November 2, 1986 in stable condition.

On November 8, 1986 the Pltf suffered a massive pulmonary embolism while at home and was taken by ambulance to Deft hospital in Huntington Beach. In the ambulance, an IV line was placed in Pltf's left forearm. He was admitted through the ER where a VQ lung scan led to the diagnosis of pulmonary embolism. The Pltf was then placed in the Intensive Care Unit and Heparin was begun through the IV line placed by the paramedics.

The nurses' policies and procedures manual required that the IV line be changed every 72 hours. However, five days transpired and the IV had not been changed. On November 13, 1986 the Pltf awoke and noticed that his arm was red, swollen and painful and there was a small ring of pus beneath the skin at the IV site. He brought this to the attention of the attending nurse, and the IV was switched to his right arm. The Pltf did not have an elevated temperature or an elevated white count. The local symptoms resolved over the next several days, and the Pltf was discharged in stable condition on November 18, 1986.

On November 29, 1986 Pltf developed pain in the recently replaced right hip, which was accompanied by fevers. He saw Dr. Prietto on December 3, 1986 at St. Joseph's where an aspiration revealed pus which was cultured out to be Staph aureus. He was hospitalized and on December 6, 1986 the hip was opened and Tobramycin-impregnated beads were inserted in the prosthetic hip and a Hickman Catheter was inserted to infuse IV antibiotics. He was hospitalized for 16 days and instructed, following his discharge, to infuse the antibiotics every six hours for the next four weeks. He seemed to be doing well, but the infection recurred late the following month, requiring a rehospitalization at St. Joseph's where Dr. Prietto removed the prosthetic hip. Care was then assumed by Dr. Dorr at the Kerlan-Jobe Clinic in Inglewood.

On April 5, 1987 Dr. Dorr re-implanted Mr. Sanbrano. The Pltf did well until January 1, 1988 at which time he dislocated the hip. This was treated by way of closed reduction, as was his subsequent dislocation of March 14, 1988. These were done at Centinela Hospital. He dislocated once again on August 16, 1988 at which time Dr. Dorr performed an open reduction, reworking the acetabular and femoral components. The Pltf has done well since that time, but will need to have the total hip replaced at some point in the future.

PER PLTF: That Deft nurses were negligent in failing to change the Pltf's IV line at 72 hours after its insertion. The nurses testified that they did not know what the hospital's policies/procedures manual called for and testified that their own standard of practice was to change an IV when the site became red, swollen and painful. The Pltf further argued that it was likely a local infection developed at the IV site, that the bacteria silently entered the Pltf's blood stream and travelled through his blood, eventually lodging itself in the prosthetic hip; that all of Mr. Sanbrano's subsequent problems were