



Confidential Report For Attorneys

PO Box 1476 Oceanside, CA 92051
(USPS 876000)

BRIAN PANISH, ESQ.,
GREENE, BROILLET ET AL
100 WILSHIRE BLVD.
21st FLOOR
SANTA MONICA CA 90401

SECOND CLASS
U.S POSTAGE
PAID
OCEANSIDE, CA
92051

The Latest Word

By Richard Neubauer,
Editor

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In this issue...Philip S. Miller of Los Angeles and Maynard Asper of LA's Dept. of Water & Power win a directed verdict for the defense in a dangerous condition action. Pltf's attorney Michael J. Piuze says this one is not over. Piuze writes, "Three qualified experts testified that the ...the telephone pole at the apex of a curve was a dangerous condition.... The trial judge (Malcolm H. Mackey) ruled as a matter of law that this was not a dangerous condition...and that the accident was not foreseeable....The trial judge directed a verdict for Defts and explained that he was using the 'reasonable juror standard' in deciding to totally disregard three expert witnesses' testimony. There is no such standard." Piuze, whose reported verdicts and settlements total over \$87 million (our count) in the past ten years, goes on to say, "I have never had a directed verdict before in twenty years. About two months later one of my associates was in trial in front of the same judge. He directed a verdict for two out of three Defts on grounds every bit as ludicrous as these....I guess it is judicial activism." Piuze asked that we publish his comments "to warn others away."

RECENTLY REPORTED...

Brian J. Panish and Geoff Wells of Greene, Broillet in Santa Monica report a settlement of \$1.1 million plus for an electrician who suffered serious electrical burns. Pltf was working on a circuit when it was energized by the employee of another contractor. Pltf and Deft blamed each other for not making certain that the switch controlling the circuit had been locked out while the work was going on. Klier v. Southern Contracting



Brian Panish

Defense attorney Gregory M. Hulbert of Kirtland & Packard, Los Angeles, won a 12-0 defense verdict for an orthopedist who allegedly botched an open reduction with internal fixation for an elbow fracture. Deft, who acknowledged that Pltf's non-dominant arm was essentially useless and had offered \$30,000, contended that the fracture was so severe that there was no hope of restoring three-dimensional integrity to the arm. We found it interesting that Jack L. Vandernoot, an orthopedist who most often testifies for Defts, was Pltf's expert witness. Allen v. Richard Nussbaum, M.D.

Neil C. Newson, Beverly Hills, reports a bench verdict in federal court for \$256,000 for a three-year old boy whose penis was mutilated by a pediatrician during a standard circumcision

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