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Tri-Service

JAN 23 1995

Greene, Broillet, et al

December 1994

SETTLEMENT REPORTS

VOL 94, NO.12

Injury	Court/Judge		
Product Liability: Conveyor Belt		\$6,000,000 3
Arm Amputated	El Cajon/Hollywood		
Plf: Harvey R. Levine, Jordan M. Cohen & Richard A. Huver (Levine, Steinberg & Miller), San Diego			
Plaintiff-in-Intervention: James Kramer (Siegel, Moreno & Kramer), San Diego			
Construction Accident: Run Over By Heavy Equipment		\$4,079,000 4
Multiple Leg Fractures	San Francisco/Norman		
Plf: William L. Veen, Kevin Lancaster, Robert T. Ruppe & Gary Alexander (Law Offices of William L. Veen), San Francisco			
Sexual Harassment/Constructive Discharge: Security Officer		\$1,500,000 6
Post-Traumatic Stress Disorder	L.A. Central/Schauer		
Plf: Jeffrey S. Thomas & Samuel J. Wells (Wells & Thomas), Los Angeles			
Insurance Bad Faith: Failure to Defend		\$1,400,000 6
	L.A. Central/Zebrowski		
Plf: Robert S. Gianelli (Gianelli & Morris), Los Angeles Andrew S. Albert (Berlin & Albert), Carlsbad			
Auto vs. Auto: Left Turn		\$1,295,000 7
Quadriplegia/age 39	Long Beach		
Plf: Arnold W. Schwartz (Mazursky, Schwartz & Angelo), Los Angeles			
Construction Accident: Electrocuted at Naval Shipyard		\$1,100,000 8
2nd & 3rd Degree Burns	Long Beach/Charvat		
Plf: Brian J. Panish & Geoff Wells (Greene, Broillet, Taylor & Wheeler), Santa Monica			
Longshore: Fall While Unloading Ship		\$1,100,000 9
Closed Head Injury	L.A. Central/Hauk		
Plf: Thomas G. Stolpman (Stolpman, Krissman, Elber, Mandel & Katzman), Long Beach Robert W. Nizich (Law Offices of Robert W. Nizich), San Pedro			
Eminent Domain: Commercial Property		\$1,026,940 10
\$286,940	Santa Ana/Goldstein		
Plf: Eric J. Fleetwood (Ruffolo, Vidor, Danielson & Harrel), Los Angeles			
Auto vs. Auto: Illegal Right Turn		\$600,000 10
Fx. Lumbar Vertebra	Long Beach/Charvat		
Plf: James M. McAdams & Thomas J. Pierry (Pierry & Moorhead), Wilmington			
Age Discrimination: Denied Office Manager Position		\$350,000 11
\$200,000 LOE	U.S. District Central/Tevrizian		
Plf: Dolores Y. Leal (Allred, Maroko & Goldberg), Los Angeles			
Real Estate Fraud: Failure to Disclose Lack of Permits		\$220,000 12
Emotional Distress	Lake County		
Plf: Clifford Hirsch (Clifford Hirsch, A Professional Corp.), Walnut Creek William Feeney (Feeney & Lunas), Lakeport			

she saw a green light. A three-way traffic sign was positioned in such a way as to be facing her. This confused the Plaintiff, making her believe she had the right of way while opposing traffic had a red light. The three-way traffic sign, which was photographed and documented shortly after the accident, was in the wrong place on the traffic pole, being too low off the ground, and inappropriately pointing in the Plaintiff's direction. Since then, the traffic sign has been moved higher on the pole and faces in another direction, for which it was originally intended.

Defendant argued that as he approached the intersection, a car to his left apparently blocked his view of the Plaintiff's vehicle until it was too late for him to stop. Defendant Grand Prix cross-complained against the City of Long Beach, that the green light, the configuration of the intersection along with this three-way traffic sign, caused a trapping and confusing situation. This allowing the Plaintiff to enter an intersection thinking opposing traffic had a red light when it did not.

Settlement: Settled for \$1,295,000 total; \$1,000,000 by City of Long Beach, \$15,000 by Howser and Grand Prix paid the balance.

Plaintiff Experts:	Pringle, Weston S.	Engineer	Fullerton
	Friedman, Keith	Accident Reconstruction	Santa Barbara
	Sanders, Mark S.	Human Factors - Ergonomics	Sherman Oaks
	Schilling, Ronald M.	Cost of Future Care	Corona Hills
	Formuzis & Pickersgill, Inc.	Economist	Santa Ana
	Boyd, Dawn	Consulting	Sherman Oaks
	Zicherman, Eleanore	Jury Consultation Offices	Berkeley
Defense Experts:	Unknown		

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\$94-12-06

Construction Accident: Electrocuted at Naval Shipyard **Settlement: \$1,100,000**

Plaintiff Attorneys:	Brian J. Panish & Geoff Wells (Greene, Broillet, Taylor & Wheeler), Santa Monica	(310) 576-1200
Defendant Attorney:	John Tavetian (Norby & Brodner), Torrance	(310) 540-0540
Court:	Long Beach	Judge: Richard Charvant
Insurance Co.:	USF&G and Golden Eagle	Date: 11/15/94
Case:	Roger Klier vs. Southern Contracting	

Facts: Plaintiff, a 48 year old journeyman electrician, was employed by Quality Cablesplng working at Long Beach Naval Shipyard. On the date of accident, the Plaintiff was engaged in cable splicing during a scheduled power outage. Southern Contracting job foreman began energizing the electrical switches during the outage when the electrical current passed through a switchhouse that had not been locked during the outage. This resulted in the electricity traveling to the circuit the Plaintiff was working on. The Plaintiff suffered flash burns on his arms and chest.

Injuries: Second and third degree burns to his arms and chest. **Treatment:** The Plaintiff has undergone continual skin grafting and transfers.

Medical Costs: \$100,000 past, \$300,000 future

Loss of Earnings: \$500,000

Contentions: Plaintiff claimed the foreman failed to follow appropriate safety procedures prior to beginning the outage. He should have checked all switches in the switchhouses that could have been affected by the outage. Had this procedure been followed the foreman would have noted the switches were not all locked out and prevented the injuries to the Plaintiff.

Defendant argued the Plaintiff failed to follow established safety practices on the job thereby resulting in his injuries. The Plaintiff failed to lock out the switch he was working on which would have prevented his injuries. This was contrary to the job safety procedures and the Plaintiff's union training. Additionally, the Plaintiff was working after hours when he was not authorized to work and had been advised on several occasions of the scheduled outage. The Plaintiff had a history of prior accidents on this job. The Plaintiff's employer failed to provide adequate training and was removed from the job site pursuant to request by the U.S. Government after the accident.

Settlement: Settled for \$1,100,000, plus waiver of \$240,000 Workers Comp lien for the payment of \$50,000

Plaintiff Experts:	Vecchione, Thomas	Plastic Surgeon	San Diego
	Falvey, Michael	Plastic Surgeon	Torrance
	Ritz, Ronald	Plastic Surgeon	Durango, CO
	Armington, Ralph	Electrical Engineer	Chicago, IL
Defense Experts:	Sokol, Anthony	Plastic Surgeon	Beverly Hills
	Levy, Steven	Neurologist	Los Angeles

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\$94-12-07**Longshore: Fall While Unloading Ship****Settlement: \$1,100,000**

Plaintiff Attorneys:	Thomas G. Stolpman (Stolpman, Krissman, Elber, Mandel & Katzman), Long Beach (310) 435-8300 Robert W. Nizich (Law Offices of Robert W. Nizich), San Pedro (310) 832-3500
Defendant Attorney:	Forrest R. Cogswell & Mark D. Holmes (Williams, Wooley, Cogswell, et al.), Long Beach (310) 495-6000
Intervenor Attorney:	James McMullen & Thomas Hampton (Littler, Mendelson, Fastiff, Tichy & Mathiason), San Diego (619) 232-0441
Court:	L.A. Central Judge: A. Andrew Hauk
Case:	David Tammen vs. Transportacion Mexicana Maritima and Maritima Astarte, S.A. ("Mexican Lines") CV 925729 AAH (CTx)

Facts:

Plaintiff, a 38 year-old longshoreman, was injured while working aboard the Defendant's vessel, the M/V Mitla. The Plaintiff was employed by ITS, a stevedoring contractor. He was assigned to a "lashing crew" to unlash containers after the vessel docked in Long Beach. As he was attempting to unlash the first container, he fell from the elevated work platform to the main deck, sustaining a closed head injury.

Injuries: Closed head injury. **Treatment:** Hospitalized initially for approximately ten days and then released. He has been under medical care since then by neurologists. He was treated for a seizure disorder for approximately a year and a half, and then was taken off of medication. **Residuals:** Dizziness, left arm weakness and left leg weakness, as well as residuals of his closed head injury which caused him to lose his temper and exhibit other conduct which could be harmful to him on the waterfront.

Medical Costs: \$130,000 past, future undetermined

Loss of Earnings: \$1,800,000 past and future

Contentions:

Plaintiff claimed the Defendant violated its "turn over" duty of reasonable care in failing to provide railings or fall protection for stevedores forced to work on the unguarded pedestal areas along the outboard parts of the ship. The Defendant breached its contractual obligation to maintain its ship in a safe condition. The Defendant had notice of the dangerous work area. Based upon previous falls, the failure to provide rigging or other safety devices constituted a dangerous condition. The Defendant modified its ship after it first called in the United States as a result of complaints by longshoremen and another stevedoring company, but failed to extend the safety platforms and railings to the outboard pedestals such as the one from which the Plaintiff and other longshoremen had fallen.

Defendant argued an expert stevedore could work the vessel safely in the condition it was in by simply rigging ropes before beginning to work. If the work area was unsafe, the individual longshoreman had the right to stand by until the area was made safe. The actual cause of the accident was the Plaintiff's conduct in throwing a lashing bar to the deck below in violation of longshoring custom and practice. His fall occurred when the hook on the lashing bar caught his glove, pulling him off the platform.

Settlement:

1st Offer: \$600,000 1st Demand: \$2,200,000

Settled for \$1,100,000 new money to Plaintiff