

TRIALS DIGEST®

THE COMPREHENSIVE SOURCE FOR CALIFORNIA CIVIL TRIAL RESULTS

DECEMBER 3, 2012

Vol. 15 No. 47

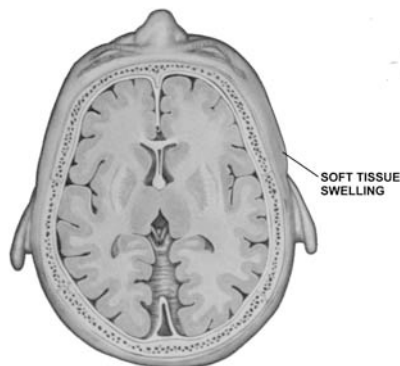
Notable Cases in This Week's Issue...

	Result	TR#
Infant seizure patient suffers brain damage following ventilation	\$4,100,000	12
Woman trips and falls in uncovered sewer cleanout hole	\$100,000	18
Unrestrained driver suffers facial fractures	\$250,000	25
Fall from allegedly defective balcony causes paralysis	\$5,511,000	15
Workers fired after sexual harassment complaints	\$888,034	11
Plastic surgery patient suffers complications	\$1,500,000	13
Teenagers dump friend's body during incident with alcohol	\$10,000	14
Pedestrian settles for \$1.2M after bus accident	\$1,200,000	31
Collision with tractor trailer injures passenger	\$700,000	30

Holiday party attendee falls from climbing wall: \$70,620

Trial Report No.: 21

Detailed Illustration: Page 4



CEREBRAL CONCUSSION
HORIZONTAL SECTION

Inside Page

Week at a Glance.....	1
Medical Illustrations.....	4
Labor & Employment.....	12
Medical Malpractice	13
Premises Liability.....	16
Vehicle Negligence	23
Other Case Types	5-28
Indexes	29-39

SETTLEMENT DISCUSSIONS

According to court records: Defendants each had a \$1,000,000 insurance policy with Williamsburg National Insurance. Plaintiff made Cal. Civ. Proc. Code § 998 offers to each defendant for payment of their limits. At the mandatory settlement conference plaintiff offered \$1,750,000. The defense collectively offered \$400,000 at the conference.

EXPERTS

Plaintiff: Michael Levin, M.D., pain management, Pain Diagnostic and Treatment Center, Sacramento (916) 231-8755.

Defendant: Pasquale X. Montesano, M.D., orthopedic surgeon, Spine and Neurosurgical Associates, Sacramento (916) 669-5805. Bernard S. Rappaport, M.D., psychiatrist, Orinda (925) 253-1990. Steven D. Feinberg, M.D., physiatrist/pain management expert, Feinberg Medical Group, Palo Alto (650) 724-7500.

COMMENTS

According to court records: The complaint was filed Sept. 24, 2009.

Roger F. Allen and Alyson Gleason represented defendants Khan and Zaman. Daniel R. Sullivan and Brian L. Williams represented defendant Scully Distribution Services.

47 TD 15TH 31

Pedestrian settles for \$1.2M after L.A. County bus runs over his foot

VEHICLE NEGLIGENCE

Pedestrian/Bus/Jaywalking

LOS ANGELES COUNTY SUPERIOR COURT

Gomez v. Los Angeles County Metropolitan Authority, Docket number: VC058743, Norwalk. Judge: Not reported. Trial type: Settlement. Settlement date: 9/5/2012.

SETTLEMENT: \$1,200,000

A few days before trial, the parties attended private mediation before Michael D. Moorehead where the case was settled for \$1.2 million.

COUNSEL

Plaintiff: Artin Yadegarian, Law Offices of Artin Yadegarian, Glendale. Christopher Montes de Oca, Law Offices of Christopher de Oca, Long Beach.

Defendant: Gibeaut, Mahan & Briscoe, Los Angeles.

FACTS/CONTENTIONS

According to plaintiff: Plaintiff Martin Guzman Gomez was struck by the right rear tire of a defendant Los Angeles County Metropolitan Transportation Authority Bus. Plaintiff alleged defendant bus driver violated numerous vehicle codes.

Defendants denied liability and contended plaintiff was negligently outside the marked crosswalk, intoxicated and was the sole cause of the accident.

CLAIMED INJURIES

Not reported.

CLAIMED DAMAGES

Not reported.

SETTLEMENT DISCUSSIONS

According to plaintiff: Defendants offered nothing until the Mandatory Settlement Conference, where they offered \$50,000.

EXPERTS

Plaintiff: Augustine G. Zemba, passenger transportation consultant, San Diego (619) 683-7807. David J. King, P.E., accident reconstructionist, MEA Forensic Engineers & Scientists, Laguna Hills (949) 855-4632. Kyle H. Landauer, M.D., orthopedic surgeon, Los Angeles.

Defendant: Thomas F. Fugger, Jr., P.E., accident reconstructionist, Biomechanics and Accident Reconstruction, Valencia (661) 257-8189. Anthony C. Stein, Ph.D., human factors expert, Safety Research Associates, La Cañada (818) 952-1500. Stephen J. Walsh, accident reconstructionist/bus operations expert, Mission Viejo (714) 219-7313. Robert W. Chandler, M.D., M.B.A., orthopedic surgeon, Kerlan-Jobe Orthopedic Clinic, Los Angeles (310) 665-7255. Donald Barceloux, M.D., emergency physician/toxicologist, Pomona (310) 825-6081.

COMMENTS

According to plaintiff: LACMTA was self insured.