

INJURIES/DAMAGES *emotional distress; epidural injections; fusion, lumbar; herniated disc, lumbar*

Juarez claimed he sustained a herniation lumbar disc. She received epidural injections, but she eventually required a lumbar fusion at the L5-S1 level.

Juarez claimed she may eventually need an additional fusion surgery. She also claimed that she suffers from emotional distress as a result of the accident and may eventually need treatment from a psychologist.

Juarez sought recovery of past and future medical costs, and damages for her for past pain and suffering.

Defense counsel argued that Juarez's lumbar injury was caused by a subsequent accident.

RESULT The jury determined that Gomez was negligent and 100 percent liable for the crash. It also determined that Juarez's damages totaled \$507,600.

MAYRA JUAREZ \$261,600 past economic damages
\$196,000 future economic damages
\$50,000 past noneconomic damages
\$507,600

DEMAND \$199,999 (C.C.P. § 998)
OFFER \$150,000

INSURER(S) State Farm Insurance Cos. for
Worldwide Express

TRIAL DETAILS Trial Length: 5 days
Trial Deliberations: 2 days

PLAINTIFF EXPERT(S) Edward T. Chappell, M.D., neurosurgery,
Orange, CA
Levon Margolin, Ph.D., psychology/
counseling, Colton, CA
Herbert R. Summers, Ph.D., accident
reconstruction, Encino, CA

DEFENSE EXPERT(S) Neil I. Chafetz, M.D., radiology,
San Pedro, CA
Tony F. Feuerman, M.D., neurosurgery,
Encino, CA

POST-TRIAL The court awarded Juarez \$187,417.09 in costs and pre-judgment interest, making his recovery total \$695,017.09.

EDITOR'S NOTE This report is based on information that was provided by plaintiff's counsel. Defense counsel did not respond to the reporter's phone calls.

—Priya Idiculla

PREMISES LIABILITY

Negligent Repair and/or Maintenance — Dangerous Condition

Tenant claimed defendants failed to fix dangerous ceiling

MEDIATED SETTLEMENT \$1,000,000

CASE Margarita Gomez v. Henry Hawkins, trustee of The Hawkins Family Trust, Shirley R. Hawkins, trustee of The Hawkins Family Trust and Rafor Management Co., Inc., No. BC623345

COURT Superior Court of Los Angeles County, Los Angeles

NEUTRAL(S) DATE Robert M. Tessier
9/14/2018

PLAINTIFF ATTORNEY(S) Artin Yadegarian, Law Offices of Artin Yadegarian, Glendale, CA
Christopher Montes de Oca, Law Offices of Christopher Montes de Oca, Los Angeles, CA

DEFENSE ATTORNEY(S) Christopher E. Delaplane, Delaplane Law Group, Encino, CA (Park's Total Maintenance Co.)
Domineh Fazel, Lewis, Brisbois, Bisgaard & Smith, Los Angeles, CA (Rafor Management Co. Inc.)
Robert T. Mackey, Veatch Carlson, LLP, Los Angeles, CA (Henry Hawkins, Rafor Management Co. Inc., Shirley R. Hawkins)
John R. Miller, Hartsuyker, Stratman & Williams-Abrego, Los Angeles, CA (Henry Hawkins, Rafor Management Co. Inc., Shirley R. Hawkins)
Cary L. Wood, Lewis, Brisbois, Bisgaard & Smith, Los Angeles, CA (Rafor Management Co. Inc.)

FACTS & ALLEGATIONS On June 11, 2015, plaintiff Margarita Gomez, 65, a janitor, was in her apartment at 202 East Cypress St., in Glendale, when the ceiling collapsed on her. She sustained injuries to her head, neck and back.

Gomez sued the owners of the apartment, Henry Hawkins and Shirley Hawkins, as trustees of The Hawkins Family Trust; and the apartment's management company, Rafor Management Co. Inc. Gomez alleged that the defendants were negligent in the repair and/or maintenance of the ceiling, creating a dangerous condition.

Mr. and Ms. Hawkins filed a third-party claim against the maintenance company for the apartment, Park's Total Maintenance Co., seeking indemnification.

Plaintiff's counsel contended that the defendants were given continual notice of the dangerous and unsafe conditions of Gomez's apartment, and, more specifically, of the condition of the ceiling, yet they failed to correct it.

Defense counsel asserted that defendants had no prior notice of the deteriorated condition of the ceiling prior to it collapsing.

INJURIES/DAMAGES *anxiety; bulging disc, cervical; bulging disc, lumbar; depression; epidural injections; physical therapy; post-traumatic stress disorder; radiculopathy; traumatic brain injury*

Gomez sustained a traumatic brain injury. She also sustained bulging cervical and lumbar discs with annular tears, resulting in radiculopathy to her neck and back. Gomez was taken to a hospital for treatment after the incident. She ultimately underwent physical therapy and epidural injections to her spine.

Gomez claimed she suffers from depression, anxiety and post-traumatic stress disorder. However, she admitted that she continues to work and has no limitations.

RESULT Prior to a trial, the parties agreed to a \$1 million settlement, which was finalized by mediator Robert Tessier, of Judicate West. Of the total settlement, \$965,000 was paid by the insurer for the Hawkinses and Rford Management, and \$35,000 was paid by the insurer for Parks Total Maintenance.

INSURER(S) Lloyd's of London for
Park's Total Maintenance
Farmers Insurance Group of Cos. for
Henry Hawkins, Shirley Hawkins and
Rford Management

**PLAINTIFF
EXPERT(S)** Paola Bailey, Psy.D., neuropsychology,
New York, NY (did not testify)
Stanley L. Goodman, M.D., psychiatry,
Encino, CA (did not testify)
Jeffrey S. Hughes, G.C., construction,
Marina del Rey, CA (did not testify)

**DEFENSE
EXPERT(S)** Ari Kalechstein, Ph.D., neuropsychology,
Los Angeles, CA (did not testify)
Paul V. Kushner, A.I.A., architecture,
San Clemente, CA (did not testify)
Mark J. Spoonamore, M.D., orthopedic
surgery, Los Angeles, CA (did not testify)

EDITOR'S NOTE This report is based on information that was provided by plaintiff's counsel. Defense counsel did not respond to the reporter's phone calls.

—Priya Idiculla

SAN DIEGO COUNTY

FEATURED VERDICT

EMPLOYMENT

Retaliation — Disability Discrimination — Fair Housing Act

Janitor claimed bad reviews began after taking off for doctor

MIXED VERDICT \$1,107,856

CASE Maria Guerrero v. Able Engineering Management Co. LLC, Ableserve Management Company and Jones Lang Lasalle Brokerage Inc.,
No. 37-2017-00020532-CU-WT-CTL

COURT Superior Court of San Diego County, San Diego

JUDGE Kenneth J. Medel

DATE 4/3/2019

**PLAINTIFF
ATTORNEY(S)** Josh Gruenberg, Gruenberg Law, San Diego, CA
Josh Pang, Gruenberg Law, San Diego, CA
Pam Vallero, Gruenberg Law, San Diego, CA

**DEFENSE
ATTORNEY(S)** Catherine J. Gallagher, Ogletree Deakins Nash Smoak & Stewart PC, San Diego, CA
Jennifer M. Hendricks, Ogletree Deakins Nash Smoak & Stewart PC, San Diego, CA
Frank L. Tobin, Ogletree Deakins Nash Smoak & Stewart PC, San Diego, CA

FACTS & ALLEGATIONS In 2017, plaintiff Maria Guerrero, a janitor at 655 W. Broadway, in downtown San Diego, was terminated from her position. She claimed she was fired after taking time off from work to go to doctor's appointments for her shoulder injury.

Guerrero sued Crown Energy Services Inc. (which was initially erroneously sued as Able Engineering Management Co. LLC) and Ableserve Management Co., both of which were believed to be doing business as Able Engineering. She also sued Jones Lang LaSalle Americas Inc. (which was initially erroneously sued as Jones Lang LaSalle Brokerage Inc.). Guerrero alleged that the defendants' actions constituted disability discrimination and retaliation.

Plaintiff's counsel contended that although Guerrero received positive reviews for the first 10.5 years of her employment, Guerrero's employers suddenly began to retaliate against her with concocted write-ups, unwarranted suspensions without pay, bogus investigations, and her