

OCTLA THE GAVEL

A QUARTERLY PUBLICATION OF THE
ORANGE COUNTY TRIAL
LAWYERS ASSOCIATION



Nuts & Bolts

**Biting the Bullet –
Medical Bills in a Post
Howell-Corenbaum
World**

**Statute of Limitations
Tolling in Medical
Malpractice**

**Mediation – Benefit
or Burden?**

**Brickner's Bits:
Dullsville**

Words of Wisdom

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In-Depth Analysis

**TIPS FOR OBTAINING SUCCESS
AT TRIAL**

**CREATING AN EFFECTIVE POLICY
LIMITS DEMAND LETTER**



**MEET THE OCTLA BOARD
[SEE PAGE 5]**

SPRING 2014

Verdicts

(continued from page 43)

Brian Chase of Bisnar Chase obtained a \$187,900 verdict in a disputed motorcycle liability case. Plaintiff's CCP 998 offer was \$100,000. Brian Chase also secured a verdict in the amount of \$113,600, plus \$22,000 in costs and interest in an auto accident case.

Jim Keathley of Keathley & Keathley obtained a settlement of \$575,000 on behalf of a drywall subcontractor against a general contractor for cost overruns in connection with a public works project.

Jeffrey Roberts of The Roberts Law Firm obtained a \$246,000 jury verdict on claims of battery and negligence. The case involved a fight between two 30-year-old men that was initially a mutual combat situation. Plaintiff contended that when he was knocked on the ground and unconscious, the defendant kicked him in the head, causing orbital fractures and requiring surgery.

Ted Wacker of Alderlaw represented an unlicensed contractor from Serbia who was doing some electrical work for his friend from Serbia who owned a building in San Diego. The scaffolding fell over and plaintiff fell and broke his wrist. There was no workers' compensation coverage. Plaintiff sued his friend's son who owned the building for premises liability. The case settled at mediation for \$415,000.

Ted Wacker of Alderlaw represented plaintiff in an admitted liability left-turn accident. Plaintiff claimed soft-tissue injuries to her neck, low back, chest and left shoulder. She had an arthroscopic procedure on her left shoulder. The case was complicated by a prior work-related accident in which she injured her low back and had a prior back fusion. However, the vast majority of her

complaints following this accident were to her neck and shoulder. Defendant served a CCP 998 offer for \$225,000. Plaintiff served a CCP 998 for \$300,000 which was initially rejected and then finally accepted the week before trial.

Ted Wacker of Alderlaw represented plaintiff in a T-bone accident in Visalia, CA. Plaintiff had a solo trucking accident six months prior to this accident when he worked as a truck driver and never returned to work as a truck driver but claimed no injuries. In litigation, he claimed a shoulder injury from the T-bone collision resulting arthroscopic shoulder procedure. Case ultimately settled for \$100,000 policy limits.

Brian Chase of Bisnar Chase secured a settlement for a plaintiff suffering non-surgical hip fracture and PTSD as a result of an auto collision. The case settled for \$450,000 where the medical specials totaled \$25,000. **Brian Chase** also secured settlement for \$400,000 in a golf cart tip over case where the plaintiff suffered a mild traumatic brain injury.

Brian Chase of Bisnar Chase obtained a \$360,000 settlement for a 62-year-old involved in an auto collision. The plaintiff required lumbar surgery.

Casey R. Johnson of Aitken*Aitken*Cohn secured a \$100,000 policy limits settlement for his client who was struck while lawfully crossing the street in a marked crosswalk in San Pedro. His client suffered multiple lower and upper extremity fractures and had medical bills exceeding \$100,000 paid by the U.S. Navy, which significantly reduced its lien in light of the limited available recovery. **Casey R. Johnson** also secured a \$100,000 settlement

for his seventy year old client who was struck by a drunk driver. As a result of the collision, the client suffered a lumbar fracture which required emergency surgery. All liens (Kaiser and Medicare) were waived to maximize the client's net recovery.

Donna Bader of the Law Offices of Donna Bader won a small claims appeal, reversing the lower court's judgment, which provided an award of \$5,600. After devoting 35 years to appellate law, Donna Bader dipped her toe into trial work for only the third time. Her triumphant and undefeated record now stands at two wins and one mistrial. After the decision, the client broke down crying and an escort was requested because the opposing party was so angry at the reversal.

Thomas Moore of The Senators (Ret.) Firm, LLP obtained a settlement for \$4,250,000 for a 25-year-old plaintiff that purchased a dietary supplement, Epio-Plex, from Max Muscle Rancho Cucamonga, a franchised dietary supplement retailer. Plaintiff contended that after several weeks of ingesting the product, he developed acute liver and kidney failure, and underwent combined liver and kidney transplant surgery at Johns Hopkins Medical Center in Baltimore, MD. Plaintiff subsequently learned that Epio-Plex was the subject of a recall based on the suspicion it contained synthetic anabolic steroids.

Manbir Chowdhary of The Law Offices of Manbir Chowdhary received a \$427,177 judgment on behalf of two cancer research scientists. The case involved wrongful termination and unpaid wages claims. Plaintiffs' former employer was held liable

(Continued, see Verdicts, page 47)

Verdicts

(continued from page 44)

for breach of contract and failure to pay plaintiffs' salaries and contractual benefits. In addition to the judgment, the court ordered the employer to issue sufficient stock to plaintiffs in accordance with their respective pro rata shares.

John Upton of Morey and Upton, LLP secured a \$1,500,000 settlement for a limousine passenger who was seriously injured when the limousine driver suffered a heart attack and crashed the vehicle. Defense contended that their insured driver's heart attack was an unforeseeable medical event. Mr. Upton convinced the defense to tender their policy limits given the potential exposure.

Christopher Morey of Morey & Upton, LLP obtained a \$2,000,000 settlement in a shooting case. **Christopher Morey** also obtained a \$1,000,000 settlement in a wrongful death case.

Dan Callahan, Brian McCormack, Sarah Serpa, Ed Susolik: \$15.5 million award. On Saturday, August 22, 2009, more than 4 bicyclists crashed on a major thoroughfare in Malibu due to unfinished and unmarked roadwork resulting from a paving project in Malibu, California. Mr. Varnum, injured on Saturday, suffered a brain injury, punctured lung, broken clavicle and broken ribs. Following the bicycle accidents, and despite numerous calls from the Sheriffs' Department, on Saturday, nothing was done to

repair the roadway or warn of its dangerous condition. On Sunday, August 23, 2009, Mr. Colarossi crashed his bicycle on the same patch of dangerous roadway and became paralyzed from the chest down. The defendants paid a combined total of \$16,900,000 to the five plaintiffs. Three plaintiffs settled for a combined sum of \$400,000. Thereafter, a 3-day allocation hearing was held between the remaining two plaintiffs. On March 6, 2014, the panel awarded Vince Colarossi \$15,512,101.91 and Charles Varnum the remaining \$987,898.19. Callahan & Blaine represented Mr. Colarossi.

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