

S96-12-12

Product Liability: Come-A-Long**Settlement: \$1,000,000**

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| Plaintiff Attorneys: | Lawrence R. Booth & Donald J. Beck (Law Offices of Booth & Koskoff), Torrance | (310) 515-1361 |
| Defendant Attorneys: | Jeffrey Behar (Ford, Walker, Haggerty & Behar), Long Beach | (310) 983-2503 |
| | Susan D. Salisbury (Nolta & Dickenson), Universal City | (818) 265-4500 |
| Intervenor Attorney: | Daniel F. Valenzuela (Samuelson, Gonzalez, Valenzuela & Sorkow), San Pedro | (310) 831-8872 |
| Court: | Los Angeles | Judge: N/A |
| Insurance Co.: | Confidential | Date: 9/18/96 |
| Case: | Confidential | |

Facts:

6/25/91: Plaintiff, a 43 year-old ironworker, was injured when he was assisting in the lowering of a heavy object with a device manufactured by the Defendant described as a Come-A-Long. The Come-A-Long failed during the course of this maneuver, resulting in severe injury to the Plaintiff's lower back.

Injuries: Back injury. **Treatment:** Two back surgeries including a first fusion which did not take.

Medical Costs: \$240,000 workers' compensation lien medical and disability payments

Loss of Earnings: \$40,000 - \$60,000 per year.

Contentions:

Plaintiff claimed the product was defective in that it had no gauge for determining whether the device was being overloaded, including a warning device known as a shear pin. Later models had measuring gauges and divided the load between two separate gears which minimized the chances of the bushings failing. The Plaintiff had permanent loss of earnings commencing at age 43.

Defendant argued the accident was entirely the fault of the Plaintiff's employer who abused the product by utilizing excessive loads.

Settlement:

1st Offer: \$500,000 structured 1st Demand: \$1,750,000

Settled for \$1,000,000 total; \$840,000 from Defendant 1, \$10,000 from Defendant 2 and \$150,000 from the Workers Compensation Carrier along with a waiver of their approximately \$240,000 lien.

The settlement was accomplished with the assistance of Paul Fritz of Creative Dispute Resolutions in Santa Barbara.

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