91-23-04

Slip & Fall: On Ramp in Supermarket **Verdict:** **$1,000,000 gross $850,000 net**

Plaintiff Attorney:	Lawrence R. Booth (Booth & Koskoff), Los Angeles			(213) 515-1361
	Kevin Barnes (Law Offices of Carl D. Barnes), Los Angeles			(213) 487-5200
Defendant Attorney:	Donald K. Fitzpatrick & Charles G. Carluccio, III (Mendes & Mount), Los Angeles			(213) 312-4125
Trial Judge:	Richard Byrne	L.A. Central	11/18/91	
Trial Time:	8 days	Deliberation Time:	2 1/2 days	
Case:	Lell Childs vs. Alpha Beta Markets			C 734 282

Facts: 5/1/89: Plaintiff, 55 year-old NABISCO delivery man, slipped and fell on the Defendant's delivery entrance ramp. At the time, the Plaintiff was in the course and scope of his employment, delivering food to the Defendant supermarket.

Injuries: Torn medial meniscus that caused orthoscopic surgery and in turn, resulted in blood clots. The Plaintiff has been hospitalized four times with blood clots and must elevate his leg throughout the day. He will have long term future medical problems because he has to take medication for blood thinning.

Medical Costs: $69,000

Loss of Earnings: $233,000 past & future.

Contentions: Plaintiff claimed the ramp was excessively steep. The Defendant failed to replace worn out abrasive strips and negligently left a cut-off piece of pipe adjacent to ramp. The pipe was previously used as a post for a chain link fence that was removed years prior. The Defendant's housekeeping conditions were bad. A produce dumpster was located immediately adjacent to the ramp, causing produce to fall on it. The Plaintiff slipped on a piece of lettuce and hit the piece of pipe with his knee.

Defendant argued the knee surgery was caused from hitting the pipe. They denied the existence of the lettuce on the ramp. The receiving area was kept in good condition and the abrasive strips were irrelevant, because the ramp was made of brushed concrete and did not have an excessively slippery surface.

Settlement: Offer: $983,000 **Demand:** $1,500,000

Verdict: $1,000,000 gross, $850,000 net.

Jury found the Plaintiff 15% negligent.

Plaintiff Experts:	Stolz, Melvin	Orthopedic Surgeon	Los Angeles
	Simons, Steven	Pulmonary & Blood Clot Specialist	Los Angeles
	Riley, Steve	Economist	Santa Ana
Defense Experts:	Duncan, Jan	Orthopedic Surgeon	Los Angeles

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91-23-05

Trip & Fall: Fell Exiting a Commercial Trailer **Verdict:** **$250,948 gross $226,948 net**

Plaintiff Attorney:	Michael H. Whitehill (Kussman & Whitehill), Los Angeles			(213) 474-4411
Defendant Attorney:	Robert D. Anderson (Byers, Kroll, Kuittinen & Lyden), Encino			(818) 990-0220
Trial Judge:	Newell Barrett	L.A. Central West	8/28/91	
Trial Time:	4 days	Deliberation Time:	1 day	
Case:	Burl Ray Tuttle vs. Yellow Freight Inc.			C 634 212

Facts: 12/27/86: Plaintiff, 58 year-old, had been employed by General Foods at its Hollywood facility for 38 years. His job responsibilities during that time included climbing in and out of trailers to assist in the loading of cargo. The Plaintiff fell down as he exited the trailer and broke his leg. Defendant Yellow Freight owned the trailer. The Plaintiff never returned to work after the accident. At the time, the Plaintiff had a back disability which

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