

Settlements

S91-01-01

Construction Accident: Two Ironworkers Fell 17 feet	Settlement:	\$1,600,000
Plaintiff Attorney:	Lawrence R. Booth & Donald J. Beck (Booth & Koskoff)	(213) 515-1361

Facts: 3/3/86: Plaintiff, two ironworkers in their late 20's, were working on a construction job in Orange County. Plaintiffs were installing large steel plates on one of the floors in a multi-story building. One of the Plaintiffs was using a crowbar to move a huge stack of steel plates when the plates, on which they were standing, moved and both Plaintiffs fell approximately 17 feet. Riverside Steel was the steel fabricator subcontractor who arranged for the stacks of steel plates to be lifted into the area where the accident occurred. Plaintiffs were both employed by another subcontractor.

Injuries: Primary Plaintiff suffered serious injuries to both feet and his back, requiring multiple surgeries. Other Plaintiff sustained injuries to his wrists, requiring surgery and made a reasonable recovery.

Medical Costs: \$100,000 by primary Plaintiff; \$37,000 by other Plaintiff plus \$100,000 disputed claim.

Loss of Earnings: in excess of \$1,000,000 to primary Plaintiff and a disputed claim to other Plaintiff.

Contentions: Plaintiffs contended that the general contractor should have provided fall protection in the form of cat lines and also argued the application of Peculiar Risk Doctrine. Defendant, general contractor, alleged that the accident was entirely the fault of the Plaintiffs and/or their employer for failing to tack weld the plates on which they were standing at the time of the accident.

Settlement: The primary Plaintiff's case was settled for part cash and part structure with a cost of approximately \$1,250,000 plus the \$175,000 contributed by the Compensation Carrier. The other Plaintiff's case was settled for \$175,000. The Workers Compensation Carrier had a lien of approximately \$330,000 which was waived and in addition, the compensation carrier contributed \$175,000 toward the settlement.

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S91-01-02

Product Liability: Fan Blade Flew Apart	Settlement:	\$1,275,000 present value
Plaintiff Attorney:	Rex Jacobs (Law Offices of John Scott Matthew)	(818) 981-5600

Facts: 1/87: Plaintiff, 19 year-old student, was showing friends his newly installed 'flex' automotive cooling fan when 3 of the 6 blades flew off with at least 1 striking Plaintiff in the face. The remaining 3 blades were intact and undamaged with 2 of them loose. Plaintiff had been drinking at time of accident.

Injuries: Loss of eye, loss of some frontal lobe brain material, epilepsy. Little of any intellectual deficit.

Medical Costs: \$125,000 +

Contentions: Plaintiff contended the fan was defectively designed and manufactured. The looseness of the fan blades allowed the hand steel blade to cut through the much softer aluminum rivets allowing fan to fly apart. Defense contended Plaintiff was intoxicated and either fell into blades or knocked something into them. Shear pattern of rivets showed sudden overload failure i.e. some external force.

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S91-01-03

Medical Negligence: Failure to Treat Retinopathy	Settlement:	\$700,000
Plaintiff Attorney:	Richard B. Wolfe (Richard B. Wolfe)	(818) 501-1414

Facts: Plaintiff, 2 year-old female, suffered retinopathy of prematurity (with resultant blindness in one eye and loss of functional vision in the other eye) as a result of alleged failure on the part of medical care providers to timely diagnose and treat.

Injuries: Blindness in one eye and loss of functional vision in the other eye.

Contentions: Plaintiff contended Defendant failed to provide timely diagnosis or treatment. Defense contended that examination was not possible sooner because of the condition of the premature baby and that the standard of care did not so require examination of this infant. Further contended that examination of the baby and treatment in accordance with the time schedule set forth by way of Plaintiff's contentions would not at all have allowed