

PRODUCTS

Garment Worker Rendered Paraplegic Settles for \$2.6M

SETTLEMENT: \$2,625,000

CASE John Doe v. Roe Parent Company and Roe Manufacturer, Confidential

COURT Superior Court of Los Angeles County, Compton

JUDGE John Trotter (Ret.)

DATE 01/04/02

PLAINTIFF ATTORNEY(S) Roger E. Booth; Booth & Koskoff; Torrance, CA (Confidential)
Lawrence R. Booth; Booth & Koskoff; Torrance, CA (Confidential)
Donald J. Beck; Booth & Koskoff; Torrance, CA (Confidential)

DEFENSE ATTORNEY(S) Timothy J. Lippert; Demler Armstrong & Rowland; Long Beach, CA (Roe Manufacturer)
Terry A. Rowland; Demler Armstrong & Rowland; Long Beach, CA (Roe Manufacturer)
Guy Gruppie; Murchison & Cumming; Los Angeles, CA (Roe Parent Company)

FACTS A worker in the garment industry who was rendered a paraplegic after a large cart filled with 800 pounds of material fell on top of him agreed to settle his claims against his employer's parent company and a ramp manufacturer for \$2,625,000. The bulk of the settlement was paid by the parent company.

Plaintiff John Doe, 33, was employed by Doe Employer in the receiving department. Doe Employer is in the garment business. On Oct. 7, 1999, the plaintiff was required to assist in the unloading of large carts, each containing about 800 pounds of material. In handling one of these carts, the plaintiff lost control of it, causing the cart to fall on top of him, and rendering him a paraplegic. The plaintiff's employer was one of several subsidiaries of Roe Parent Company, the principal based in Compton.

The plaintiff asserted that the parent company was negligent because one of its operations managers was personally responsible for the safety of all of the subsidiaries, including his employer. The plaintiff maintained that the cart was unwieldy, top heavy, and dangerous for one person to handle. Accordingly, there should have been a rule requiring that two workers handle the carts, rather than one, said the plaintiff.

The plaintiff also named Roe Manufacturer, a Texas-based company, as a defendant for manufacturing a portable ramp, called a dock leveler, used to unload the trucks. The plaintiff claimed that the ramp was defective and may have been the cause of the cart

tipping over.

Roe Parent Company responded that it had only general supervision of safety and that the accident was either the responsibility of the plaintiff's employer or the plaintiff himself. The company further claimed that the two-person rule was in effect and that the plaintiff should not have been handling the cart by himself.

Roe Manufacturer alleged that its ramp was not defective and that, furthermore, there was no evidence to support the contention that the accident had actually occurred on the ramp in question.

INJURIES The plaintiff was rendered a paraplegic. An attorney for the plaintiff, Roger Booth, reported that there was no workers' compensation lien asserted because of substantial employer negligence. Workers' compensation had paid \$332,500 in past medical expenses. Future medical expenses, particularly involving attendant care, were claimed to cost \$2,323,261. Past and future loss of earnings were waived because of the plaintiff's immigration status, said Booth.

SETTLEMENT The case settled for a total of \$2,625,000 with \$2,450,000 paid by Roe Parent Company and \$175,000 paid by Roe Manufacturer. The case resolved at the third settlement conference conducted by retired Justice John Trotter at JAMS, an arbitration service, in Orange County.

Booth said that there was a serious issue in this case as to the status of the parent company as a third-party defendant since it was the parent corporation to the plaintiff's employer. There were also issues as to the defendants' liability based on control asserted by a third-party defendant. As a result of these issues, the case was rejected by a prominent trial lawyer prior to being accepted by Booth & Koskoff.

DEMAND \$4,800,000
OFFER \$1,250,000

PLAINTIFF EXPERT(S) None

DEFENSE EXPERT(S) None