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# THE TOP 100 VERDICTS OF 2022-2023

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**WORKER/WORKPLACE NEGLIGENCE**

## Hotel liable for assault by security guard, plaintiff argued

**TYPE:** Verdict-Plaintiff

**AMOUNT:** **\$177,000,000**

**STATE:** Missouri

**VENUE:** St. Louis City

**COURT:** St. Louis County Circuit Court, 22nd, MO

**INJURY TYPE(S):** *other* - sexual assault  
*mental/psychological* - post-traumatic stress disorder

**CASE TYPE:** *Worker/Workplace Negligence* - Negligent Hiring; Negligent Training; Negligent Supervision

**CASE NAME:** Shannon Dugan v. David Allen White, No. 1822-CC00663

**DATE:** October 14, 2022

**PLAINTIFF(S):** Shannon Dugan (Female, 37 Years)

**PLAINTIFF ATTORNEY(S):** Scott S. Bethune; Davis, Bethune & Jones, LLC; Kansas City, MO for Shannon Dugan  
Wes Shumate; Davis, Bethune & Jones, LLC; Kansas City, MO for Shannon Dugan  
Kevin D. Buchanan; Davis, Bethune & Jones, LLC; Kansas City, MO for Shannon Dugan  
Richard E. McLeod; The McLeod Law Firm, P.C.; Kansas City, MO for Shannon Dugan

**PLAINTIFF EXPERT(S):** Jane K. Gray, Ph.D.; Criminology; Columbus, OH called by: Scott S. Bethune, Wes Shumate, Kevin D. Buchanan, Richard E. McLeod  
Angela Del Russo; Psychotherapy; Toms River, NJ called by: Scott S. Bethune, Wes Shumate, Kevin D. Buchanan, Richard E. McLeod  
Marilyn A. Hutchinson, Ph.D.; Psychology/ Counseling; Kansas City, MO called by: Scott S. Bethune, Wes Shumate, Kevin D. Buchanan, Richard E. McLeod

**DEFENDANT(S):** Hyatt Corp.  
David Allen White

**DEFENSE ATTORNEY(S):** Byron A. Bowles Jr.; McAnany, Van Cleave & Phillips, P.A.; Kansas City, KS for Hyatt Corp.  
Alan T. Fogleman; McAnany, Van Cleave & Phillips, P.A.; Kansas City, KS for Hyatt Corp.  
Julia Wilke; Wilson Elser Moskowitz Edelman & Dicker LLP; St. Louis, MO for Hyatt Corp.

**FACTS:** On April 19, 2016, plaintiff Shannon Dugan, 37, a sergeant in a law enforcement agency, was asleep in her room at the Hyatt Regency St. Louis at the Arch, in the early morning. David Allen White, a hotel security officer, entered her room with his master key and groped her sexually. White was in the room for about 10 minutes. Later that morning, Dugan questioned the hotel about who had entered her room. She then reported the incident to police. White was arrested, and he pleaded guilty to burglary and sexual abuse.

Dugan and a male colleague had traveled to St. Louis from New Jersey for a weeklong seminar on crime scene investigation, hosted by the hotel. They went to a Cardinals game on the night of the 18th and had several drinks. After returning to the hotel, they went to their separate rooms. A little later, Dugan's colleague tried unsuccessfully to contact her. He then called the front desk and requested a welfare check. White was sent, but the swing-bar security latch on Dugan's door was closed, and White had to have the hotel's engineering team open it. White found Dugan asleep in bed, and he left without waking her. An hour later, he returned to Dugan's room and groped her. Security footage and data from the door lock showed his arrivals and departures.

Dugan sued White and Hyatt Regency St. Louis at the Arch. The lawsuit alleged that Hyatt was negligent in its hiring of White, in its supervision of White and other employees, and in its training of other employees. Dugan further alleged that Hyatt showed complete indifference to and conscious disregard for its guests' safety. Dugan dismissed White without prejudice before trial.

Dugan's counsel argued that the hotel violated its own policies regarding welfare checks. Those policies included sending at least two security officers, making sure that the room is secured with the security latch when they leave the guest's room, and if the guest is asleep, either waking her or, if they are unable to wake her, calling for medical assistance. Dugan's counsel noted that, because the security latch can only be closed from the inside, the guest must be the one to close it, which she cannot do if she is asleep.

White had been hired about 10 months earlier. Prior to his employment with Hyatt, White had been arrested numerous times for sexually deviant behavior, sexual assault and sodomy. None of those arrests resulted in convictions.

Dugan's counsel argued that Hyatt violated its own hiring policies by failing to verify White's employment for the previous five years and failing to obtain two favorable references. Counsel also argued that the hiring of White violated Hyatt's security policies, which required "higher scrutiny" for security officer positions. There was also a policy about the importance of a "clean background" for a security officer, stating that the position is one of substantial responsibility and trust and for which personal integrity is essential, and also stating that a criminal history is sufficient to exclude employment. Per Dugan's counsel, Hyatt limited White's background check to seven years and convictions only, and asked White no questions about his criminal background during his interview.

## Warehouse worker crushed, paralyzed by falling pallet load

The defense denied negligence. It argued that the hotel followed its regular practice and procedure for welfare checks by sending one officer and not waking the guest. The defense also contended that White was the sole cause of damage to Dugan. Defense counsel told the jury that the hotel had learned lessons from this incident and now always sends two officers, including a female if the guest is female, and always wakes the guest to close the security latch.

**INJURY:** White entered Dugan’s room and sexually groped her through her clothes while she slept.

Dugan woke up during the assault, and White left about 10 minutes after he arrived.

When Dugan returned home after the seminar, she began treating with a psychotherapist. She was diagnosed with post-traumatic stress disorder.

Dugan sought \$20 million for past and future compensatory damages. Her life expectancy was 41 years, and she claimed she would suffer for the rest of her life.

For punitive damages, she sought 10% of Hyatt’s annual gross revenue or, in the alternative, 10 times the award of compensatory damages.

Defense counsel suggested that, if the jury reached the compensatory damages question, it should award \$250,000 to \$350,000.

**RESULT:** The jury found that Hyatt was liable for the incident. Specifically, it found negligence in the hiring of White, negligent supervision of White and other employees, and negligent training of other employees. It also found that Hyatt’s negligent supervision and negligent training were in complete indifference to or conscious disregard of others’ safety and that Dugan was therefore entitled to punitive damages.

The jury determined that Dugan’s compensatory and punitive damages totaled \$177 million.

### Trial Information:

<b>JUDGE:</b>	Timothy J. Boyer
<b>DEMAND:</b>	n/a
<b>OFFER:</b>	\$1 million (during deliberations)
<b>TRIAL LENGTH:</b>	3 days
<b>TRIAL DELIBERATIONS:</b>	hours
<b>JURY VOTE:</b>	12-0 on liability/compensatory damages; 10-2 on punitive damages
<b>JURY COMPOSITION:</b>	3 male, 9 female

**EDITOR’S COMMENT:** This report is based on information that was provided by plaintiff’s counsel. Hyatt’s counsel did not respond to the reporter’s phone calls. The jury deliberated about 1.5 hours on liability and compensatory damages and reached a unanimous verdict on these issues. On punitive damages, they deliberated about 40 minutes and reached a 10-to-2 verdict.

<b>TYPE:</b>	Verdict-Plaintiff
<b>AMOUNT:</b>	<b>\$100,000,000</b> Connecticut
<b>VENUE:</b>	Hartford, Connecticut
<b>COURT:</b>	Hartford Judicial District, Superior Court, CT
<b>INJURY TYPE(S):</b>	<i>back</i> - fracture, back; fracture, T11; fracture, vertebra; fracture, T11 <i>chest</i> - fracture, rib; hemopneumothorax <i>other</i> - arthrodesis; retropulsion; unconsciousness; crush injury, lumbar <i>pelvis</i> - crush injury, pelvis <i>abdomen</i> - crush injury, abdomen <i>urological</i> - neurogenic bowel; neurogenic bladder <i>surgeries/treatment</i> - open reduction; internal fixation <i>pulmonary/respiratory</i> - contusion, pulmonary <i>paralysis/quadruplegia</i> - paraplegia
<b>CASE TYPE:</b>	<i>Workplace</i> - Forklift; Negligent Supervision <i>Worker/Workplace Negligence</i> - Negligent Training; Negligent Supervision
<b>CASE NAME:</b>	Juan Cruz and Emily Cruz v. Spec Personnel, LLC, Special Personnel, LLC, JeanPaul D. Paez, Philips North America LLC, Philips North America Lighting Corporation, Signify North America Corporation, C.H. Robinson Worldwide, Inc., Venture Properties LLC, A. Duie Pyle, Inc. and Randstad North America, Inc., No. HHD-CV18-5051489-S
<b>DATE:</b>	October 05, 2022
<b>PLAINTIFF(S):</b>	Juan Cruz (Male, 42 Years) Emily Cruz (Female, 41 Years)
<b>PLAINTIFF</b>	
<b>ATTORNEY(S):</b>	Andrew P. Garza; Connecticut Trial Firm, LLC; Glastonbury, CT for Juan Cruz, Emily Cruz Andrew B. Ranks; Connecticut Trial Firm, LLC; Glastonbury, CT for Juan Cruz, Emily Cruz Alexa L. Mahony; Connecticut Trial Firm, LLC; Glastonbury, CT for Juan Cruz, Emily Cruz Ryan C. McKeen; Connecticut Trial Firm, LLC; Glastonbury, CT for Juan Cruz, Emily Cruz
<b>PLAINTIFF</b>	
<b>EXPERT(S):</b>	S. Paul Singh, Ph.D.; Pallets/Packaging Equipment; East Lansing, MI called by: Andrew P. Garza, Andrew B. Ranks, Alexa L. Mahony, Ryan C. McKeen Richard A. Royston C.P.A.; Accounting; Madison, CT called by: Andrew P. Garza, Andrew B. Ranks, Alexa L. Mahony, Ryan C. McKeen

Richard J. Schuster, Ph.D.; Life Care Planning;  
New York, NY called by: Andrew  
P. Garza, Andrew B. Ranks, Alexa L. Mahony,  
Ryan C. McKeen

**DEFENDANT(S):** JeanPaul D. Paez  
A. Duie Pyle, Inc.  
Spec Personnel, LLC  
Special Personnel, LLC  
Venture Properties LLC  
Philips North America LLC  
Randstad North America, Inc.  
C.H. Robinson Worldwide, Inc.  
Signify North America Corporation  
Philips North America Lighting Corporation

**DEFENSE**

**ATTORNEY(S):** Christopher M. Vossler; Howd & Ludorf, LLC;  
Hartford, CT for Philips North America Lighting  
Corporation, Signify North America Corporation  
Rachel M. Bradford; Howd & Ludorf, LLC;  
Hartford, CT for Philips North America Lighting  
Corporation, Signify North America Corporation

**DEFENDANT**

**EXPERT(S):** Joseph Pessalano, M.A., C.R.C.; Vocational  
Rehabilitation; Garden City, NY called by: for  
Christopher M. Vossler, Rachel M. Bradford  
Walter J. Girardi; Forklifts; Galesburg, MI called by:  
for Christopher M. Vossler, Rachel M. Bradford

**FACTS:** On Sept. 19, 2017, plaintiff Juan Cruz, 42, a warehouse worker, was working at a lighting distributor's warehouse in Hartford. A temporary services worker, JeanPaul Paez, who was operating a reach truck in an adjacent aisle, reportedly caused a full pallet of unitized LED lighting products to fall 20 feet from an upper storage rack. Cruz, who was struck by the 1300-pound load, was knocked unconscious. He also claimed back, chest, abdomen and pelvis injuries, as well as permanent paraplegia.

Cruz sued Paez, as well as Paez's employer, Spec Personnel, LLC, a temporary staffing company that assigned Paez to the subject warehouse. He also sued the lighting corporation and manufacturer of the LED tube lamps, Signify North America Corp., formerly known as Philips Lighting North America Corp. Cruz alleged that Paez was negligent in the operation of the forklift. He also alleged failure to train, failure to supervise and failure to inspect against Signify, and negligent hiring, furnishment, supervision and retention against Spec Personnel, LLC.

C.H. Robinson Worldwide, Inc., A. Duie Pyle, Inc. and Randstad North America, Inc. were also sued, but were voluntarily dismissed from the case. Ultimately, the matter proceeded against Signify/Philips only, as Spec Personnel, LLC, Paez and property owner Venture Properties LLC settled out of

the case for a combined \$8 million before opening statements.

Cruz's counsel initially alleged that Paez had a known heroin dependency and came to work at the subject warehouse high on heroin prior to operating the forklift. Counsel further alleged that Spec was negligent in providing Paez as a temporary worker, when Spec should have known of his dependency. The drug issues were not presented to the jury due to the preclusion of Cruz's toxicologist. Counsel contended that Signify/Philips workers did not properly secure or stretch-wrap the boxes of Philips LED lamps to the pallet, which would have prevented the pallet from falling.

Signify/Philips contended that the owner of the warehouse was at fault for failing to train, supervise and monitor Paez prior to the accident.

Cruz's counsel noted that Signify/Philips also blamed Venture, who owned the property, and sought an apportionment of liability against them as well. However, Cruz's counsel reported that Signify/Philips did not submit sufficient evidence for Venture to be on the verdict form and their apportionment claim against Venture was withdrawn.

**INJURY:** Cruz lost consciousness and was taken to a hospital by ambulance.

Cruz was diagnosed with complete tears to the spinal cord at T10, T11, T12 and L1; a T11 fracture with retropulsion; T10 paraplegia; left- and right-sided rib fractures; pulmonary contusion; traumatic hemopneumothorax; and crushing injuries to his abdomen, lower back and pelvis.

Cruz's treatment included open reduction with internal fixation of the thoracic spine and placement of segmental instrumentation at T9-10, T12 and L1. He also underwent arthrodesis with fusion from T9 through L1. He is left with a neurogenic bowel and bladder and will be reliant on a wheelchair.

Cruz sought recovery for past and future lost earnings, past and future medical costs, and past and future pain and suffering. His wife, Emily, will be his caretaker and sought damages for loss of consortium.

**RESULT:** The jury apportioned 90% fault to Signify/Philips and the remaining 10% to Paez, with no fault apportioned to Spec Personnel, LLC. It awarded \$90 million to Mr. Cruz and \$10 million to Mrs. Cruz, for a total verdict of \$100 million.

Emily Cruz  
\$10,000,000 Non-economic Damages  
**\$10,000,000 PLAINTIFF'S TOTAL AWARD**

Juan Cruz  
\$15,000,000 Economic Damages  
\$75,000,000 Non-economic Damages  
**\$90,000,000 PLAINTIFF'S TOTAL AWARD**

## Trial Information:

<b>JUDGE:</b>	Stuart D. Rosen
<b>DEMAND:</b>	\$20 million
<b>OFFER:</b>	\$1.5 million
<b>TRIAL LENGTH:</b>	3 weeks
<b>TRIAL DELIBERATIONS:</b>	1 day

**EDITOR'S COMMENT:** This report is based on information that was provided by plaintiffs' counsel. Additional information was gleaned from court documents. Defense counsel for Signify did not respond to the reporter's phone calls.

## WORKER/WORKPLACE NEGLIGENCE

# Camerman permanently disabled by movie set accident

<b>TYPE:</b>	Verdict-Plaintiff
<b>AMOUNT:</b>	<b>\$66,662,795</b>
<b>ACTUAL AWARD:</b>	<b>\$60,836,864</b>
<b>STATE:</b>	New Mexico
<b>VENUE:</b>	Santa Fe County
<b>COURT:</b>	Santa Fe County District Court, 1st, NM
<b>INJURY</b>	
<b>TYPE(S):</b>	<i>arm</i> <i>leg</i> <i>back</i> - fracture, back; fracture, vertebra <i>head</i> - closed head injury <i>neck</i> - fracture, neck; fracture, vertebra <i>brain</i> - traumatic brain injury <i>other</i> - unconsciousness; physical therapy; hardware implanted; spleen, laceration; decreased range of motion <i>pelvis</i> - fracture, pelvis; crush injury, pelvis <i>shoulder</i> <i>epidermis</i> - numbness; paresthesia <i>urological</i> - neurogenic bowel; neurogenic bladder <i>neurological</i> - brachial plexus; nerve damage/ neuropathy <i>surgeries/treatment</i> - arthroscopy; open reduction; internal fixation <i>mental/psychological</i> - depression; emotional distress; post-traumatic stress disorder <i>gastrointestinal/digestive</i> - liver; liver, laceration
<b>CASE TYPE:</b>	<i>Workplace</i> - Workplace Safety <i>Worker/Workplace Negligence</i> - Negligent Supervision

<b>CASE NAME:</b>	James Razo and Susan Weinmuller v. No Exit Film, LLC and Black Label Media, No. D- 101-CV-2019-01495
<b>DATE:</b>	December 23, 2022
<b>PLAINTIFF(S):</b>	James Razo (Male, 48 Years) Susan Weinmuller (Female, 0 Years)

### PLAINTIFF

<b>ATTORNEY(S):</b>	Lee Hunt; Hunt Law Firm; Sante Fe NM for James Razo, Susan Weinmuller Cynthia L. Zedalis; Hunt Law Firm; Santa Fe NM for James Razo, Susan Weinmuller
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### PLAINTIFF

<b>EXPERT(S):</b>	M. Brian McDonald, Ph.D.; Economics; Albuquerque, NM called by: Lee Hunt, Cynthia L. Zedalis Brad P. Avrit, P.E.; Safety; Marina Del Rey, CA called by: Lee Hunt, Cynthia L. Zedalis Dawn Cook, R.N., C.N.L.C.P.; Life Care Planning; Las Vegas, NV called by: Lee Hunt, Cynthia L. Zedalis Joseph Terrazzino, M.D.; Physical Medicine; Valencia, CA called by: Lee Hunt, Cynthia L. Zedalis
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<b>DEFENDANT(S):</b>	Black Label Media No Exit Film, LLC
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### DEFENSE

<b>ATTORNEY(S):</b>	Christopher J. Tebo; Ray Peña McChristian, P.C.; Albuquerque, NM for No Exit Film, LLC, Black Label Media Jeremy I. Schmehl; Ray Peña McChristian, P.C.; Albuquerque, NM for No Exit Film, LLC, Black Label Media
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### DEFENDANT

<b>EXPERT(S):</b>	Bill Witthans; Safety; Los Angeles, CA called by: for Christopher J. Tebo, Jeremy I. Schmehl Elizabeth A. Davis, Ph.D., R.N.; Life Care Planning; Cedar Bluff, VA called by: for Christopher J. Tebo, Jeremy I. Schmehl
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**FACTS:** On June 20, 2016, plaintiff James Razo, 48, a cameraman, was operating a mobile camera crane unit on a film set at a ski mountain in Los Alamos. Razo was driving the mobile unit, which was essentially an all-terrain vehicle outfitted with a crane, through mountainous terrain. As he proceeded up the mountain, the front end of the camera unit lost traction and started to slide, eventually standing up on its rear wheels before tipping backward, knocking Razo unconscious and trapping him under its weight. Razo suffered multiple fractures to his neck, pelvis and spine.

Razo sued the film set's production company, No Exit Film LLC, and its parent company, Black Label Media. Razo

alleged that the defendants negligently failed to provide a safe workplace.

Razo's safety expert testified that the movie set operator failed in its duty to provide a safe route to the worksite. The expert noted that, prior to the accident, Razo began to drive the unit up the slope, following an escort vehicle, but when they reached a fork in the road, no one was directing traffic. Instead of taking him on a designated route to the top, the escort led him straight up a steeper route with a loose surface. Additionally, crew members were rushing Razo to get to the top to start filming.

According to the expert, the defendants failed to designate a safe route and failed to allow Razo time to properly scout the route. The crew specifically directed him into a dangerous section of the mountain that led Razo to flip his mobile unit, landed on him, the expert opined.

The expert concluded that a movie set filming on a mountain required the defendants to designate a safety professional, which they failed to do.

The defense maintained that Razo was negligent. The defense's expert in movie set safety testified that Razo was a seasoned professional who should have known where the mobile crane could and could not go on the premises. Even though he was directed to travel the steep section of mountain, Razo should have known to avoid that and instead find a safer means, the expert concluded.

**INJURY:** Razo was airlifted to a hospital and admitted. He was diagnosed with a fracture to a cervical vertebra, a fracture to a lumbar vertebra, a crush injury to his pelvis, neurogenic bladder and bowel, a traumatic brain injury, lacerations to his spleen and liver, and a brachial plexus nerve injury that impaired his right dominant arm. He was ultimately diagnosed with depression and post-traumatic stress disorder.

Razo remained hospitalized for two months. During that time, he underwent multiple surgeries to his spine and pelvis. Following his discharge, Razo began treating with multiple providers, including orthopedists, a neurologist and a psychologist, and extensively treated with occupational and physical therapy. In the ensuing years, Razo underwent additional surgeries, with the last one being surgery to the lumbar spine, in the fall of 2022. In total, Razo underwent about 10 surgeries.

At the time of the trial, Razo continued to treat with pain management, occupational and physical therapy and psychotherapy.

Razo's psychiatrist testified that he suffered permanent, disabling injuries from the accident. Razo requires lifelong treatment that consists of future surgeries, extensive therapy and, as he ages, daily nursing care.

Razo testified that he suffers from chronic, daily pain. This includes constant nerve pain that causes loss of sensation in his legs, which makes it difficult for him to walk and sleep, and bladder and bowel dysfunction. He sought to recover about \$1.3 million in past medical costs, approximately \$5 million in future medical costs and

\$4 million in future lost wages, plus damages for past and future pain and suffering. Razo further sought to recover punitive damages.

Razo's wife testified that, due to her husband's injuries and impaired physical condition, she has become his caretaker as much as his spouse. She discussed how she has taken the responsibility of helping him with his medical issues while keeping the family together. Razo's wife sought damages for her claim for loss of consortium.

The defense did not dispute Razo's injuries and treatment. The defense's expert in life-care planning estimated Razo's future treatment between \$2 million to \$3 million.

**RESULT:** The jury found Black Label Media 63% liable, No Exit Film 18% liable and Razo 19% liable.

The jury determined that Razo and his wife would receive \$66,662,795, which was accordingly reduced to \$60,836,863.95.

Susan Weinmuller

\$6,000,000 loss of consortium

**\$6,000,000 Plaintiff's Total Award**

James Razo

\$24,662,795 compensatory damages

\$9,000,000 punitive damages against No Exit Film

\$27,000,000 punitive damages against Black Label Media

**\$60,662,795 Plaintiff's Total Award**

### Trial Information:

**JUDGE:** Matthew J. Wilson

**DEMAND:** \$9 million

**OFFER:** \$6 million

**TRIAL LENGTH:** 5 days

**TRIAL DELIBERATIONS:** 4 hours

**JURY VOTE:** 12-0

**JURY**

**COMPOSITION:** 8 male, 4 female

**EDITOR'S COMMENT:** This report is based on information that was provided by plaintiffs' counsel. Defense counsel did not respond to the reporter's phone calls.

## WORKER/WORKPLACE NEGLIGENCE

### Hotel failed to use reasonable care when checking on guest

**TYPE:** Verdict-Plaintiff

**AMOUNT:** **\$60,445,361**

**STATE:** California

**VENUE:** Orange County

**COURT:** Superior Court of Orange County, Orange, CA

**INJURY TYPE(S):** *arterial/vascular* - aneurysm; aneurysm, rupture  
*mental/psychological* - cognition, impairment; memory, impairment

**CASE TYPE:** *Hotel/Restaurant Worker/Workplace Negligence* - Negligent Training; Negligent Investigation

**CASE NAME:** Priscilla O'Malley, by and through her Guardian Ad Litem, Michael O'Malley; and Michael O'Malley v. Diamond Resorts International; Diamond Resorts Holdings, LLC; California Riviera Vacations, Inc.; Riviera Beach and Spa Resort Vacation Plan Owners Association; Riviera Beach and Spa Resort; and Does 1 through 100, inclusive, No. 30- 2015-00771021-CU-PO-NJC

**DATE:** March 02, 2022

**PLAINTIFF(S):** Michael O'Malley (Male, 0 Years)  
Priscilla O'Malley (Female, 59 Years)

**PLAINTIFF ATTORNEY(S):** Matthew B.F. Biren; Biren Law Group; Los Angeles CA for Priscilla O'Malley, Michael O'Malley Arash Homampour; The Homampour Law Firm PC; Sherman Oaks, CA for Priscilla O'Malley, Michael O'Malley John A. Roberts; Biren Law Group; Los Angeles, CA for Priscilla O'Malley, Michael O'Malley

**PLAINTIFF EXPERT(S):** Amy L. Magnusson, M.D.; Physical Medicine; San Diego, CA called by: Matthew Barry D. Pressman, M.D.; Neuroradiology; Los Angeles, CA called by: Matthew B.F. Biren, Arash Homampour, John A. Roberts Barry D. Pressman, M.D.; Neuroradiology; Los Angeles, CA called by: Matthew B.F. Biren, Arash Homampour, John A. Roberts Carol Hyland C.L.C.P.; Life Care Planning; Lafayette, CA called by: Matthew B.F. Biren, Arash Homampour, John A. Roberts David G. Frecker, M.D.; Neurology; Santa Barbara, CA called by: Matthew B.F. Biren, Arash Homampour, John A. Roberts Peter Formuzis, Ph.D.; Economics; Santa Ana, CA called by: Matthew B.F. Biren, Arash Homampour, John A. Roberts Tarvez Tucker, M.D.; Neurology; Portland, OR called by: Matthew B.F. Biren, Arash Homampour, John A. Roberts

Dr. Jeffrey Schaeffer, M.D.; Neuropsychology; Los Angeles, CA called by: Matthew B.F. Biren, Arash Homampour, John A. Roberts

**DEFENDANT(S):** Riviera Beach and Spa Resort  
Diamond Resorts Holdings, LLC  
Diamond Resorts International  
Diamond Resorts Management Inc.  
California Riviera Vacations Inc.  
Hospitality Staffing Solutions, LLC  
Riviera Beach and Spa Resort Vacation

**DEFENSE**

**ATTORNEY(S):** Christopher E. Faenza; Yoka & Smith LLP; Los Angeles, CA for Diamond Resorts Management Inc. Brent D. Anderson; Taylor | Anderson, LLP; Denver, CO for Diamond Resorts Management Inc. Floyd R. Hartley; Taylor | Anderson, LLP; Denver, CO for Diamond Resorts Management Inc. None reported for Diamond Resorts International, Diamond Resorts Holdings, LLC, Riviera Beach and Spa Resort Vacation, Riviera Beach and Spa Resort, Hospitality Staffing Solutions, LLC, California Riviera Vacations Inc.

**DEFENDANT**

**EXPERT(S):** Mary E. Jesko Ed.D.; Life Care Planning; San Diego, CA called by: for Christopher E. Faenza, Brent D. Anderson, Floyd R. Hartley Sidney Starkman, M.D.; Emergency Medicine; Los Angeles, CA called by: for Christopher E. Faenza, Brent D. Anderson, Floyd R. Hartley Geoffrey P. Colby M.D., Ph.D.; Neurosurgery; Los Angeles, CA called by: for Christopher E. Faenza, Brent D. Anderson, Floyd R. Hartley

**FACTS:** On March 29, 2014, plaintiff Priscilla O'Malley, 59, a business owner, checked into the Diamond Resorts hotel, in Capistrano Beach. Hours later, Ms. O'Malley's husband, Michael O'Malley, called the hotel's front desk after 10 p.m., explaining that he had not heard from his wife after having called her cellphone repeatedly since 7 p.m. Mr. O'Malley told the front desk that he was concerned about his wife, as she was not answering her phone, and that he wanted the front desk clerk to send someone to check on her. The front desk clerk eventually agreed to send a maintenance person to check on Ms. O'Malley.

The maintenance person knocked on the door of Ms. O'Malley's hotel room and called out, "Maintenance!" He then opened the door, knocked and called out again, but he never entered into the room. The maintenance person later admitted that the room was dark and that he could not see beyond the entryway. Since no one responded to him and the lights in the room were off, the maintenance person reported to the front

desk clerk that Ms. O'Malley was not in her hotel room. The front desk clerk then called Mr. O'Malley back and reported that Ms. O'Malley was not in her room.

Mr. O'Malley continued to call his wife's cellphone and after still not hearing from her, he eventually decided to drive to the hotel to check on her himself.

At around 5:30 a.m. on March 30, 2014, Mr. O'Malley entered his wife's hotel room and found her lying incapacitated on the hotel living room floor. It was determined that Ms. O'Malley had suffered a ruptured brain aneurysm at around 6:30 p.m. the prior evening, causing her to remain incapacitated on the floor for 11 hours until she was discovered by her husband.

Mr. O'Malley, acting individually and as his wife's guardian ad litem, sued the hotel's management company, Diamond Resorts Management Inc.; the employer of the maintenance person, Hospitality Staffing Solutions, LLC; and several entities associated with the hotel, including Diamond Resorts International, Diamond Resorts Holdings, LLC, Riviera Beach and Spa Resort Vacation Plan Owners Association, Riviera Beach and Spa Resort, and California Riviera Vacations Inc. Mr. O'Malley alleged that the defendants were negligent in their duty of care to ensure the safety of its guests.

Specifically, he alleged that the defendants were negligent in undertaking the action of checking on his wife's safety, causing her further harm.

Several of the hotel's entities were dismissed from the case, and Hospitality Staffing Solutions was granted summary judgment on the "negligent undertaking" theory of liability.

The O'Malleys appealed the judgment.

The Courts of Appeal noted that "under the 'negligent undertaking' theory of liability, where a person who generally lacks a duty of care to another nonetheless undertakes to lend aid to that other, liability may result where the person does not act with reasonable care." It found that "because there were disputed material facts and inferences regarding precisely what [the maintenance person] may have undertaken to do and because the risk that [Ms. O'Malley] may have been lying incapacitated somewhere in the hotel room may have been reasonably foreseeable, a reasonable trier of fact might decide that some portion of the O'Malleys' injuries were the result of a lack of reasonable care exercised by [the maintenance worker]." Thus, the Courts of Appeal held that the summary judgment on the negligent undertaking theory of liability was improper. According to O'Malley's counsel, the appellate victory was the guide stone for the subject case's "negligent undertaking" claims, where one agrees to exercise reasonable care in rendering services to another.

As a result of the Courts of Appeal's decision, the O'Malleys agreed to dismiss the claims against Hospitality Staffing Solutions, if Diamond Resorts Management agreed to treat the maintenance person as if he were an employee of Diamond

Resorts Management. The hotel's management company agreed to be responsible for the case, and the matter proceeded to trial against Diamond Resorts Management only.

Plaintiffs' counsel argued that the hotel was negligent in its failure to complete the undertaking to see if Ms. O'Malley was in the hotel room and okay. Specifically, counsel contended that the hotel had a room/welfare check policy in place that required two people, with one being from management, to go to the room to see if a guest was okay. Thus, plaintiff's counsel argued that the hotel violated its own policy and procedure by only sending the maintenance person to check on Ms. O'Malley and that as a result, the maintenance person failed to fully enter the room and check for Ms. O'Malley.

Plaintiffs' counsel contended that Diamond Resorts Management had just taken over management of the hotel and that it never trained either the front desk clerk or the maintenance person on the hotel's policy and procedure regarding welfare checks.

Counsel argued that if the maintenance person had turned on the light and entered the room, instead of only observing the dark room from the doorway, Ms. O'Malley would have been discovered at 10:30 p.m., instead of hours later. Additionally, counsel argued that if the management company and maintenance worker had properly done what they were supposed to do, Ms. O'Malley would have been able to obtain emergent medical care seven hours earlier than she did.

Diamond Resorts Management's counsel argued that the maintenance person's conduct was reasonable and that it was acceptable for the maintenance person to not enter the room to check for Ms. O'Malley because of his consideration for her privacy.

**INJURY:** Ms. O'Malley suffered a ruptured brain aneurysm at around 6:30 p.m. on March 29, 2014. She was found incapacitated approximately 11 hours later, at around 5:30 a.m. on March 30, 2014. She was transported to a hospital, where it was determined that she has permanent, irreversible brain damage.

Plaintiffs' counsel contended that Ms. O'Malley suffers from short-term memory loss in the form of anterograde amnesia, which causes her to be unable to hold new memories for even seconds. Counsel noted that Ms. O'Malley cannot remember anything she is told, even five seconds before, and that Ms. O'Malley requires monitoring every second, as she can leave a location and then not know where she is.

The plaintiffs' medical experts opined that if Ms. O'Malley was found in the hotel room earlier, the processes that caused the loss of her short-term memory, which is controlled by the hippocampi, could have been prevented or, if already started, controlled before permanent damage set in. More specifically, the experts opined that if Ms. O'Malley had been found four hours after the rupture,

instead of 11 hours later, and received neurocritical care, then she would have suffered only minor residual problems as a result of the initial bleed from the aneurysm.

Plaintiffs' counsel contended that Ms. O'Malley's future care would include 24/7, around-the-clock care and additional neurological behavior care during the 16 waking hours. Counsel argued that as a result, the cost of Ms. O'Malley's future care would total approximately \$10 million.

Mr. O'Malley, acting on his wife's behalf, sought recovery for Ms. O'Malley's future medical costs, and past and future pain and suffering. Since Mr. O'Malley helped to care for his wife for years after the accident, he also sought recovery for his own past and future loss of consortium.

The defense's medical experts opined that the injuries that caused Ms. O'Malley's memory loss occurred with the initial bleed from the aneurysm and that Ms. O'Malley's condition would have been the same no matter what time she was found. The experts also opined that nothing that happened after the initial bleed would have altered her short-term memory.

**RESULT:** The jury found that Diamond Resorts Management was negligent and that its negligence was a substantial factor in causing harm to Ms. O'Malley. It also found that Diamond Resorts Management failed to exercise reasonable care in voluntarily rendering services needed for the protection of Ms. O'Malley and that this failure was also a substantial factor in causing harm to Ms. O'Malley. The jury further found that Diamond Resorts Management's failure to use reasonable care added to the risk of harm to Ms. O'Malley and that Ms. O'Malley suffered increased harm because Mr. O'Malley relied on Diamond Resorts Management's services. It determined that Ms. O'Malley's damages totaled \$50,445,361 and that Mr. O'Malley's damages totaled \$10,000. Thus, the O'Malleys' jury verdict awards totaled \$60,445,361.

Michael O'Malley  
\$5,000,000 Past Loss of Consortium  
\$5,000,000 Future Loss of Consortium  
**\$10,000,000 PLAINTIFF'S TOTAL AWARD**

Priscilla O'Malley  
\$9,445,361 Future Medical Cost  
\$29,000,000 Future Pain Suffering  
\$12,000,000 Past Pain Suffering  
**\$50,445,361 PLAINTIFF'S TOTAL AWARD**

### Trial Information:

**JUDGE:** Frederick P. Horn  
**DEMAND:** \$15 million

**OFFER:** \$225,000 to Ms. O'Malley; \$25,000 to Mr. O'Malley  
**TRIAL LENGTH:** 13 days  
**TRIAL DELIBERATIONS:** 5.5 hours  
**JURY VOTE:** 12-0 (liability); 10-2 (damages, with two jurors wanting to award more)

**POST TRIAL:** Plaintiffs' counsel anticipates that there will be \$30 million in interest added to the O'Malleys' recovery.

**EDITOR'S COMMENT:** This report is based on information that was provided by plaintiffs' counsel. Defense counsel did not respond to the reporter's phone calls.

## MOTOR VEHICLE

### Bar sued over patron's involvement in deadly crash

**TYPE:** Verdict-Plaintiff  
**AMOUNT:** **\$95,527,108**  
**STATE:** Florida  
**VENUE:** Miami-Dade County  
**COURT:** Miami-Dade County Circuit Court, 11th, FL  
**INJURY TYPE(S):** *leg* - fracture, leg; crush injury, leg  
*back* - fracture, back; herniated disc  
*neck* - herniated disc  
*ankle* - fracture, ankle  
*brain* - coma; brain damage; subarachnoid hemorrhage; internal bleeding  
*chest* - fracture, rib  
*other* - death; seizure; hematoma; craniotomy; physical therapy; compression fracture  
*pelvis* - fracture, pelvis  
*shoulder* - fracture, shoulder; fracture, scapula  
*urological* - kidney  
*neurological* - neurological impairment  
*sensory/speech* - speech/language, impairment of  
*surgeries/treatment* - open reduction; internal fixation  
*mental/psychological* - cognition, impairment  
*pulmonary/respiratory* - respiratory  
*gastrointestinal/digestive* - liver; liver, laceration; gallbladder, injury  
**CASE TYPE:** *Wrongful Death*  
*Motor Vehicle* - Head-On; Passenger; Wrong Way; Multiple Vehicle; Alcohol Involvement  
*Hotel/Restaurant* - Dram Shop

**CASE NAME:** Noel Criales, as Personal Representative of the Estate of Carmen Criales, and as Guardian of Bryan Criales v. Franklin Chavez, No. 2017-006062-CA-01

**DATE:** June 21, 2022

**PLAINTIFF(S):** Bryan Criales (Male, 21 Years)  
Estate of Carmen Criales (Female, 23 Years)

**PLAINTIFF**

**ATTORNEY(S):** Adam T. Rose; Leesfield Scolaro, P.A.; Miami, FL for Estate of Carmen Criales, Bryan Criales  
Aaron P. Davis; Davis Goldman, PLLC; Miami, FL for Estate of Carmen Criales, Bryan Criales

**DEFENDANT(S):** Franklin Chavez  
The Georgetown Partnership LLC

**DEFENSE**

**ATTORNEY(S):** None Reported for The Georgetown Partnership LLC

**FACTS:** On Dec. 13, 2015, plaintiff's decedent Carmen Criales, 23, a student, was operating a sedan northbound on Interstate 95 in Miami-Dade County. Her brother, plaintiff Bryan Criales, 21, a retail worker, was sitting in the front passenger seat.

Franklin Chavez was operating another sedan southbound in the northbound travel lanes of Interstate 95. It was approximately 5:30 a.m., and he did not have his headlights activated. Chavez's sedan struck the plaintiffs' vehicle head-on. Carmen Criales was killed. Her brother suffered severe injuries to his legs, ankles, brain, back, pelvis, scapulas, liver and gallbladder, plus major injuries to multiple ribs and a kidney.

Chavez's blood alcohol content was twice the legal limit. He pleaded guilty to several charges, including vehicular homicide, and was sentenced to jail time.

The Criales' father, Noel Criales, acting as the personal representative of his daughter's estate and as the guardian of his son, sued Chavez. The lawsuit alleged that Chavez was negligent in the operation of his vehicle.

The complaint was later amended to include a dram-shop claim against The Georgetown Partnership – the owner of a bar that had served Chavez alcohol the night of the accident. The lawsuit alleged that the bar employees continued to serve Chavez even though he was a known alcoholic and was showing visible signs of intoxication.

Chavez's claim settled prior to trial. Georgetown Partnership did not respond to the lawsuit, and a default was entered. The matter proceeded to a damages-only trial against the bar owner.

**INJURY:** Carmen Criales suffered blunt-force trauma injuries. She was pronounced dead at the scene.

Bryan Criales was placed in an ambulance and transported to Jackson Memorial Hospital. He was admitted for 4.5 months.

Bryan Criales suffered crush injuries and fractures to both legs, along with bilateral ankle fractures and bilateral scapular fractures. He additionally suffered multiple rib fractures, a pelvis fracture and several compression fractures to his back. Criales was also diagnosed with a gallbladder hematoma, liver and kidney lacerations, respiratory failure, herniations of intervertebral discs in his back, and bi-frontal traumatic subarachnoid hemorrhages.

Criales suffered seizures and was in a coma for several months. While in the hospital, he underwent a craniotomy and a cranioplasty. He also underwent surgeries to repair the lacerations in his internal organs. He received open reduction with internal fixation on his legs, as well.

Criales spent much of 2017 and 2018 in and out of hospitals. He also underwent neurocognitive treatment, physical therapy and speech therapy. He additionally developed digestive issues that required treatment. His counsel contended that Criales will need a lifetime of physical, speech and neurocognitive therapy.

Criales requires full-time care from his parents. He needs assistance with daily activities such as showering, eating and getting dressed, is unable to communicate and has limited cognitive ability. He is wheelchair-bound and can only stand with assistance for a second or two at a time. In addition, he no longer has feeling on the right side of his body.

The estate sought recovery of damages for the past and future pain and suffering of Carmen Criales' parents. Bryan Criales also sought past medical expenses and damages for his past and future pain and suffering.

**RESULT:** The jury found that Bryan Criales suffered a permanent injury in the subject collision. It determined that Bryan's damages totaled \$58,527,108, and that Carmen Criales' estate was entitled to damages totaling \$37 million, for a total of \$95,527,108.

Bryan Criales  
\$1,527,108 Past Medical Cost  
\$50,000,000 Future Pain Suffering  
\$7,000,000 Past Pain Suffering

**\$ 58,527,108 PLAINTIFF'S TOTAL AWARD**

Estate of Carmen Criales  
\$3,500,000 Past pain and suffering of Carmen Criales' mother  
\$3,500,000 Past pain and suffering of Carmen Criales' father  
\$15,000,000 Future pain and suffering of Carmen Criales' father  
\$15,000,000 Future pain and suffering of Carmen Criales' mother

**\$37,000,000 PLAINTIFF'S TOTAL AWARD**

## Trial Information:

**JUDGE:** Mark Blumstein  
**TRIAL LENGTH:** 1 day  
**TRIAL DELIBERATIONS:** 0  
**JURY VOTE:** 6-0  
**JURY COMPOSITION:** 2 male, 4 female

**EDITOR'S COMMENT:** This report is based on information that was provided by plaintiff's counsel. Additional information was gleaned from court documents. Counsel for Chavez was not asked to contribute.

## MOTOR VEHICLE

# Father and son killed in collision with 18-wheeler

**TYPE:** Verdict-Plaintiff  
**AMOUNT:** **\$83,934,862**  
**STATE:** Michigan  
**VENUE:** Wayne County  
**COURT:** Wayne County, Circuit Court, MI  
**INJURY**  
**TYPE(S):** *neck* - fracture, neck  
*other* - death; conscious pain and suffering  
**CASE TYPE:** *Motor Vehicle* - Passenger; Rear-ender; Tractor-Trailer; Multiple Vehicle  
**CASE NAME:** Natalie Attianese as Personal Representative of the Estate of Jude Attianese, deceased, and as Personal Representative of the Estate of Zachary Attianese, deceased v. Jose Angel Nogueras, and Challenger Motor Freight, Inc, No. 19-015845-NI  
**DATE:** April 20, 2023  
**PLAINTIFF(S):** Estate of Jude Attianese (Male, 56 Years)  
Estate of Zachary Attianese (Male, 20 Years)  
**PLAINTIFF**  
**ATTORNEY(S):** Judith A. Livingston; Kramer, Dillof, Livingston & Moore; New York, NY for Estate of Jude Attianese, Estate of Zachary Attianese  
Brian J. McKeen; McKeen & Associates, P.C.; Detroit, MI for Estate of Jude Attianese, Estate of Zachary Attianese  
Thomas A. Moore; Kramer, Dillof, Livingston & Moore; New York, NY for Estate of Jude Attianese, Estate of Zachary Attianese

### PLAINTIFF

**EXPERT(S):** Kenneth A. Mankowski, D.O.; Neurology; Westerville, OH called by: Judith A. Livingston, Brian J. McKeen, Thomas A. Moore

**DEFENDANT(S):** Jose Angel Nogueras  
Challenger Motor Freight Inc.

### DEFENSE

**ATTORNEY(S):** Brian Del Gatto; Wilson Elser; Phoenix, AZ for Jose Angel Nogueras, Challenger Motor Freight Inc.  
William S. Cook; Wilson Elser; Detroit, MI for Jose Angel Nogueras, Challenger Motor Freight Inc.  
Kate M. Beres; Wilson Elser; Detroit, MI for Jose Angel Nogueras, Challenger Motor Freight Inc.  
Taylor H. Allin; Wilson Elser; Phoenix, AZ for Jose Angel Nogueras, Challenger Motor Freight Inc.

### DEFENSE

**EXPERT(S):** Ljubisa J. Dragovic, M.D.; Forensic Pathology; Pontiac, MI called by: for Brian Del Gatto, William S. Cook, Kate M. Beres, Taylor H. Allin

**FACTS:** Litigator Thomas Moore says that “unsullied credibility” helped his team secure a nearly \$84 million verdict against a Canadian transportation company whose negligence caused the death of a father and son from New Jersey.

The verdict was handed up in Wayne County, Michigan, Circuit Court on Thursday, April 20, 2023.

“From beginning to end our credibility was unsullied,” Moore said when asked how he thought the team won their case. “Throughout, there wasn’t one element where on summation the defense could point correctly—they might have tried to do things and they did try—could point correctly to even the smallest claim we had made that was not borne out by the truth. And I think that was tremendously important.”

Jude and Zachary Attianese were killed in June 2018 when a 77,400-pound, 18-wheel tractor-trailer crashed into their Ford Explorer as they traveled to a funeral near Detroit, Michigan. Jude, who was driving, had slowed to about 4 mph due to construction when the semi-truck—driven by Jose Nogueras—barreled into them from behind.

The incident was seen by an eyewitness, and reconstruction and an investigation showed that Nogueras had never braked and was going at least 55 mph at the point of impact, Moore said.

Moore, a Senior Partner at New York-based firm Kramer, Dillof, Livingston & Moore, was joined on the case by his wife and colleague Judith Livingston, a Senior Partner at the same firm.

The veteran trial lawyer said he and Livingston had seen a lot of tragedy in their time practicing, but the “startling” loss and “extraordinary confluence of circumstances” made this case stand out for him personally.

They were retained by mother and wife Natalie Attianese of Old Bridge, New Jersey, and joined by local Michigan

counsel Brian McKeen in the litigation against Canada-based Challenger Motor Freight and the driver.

On the day of opening statements, Moore said the company had acknowledged responsibility but continued to contest damages.

Moore said the driver at one point claimed that Jude had turned in front of him. And the company initially denied any liability at all.

The driver “was terribly negligent, but his negligence paled in comparison to the corporate negligence,” Moore said. “In discovery during the deposition phase, we discovered something incredibly telling, which was that Jose Noguerras never should have been behind the wheel of that huge tractor-trailer on that fateful night to begin with.”

Noguerras, Moore said, suffers from Parkinson’s disease and was taking three separate medications that warned against operating machinery as the user could fall asleep suddenly. The driver also had untreated obstructive sleep apnea at the time.

“We counted, he missed collectively 12 different posted signs regarding lanes narrowing, construction ahead, all of these signs,” recalled Moore. “He had to be either asleep or so significantly impaired to not be remotely aware of his surroundings.”

Noguerras is facing a pending criminal case relating to the incident, Moore said.

Before they admitted liability, the company deflected blame by saying the driver had been approved in 2015 by the Ministry of Transportation in Canada for the renewal of his license. But Moore’s team found that, while the application reported Parkinson’s disease, it failed to mention his diagnosis of obstructive sleep apnea.

Challenger then tried to hide behind Canadian privacy laws that prevent employers from inquiring about the medical conditions of employees, Moore said. However, those laws contain an exception that says the employers may inquire in circumstances where there is a bona fide occupational reason.

“What could be a more bona fide occupational reason than driving a 77,000-pound tractor-trailer?” Moore asked. “It was the obligation of the employer to investigate a potential safety hazard in their driver.”

During depositions, Moore said an executive with the trucking company conceded that “no one” at the company was tasked with determining whether their drivers could operate the vehicles safely.

In addition to staying true to the facts discovered during diligent discovery, the litigator credited strong direct examination and careful jury selection as contributing to the win.

“I always believed that direct examination is an important part, if not the most important part, and it is at times the most important part [of a trial],” Moore shared. “So for any young lawyers out there: Concentrate on your direct examination as much as you concentrate on your cross.”

During jury selection, Moore said his team worked to mix people who were opposed to the concept of money damages or

who didn’t want to serve, and sought jurors who could connect to their clients.

“You look for people with experience of family life, with families, if possible, who can relate to the losses that are so overwhelming in this case,” Moore stated. “One has to be concerned that the jury that’s selected will relate to your clients. And I just don’t mean on the issues in the case, but also as people. Not everyone relates to everyone else.”

“And it’s a foolish lawyer who’s not conscious of whether or not the person being considered for the jury is relating to her or him,” he added.

Lawyers for Challenger Motor Freight and Noguerras did not immediately respond to messages. Defense attorney Brian del Gatto previously told the Detroit Free Press that the verdict was “highly excessive” and they planned to appeal.

**INJURY:** Jude and Zachary Attianese died at the scene.

Moore described the trial as a battle of experts and a battle of facts as they sought to prove that their client was entitled to damages for pre-collision fright and terror suffered by Jude and Zachary, damages for pain and suffering experienced by Jude and Zachary in the minutes after the collision and before they died, and damages for loss of society, companionship, and grief for their surviving family. Per defense counsel, the estates’ lowest demand was \$90 million, and the plaintiffs asked the jury to award \$325 million.

On the issue of pain and suffering, the lawyer said the defense put forth a “formidable witness” in the form of a local medical examiner who testified frequently in a variety of cases. The defense expert claimed the father and son had died instantaneously.

“He certainly had a lot of experience, but we were able to take advantage of that in cross-examining him, in terms of his coy avoidance of answering questions under the guise of not really understanding what the whole thing was about,” Moore recalled. “He was discredited.”

Through their own witness, a neurologist, and vigorous cross-examination, Moore said the team was able to prove that Jude and Zachary suffered “almost unimaginable” pain for at least several minutes before they died. The collision left their spinal cords broken at the top of their neck, Moore explained—rendering them alive and aware but unable to breathe, speak or move while they slowly died.

Moore credited eyewitness testimony with decimating the defense argument against their pre-collision fright and terror claims. In a police report at the time, the eyewitness reported hearing the rumble of the 18-wheeler approaching the slowed vehicles, despite being further away from the tractor-trailer than the Attianese family vehicle.

“If our occupants, father and son, were aware of imminent disaster and imminent death seeing a truck, a huge tractor-trailer bearing down on them, they would have known that the chances

of ever surviving the imminent collision would be nil to almost nothing,” Moore said.

In addition to that testimony, they had overwhelming circumstantial evidence—including that the 56-year-old Jude drove a panel truck for a living, delivering baked goods in Brooklyn for over 30 years. He taught all three of his children to drive, Moore said.

“Slowing from 70 on the highway, it was not reasonable to believe that in this such instance, Jude would not have looked in his rearview mirror,” Moore said. “I think the defense lost overwhelmingly on that issue, and lost significant credibility defending against that.”

Livingston conducted the direct examination of Zachary’s surviving sisters, who testified at trial about their father and brother.

“There were two things, above all, that united this family,” Moore shared. “One was the example of their father, and the other was baseball.”

Zachary, 20, had a promising baseball career ahead of him and had realistic aspirations of reaching Major League Baseball, Moore said.

The attorney said that pre-trial litigation included a significant amount of motion practice regarding the young athlete’s lost earning potential, but ultimately the team decided not to bring that to the jury as the matter was under appeal and they didn’t want to delay the trial.

**RESULT:** The jury determined that the defendants were negligent, which was a direct and proximate cause of Jude and Zachary Attianese’s deaths. The jury also concluded that Jude and Zachary Attianese experienced fright and shock prior to the crash, and experienced mental anguish and conscious pain and suffering between the time of the accident and their deaths. The jury awarded the estates a total of \$83,934,862.43.

Estate of Zachary Attianese  
\$9,000,000 Past Loss of Society Companion  
\$19,670,624.27 Future Loss of Society Companion  
\$12,000,000 fright and shock  
\$11,000,000 mental anguish and conscious pain and suffering  
**\$51,670,624.27 Plaintiff’s Total Award**  
Estate of Jude Attianese  
\$9,000,000 Past Loss of Society Companion  
\$3,264,238.16 Future Loss of Society Companion  
\$12,000,000 fright and shock  
\$8,000,000 mental anguish and conscious pain and suffering  
**\$32,264,238.16 Plaintiff’s Total Award**

## Trial Information:

**JUDGE:** Dana M. Hathaway

**TRIAL LENGTH:** 6 days

**TRIAL**

**DELIBERATIONS:** 0

**EDITOR’S COMMENT:** This report is based on an article published by VerdictSearch’s sister publication, the New York Law Journal, an ALM publication. Additional information was gleaned from court documents and provided by plaintiffs’ and defense counsel.

**WRITER:** Melissa Siegel

## MOTOR VEHICLE

# Speeding driver caused fatal collision, lawsuit alleged

**TYPE:** Verdict-Plaintiff  
**AMOUNT:** **\$53,728,050**  
**STATE:** Florida  
**VENUE:** Broward County  
**COURT:** Broward County Circuit Court, 17th, FL  
**INJURY TYPE(S):** *head*  
*neck* - fracture, cervical  
*chest* - fracture, rib; fracture, sternum  
*other* - death; tongue; abrasions; laceration; multiple trauma  
*cardiac* - heart; ventricle, tear  
*epidermis* - contusion  
**CASE TYPE:** *Motor Vehicle* - Truck; Head-On; Speeding; Center Line; Multiple Vehicle; Alcohol Involvement  
*Wrongful Death* - Survival Damages  
**CASE NAME:** Nancy H. Raik, entitled to appointment as Personal Representative of the Estate of Brian K. Raik, deceased, and on behalf of the Estate and Survivors of Brian K. Raik v. Elie Charles, No. CACE19022367  
**DATE:** April 11, 2023  
**PLAINTIFF(S):** Estate of Brian K. Raik (Male, 64 Years)  
**PLAINTIFF ATTORNEY(S):** Todd R. Falzone; Kelley | Uustal; Fort Lauderdale, FL for Estate of Brian K. Raik  
Fan Li; Kelley | Uustal; Fort Lauderdale, FL for Estate of Brian K. Raik  
**DEFENDANT(S):** Elie Charles  
Charlie Lawn Services Inc.  
**DEFENSE ATTORNEY(S):** None Reported for Elie Charles, Charlie Lawn Services Inc.

**FACTS:** On Sept. 3, 2019, plaintiff’s decedent Brian Raik, 64, a part-time rideshare driver, was operating a sedan westbound

on Atlantic Boulevard, near its intersection with Northwest 31st Avenue in Broward County. The road had a speed limit of 45 miles per hour. Elie Charles was operating a pickup truck eastbound on Atlantic Boulevard near the same intersection. The pickup hopped over the median and struck Raik's vehicle head-on. Raik suffered fatal injuries.

Raik's widow, Nancy Raik, acting as the personal representative of her late husband's estate and on behalf of his survivors, sued Charles. The estate alleged that Charles was negligent in the operation of his vehicle. The lawsuit was later amended to include a claim against Charles' employer, Charlie Lawn Services Inc., for vicarious liability.

The estate's counsel alleged that Charles was driving 73 mph prior to the crash. Per the estate's counsel, witnesses told police that Charles had been weaving in and out of traffic prior to the Northwest 31st Avenue intersection. Counsel alleged that Charles stopped for a red light at the intersection, but then continued speeding and driving around cars once the light turned green.

The estate's counsel claimed that the speeding truck had a worn-down back tire. Counsel alleged that the truck skidded on the wet road, causing the truck to jump the median and strike Raik's vehicle. Counsel also claimed that Charles was intoxicated at the time of the crash. According to the estate's counsel, police found three plastic cups and ash in the truck following the impact. Charles also allegedly posted a social media video that showed him smoking marijuana prior to the crash. The estate's counsel alleged that Charles drank alcohol before getting into the truck, as well.

The defendants did not have insurance coverage and their counsel withdrew prior to trial. A default judgment was entered against Charlie Lawn Services. Charles came to the courtroom for trial, but chose not to participate. The trial only addressed damages.

**INJURY:** Raik suffered abrasions and contusions to his head, and bit his tongue during the impact.

He also suffered fractures to his neck, ribs and sternum, plus lacerations to the right ventricle and the pericardial sac.

Raik was bleeding from both his nose and mouth at the scene. He was taken by ambulance to a nearby hospital, but was pronounced dead approximately one hour after the crash. His cause of death was multiple blunt force trauma injuries. He left behind his wife and two children: Jennifer and Matthew Raik. The children were both in their 20s at the time of the accident.

The estate sought recovery of \$28,049.52 in medical and funeral expenses and lost accumulations. The estate also sought \$17.9 million in damages for Nancy Raik's loss of companionship, protection, support and services, and for her pain and suffering. The estate additionally sought damages for Jennifer and Matthew Raik's loss of companionship, instruction, guidance, support and services, and for their pain and suffering.

Counsel asked the jury to award \$17.9 million in noneconomic damages to each of Brian Raik's children.

**RESULT:** The jury awarded the estate \$53,728,049.52.

Estate of Brian Raik

\$17,900,000 noneconomic damages for Jennifer Raik

\$28,049.52 funeral and medical expenses and lost accumulations

\$17,900,000 noneconomic damages for Nancy Raik

\$17,900,000 noneconomic damages for Matthew Raik

**\$53,728,049.52 Plaintiff's Total Award**

### Trial Information:

**JUDGE:** Michael A. Robinson

**TRIAL LENGTH:** 1 day

**TRIAL DELIBERATIONS:** 49 minutes

**JURY VOTE:** 6-0

**EDITOR'S COMMENT:** This report is based on information that was provided by plaintiff's counsel. Additional information was gleaned from court documents.

**WRITER:** Melissa Siegel

## MOTOR VEHICLE

### Passenger: Future care needed for traumatic brain injury

**TYPE:** Verdict-Plaintiff

**AMOUNT:** **\$50,004,912**

**ACTUAL AWARD:** **\$52,947,897**

**STATE:** California

**VENUE:** Los Angeles County

**COURT:** Superior Court of Los Angeles County, Santa Monica, CA

#### INJURY

**TYPE(S):** *head*

*brain - traumatic brain injury*

**CASE TYPE:** *Motor Vehicle - Broadside; Passenger;*

*Intersection; Tractor-Trailer; Multiple Vehicle*

**CASE NAME:** Dalia Gamboa, guardian ad litem for Joshua

Seth Hernandez v. Nathan Harris, Phenix

Transportation West, Inc., Phenix Transportation,

Inc., and Does 1 to 50, No. BC667551

**DATE:** April 07, 2022

**PLAINTIFF(S):** Joshua Seth Hernandez (Male, 17 Years)

**PLAINTIFF**

**ATTORNEY(S):** William D. Shapiro; Law Offices of William D. Shapiro; San Bernardino, CA for Joshua Seth Hernandez

**PLAINTIFF**

**EXPERT(S):** Barry I. Ludwig, M.D.; Neurology; Los Angeles, CA called by: William D. Shapiro  
Darryl R. Zengler, M.A., C.E.A.; Economics; Pasadena, CA called by: William D. Shapiro  
Sharon K. Kawai, M.D.; Life Care Planning; Fullerton, CA called by: William D. Shapiro

**DEFENDANT(S):** Nathan Harris  
Peco Foods Inc.  
Daphne P. Wilkerson  
Phenix Transportation, Inc.  
Phenix Transportation West, Inc.

**DEFENSE**

**ATTORNEY(S):** Daniel E. Kenney; Harrington, Foxx, Dubrow & Canter, LLP; Los Angeles, CA for Nathan Harris, Phenix Transportation West Inc., Phenix Transportation, Inc.  
None reported for Peco Foods Inc., Daphne P. Wilkerson

**FACTS:** On June 14, 2017, plaintiff Joshua Hernandez, 17, a student, was a passenger in a vehicle that was westbound on Southern Avenue, in South Gate. As his vehicle entered the intersection with Long Beach Boulevard, it was broadsided by a tractor-trailer operated by Nathan Harris, which entered the intersection from southbound Long Beach Boulevard.

Joshua sustained injuries to his head.

Joshua, by and through his guardian ad litem, Dalia Gamboa, sued Harris; Harris' employers that owned the tractor-trailer, Phenix Transportation West Inc. and Phenix Transportation Inc.; the shipper of the goods that was loaded in the tractor-trailer, Peco Foods Inc.; and the alleged owner of the Phenix companies, Daphne Wilkerson. Joshua alleged that Harris was negligent in the operation of his vehicle and that the remaining defendants were vicariously liable for Harris' actions.

Peco Foods was an independent contractor that was alleged to be vicariously liable on legal doctrines. However, its motion for demurrer was sustained. In addition, Wilkerson was dismissed from the case. Thus, the matter only proceeded to trial against Harris, Phenix Transportation West Inc. and Phenix Transportation Inc.

Harris and the Phenix companies ultimately accepted liability just before trial.

**INJURY:** Joshua was taken by ambulance from the scene of the accident and brought to a hospital, where he was diagnosed with a traumatic brain injury. He remained in the hospital for 10 days and was then transferred to another hospital, where he remained for many months.

Although Joshua does have cognitive function, he claimed he is not able to perform many activities himself. He alleged that he will require full-time care for the rest of his life.

The plaintiff's neurology expert described the anatomical nature and extent of Joshua's injuries, as well as the alleged need for future care.

The plaintiff's physical medicine and rehabilitation expert, who was also a life care planner, described Joshua's alleged future medical care and other needs, as well Joshua's alleged life expectancy. The expert also presented supporting evidence for her conclusions and a life care plan that set forth all of Joshua's alleged future needs.

The plaintiff's expert economist utilized the life care plan, as well as loss-of-earnings calculations, and converted them to present day values. Joshua was not employed at the time of the accident, and the economic report that was prepared by the plaintiff's expert economist outlined the economic damages Joshua allegedly suffered, the amounts of which were not disputed.

Joshua sought recovery of past and future medical costs, future loss of earnings, and damages for his past and future pain and suffering.

The parties ultimately stipulated to Joshua's past medical expenses and past economic damages.

Defense counsel disputed the nature and extent of Joshua's injuries. Counsel also disputed Joshua's life care plan and the conclusions made by the plaintiff's expert economist.

**RESULT:** The jury determined that Joshua's damages totaled \$50,004,912.

With the addition of the stipulated amounts of \$785,825.67 for Joshua's past economic loss and \$2,156,159 for Joshua's future loss of earnings, Joshua's recovery totaled \$52,947,896.67.

Joshua Hernandez  
\$786,825.67 Past Medical Cost  
\$20,004,912 Future Medical Cost  
\$2,156,159 Future Lost Earnings  
\$22,500,000 Future Pain Suffering  
\$7,500,000 Past Pain Suffering

**\$52,947,896.67 PLAINTIFF'S TOTAL AWARD**

**Trial Information:**

**JUDGE:** Lawrence Cho  
**TRIAL LENGTH:** 0  
**TRIAL** 0  
**DELIBERATIONS:**

**EDITOR'S COMMENT:** This report is based on information that was provided by plaintiffs' counsel. Defense counsel for Harris, Phenix Transportation West and Phenix Transportation did not respond to the reporter's phone calls. The Wilkersons and Peco Foods were not asked to contribute.

## Pickup exiting driveway failed to yield to motorcyclist: lawsuit

**TYPE:** Verdict-Plaintiff  
**AMOUNT:** **\$36,250,000**  
**STATE:** California  
**VENUE:** Los Angeles County  
**COURT:** Superior Court of Los Angeles County, Los Angeles, CA  
**INJURY**  
**TYPE(S):** *other* - death; multiple trauma  
**CASE TYPE:** *Wrongful Death*  
*Motor Vehicle* - Truck; Driveway; Motorcycle  
**CASE NAME:** Hortencia Andrade and Salvador Andrade v. Norman S. Wright Climatec Mechanical and Luis A. Tapia, No. 19STCV10659  
**DATE:** September 16, 2022  
**PLAINTIFF(S):** Salvador Andrade (Male, 0 Years)  
 Hortencia Andrade (Female, 0 Years)  
 Estate of David Andrade (Male, 26 Years)

**PLAINTIFF**

**ATTORNEY(S):** Arash Homampour; The Homampour Law Firm, PC; Sherman Oaks, CA for Estate of David Andrade, Hortencia Andrade, Salvador Andrade  
 Jason S. Halpern; Halpern & Associates; Westlake Village, CA for Estate of David Andrade, Hortencia Andrade, Salvador Andrade  
 Ronan J. Duggan; The Homampour Law Firm, PC; Sherman Oaks, CA for Estate of David Andrade, Hortencia Andrade, Salvador Andrade

**PLAINTIFF**

**EXPERT(S):** Steven Anderson, P.E.; Motorcycles; Laguna Hills, CA called by: Arash Homampour, Jason S. Halpern, Ronan J. Duggan  
 Joellen Gill, M.S.; Ergonomics/Human Factors; Mica, WA called by: Arash Homampour, Jason S. Halpern, Ronan J. Duggan

**DEFENDANT(S):** Luis A. Tapia  
 Norman S. Wright Climatec Mechanical Equipment of Southern California, LLC

**DEFENSE**

**ATTORNEY(S):** Daniel R. Friedenthal; Friedenthal, Heffernan & Brown, LLP; Pasadena, CA for Norman S. Wright Climatec Mechanical Equipment of Southern California, LLC, Luis A. Tapia

Michael G. Rix; Friedenthal, Heffernan & Brown, LLP; Pasadena, CA for Norman S. Wright Climatec Mechanical Equipment of Southern California, LLC, Luis A. Tapia  
 Ruth D. Kahn; Law Offices of John A. Hauser; Los Angeles, CA for Norman S. Wright Climatec Mechanical Equipment of Southern California, LLC, Luis A. Tapia

**DEFENDANT**

**EXPERT(S):** Carla Kinslow, Ph.D.; Toxicology; Portland, OR called by: for Daniel R. Friedenthal, Michael G. Rix, Ruth D. Kahn  
 David A. Krauss, Ph.D.; Ergonomics/Human Factors; Los Angeles, CA called by: for Daniel R. Friedenthal, Michael G. Rix, Ruth D. Kahn  
 Stein E. Husher, M.S.; Accident Reconstruction; Camarillo, CA called by: for Daniel R. Friedenthal, Michael G. Rix, Ruth D. Kahn  
 Stephen Garets; Motorcycles; Corvallis, OR called by: for Daniel R. Friedenthal, Michael G. Rix, Ruth D. Kahn

**FACTS:** On Oct. 23, 2018, plaintiffs’ decedent David Andrade, 26, a gate fabricator, was motorcycling on Bradley Avenue, in Los Angeles, when he was struck by a pickup truck operated by Luis Tapia, who was pulling out of a driveway in an attempt to make a left across the oncoming lane where Andrade was traveling. Andrade died immediately on impact.

The decedent’s mother, Hortencia Andrade, and the decedent’s father, Salvador Andrade, sued Tapia and Tapia’s employer, Norman S. Wright Climatec Mechanical Equipment of Southern California, LLC. The decedent’s parents alleged that Tapia was negligent in the operation of his vehicle and that Norman S. Wright Climatec Mechanical Equipment was vicariously liable for Tapia’s actions.

Plaintiffs’ counsel contended that David Andrade had the right of way and that Tapia failed to yield to him prior to exiting the driveway. Counsel also contended that Tapia should have seen and heard Andrade approaching on the roadway and that Tapia had sufficient time to observe Andrade before the accident.

Defense counsel argued that Tapia did not have enough time to avoid striking Andrade and that Andrade was at fault for the accident. Specifically, counsel argued that Andrade was speeding and had trace amounts of methamphetamine in his bloodstream.

**INJURY:** Andrade sustained multiple traumatic injuries and died immediately upon impact. He was survived by his parents.

Plaintiffs’ counsel claimed that Andrade was extremely close with his parents and that, in particular, there was never an adult son closer to a mother than Andrade’s relationship with his mother.

Andrade's parents sought recovery of wrongful death damages for the loss of their son's love, companionship, comfort, care, assistance, protection, affection, society and moral support.

**RESULT:** The jury found that Tapia was negligent and that his negligence was a substantial factor in causing Andrade's death. It also found that Andrade was negligent, but that his negligence was not a substantial factor in causing his own death. The jury determined that Andrade's mother's damages totaled \$18,125,000 and that Andrade's father's damages totaled \$18,125,000. Thus, Andrade's parents' damages totaled \$36.25 million.

## Trial Information:

**JUDGE:** Mark A. Borenstein  
**TRIAL LENGTH:** 16 days  
**TRIAL DELIBERATIONS:** 2 days

**POST TRIAL:** Defense counsel moved to set aside the verdict and for a new trial.

On Dec. 9, 2022, the court granted the defense's motion for a new trial on all issues.

**EDITOR'S COMMENT:** This report is based on information that was provided by plaintiffs' and defense counsel.

**CASE NAME:** Alan Moonsammy v. 656 Warwick Realty, LLC and Mecca Contracting, Inc., No. 521183/2017  
**DATE:** April 20, 2023  
**PLAINTIFF(S):** Alan Moonsammy (Male, 43 Years)  
**PLAINTIFF**  
**ATTORNEY(S):** Jeffrey A. Block; Block O'Toole & Murphy, LLP; New York NY for Alan Moonsammy  
S. Joseph Donahue; Block O'Toole & Murphy, LLP; New York NY for Alan Moonsammy  
Barry C. Root, M.D.; Physical Medicine; Roslyn Heights, NY called by: Jeffrey A. Block, S. Joseph Donahue  
Debra S. Dwyer, Ph.D.; Economics; East Setauket, NY called by: Jeffrey A. Block, S. Joseph Donahue  
**DEFENDANT(S):** Mecca Contracting, Inc.  
656 Warwick Realty, LLC  
RK Cooling & Heating System, LLC  
**DEFENSE**  
**ATTORNEY(S):** Michael J. Rabus; Ahmuty, Demers & McManus; New York, NY for RK Cooling & Heating System, LLC  
Robert Schnapp; Law Offices of Robert Schnapp; New York, NY for 656 Warwick Realty, LLC, Mecca Contracting, Inc.

**FACTS:** On Aug. 8, 2017, plaintiff Alan Moonsammy, 43, a construction worker employed by RK Cooling & Heating System LLC, was installing large air-conditioning units in a two-family house, which was being built at 656 Warwick Street, Brooklyn. In order to install a large AC unit on top of a bulkhead located on the building's rooftop, Moonsammy and three of his co-workers positioned themselves on top of the bulkhead while four other co-workers were located on the roof. The workers on the roof then lifted the AC unit and attempted to pass it to the workers on the bulkhead, who were pulling the AC unit upwards to put on top of the bulkhead. However, while they were in the process of manually hoisting the AC unit from the rooftop to the top of the bulkhead, Moonsammy fell off the bulkhead, landing on the roof 10 to 12 feet below. Moonsammy landed on his back, fracturing it.

Moonsammy sued the owner of the premises, 656 Warwick Realty LLC, and the general contractor for the project, Mecca Contracting Inc. Moonsammy alleged that the defendants violated the New York State Labor Law.

Mecca Contracting and 656 Warwick Realty impleaded Moonsammy's employer, RK Cooling & Heating, seeking indemnification.

Moonsammy claimed that a crane should have been used to lift the AC unit onto the bulkhead and that the defendants were negligent for failing to provide one. Thus, Moonsammy's counsel contended that the incident stemmed from an elevation-related

## CONSTRUCTION

# Plaintiff claimed crane should have been used to lift AC unit

**TYPE:** Verdict-Plaintiff  
**AMOUNT:** \$53,500,000  
**STATE:** New York  
**VENUE:** Kings County  
**COURT:** Kings Supreme, NY  
**INJURY**  
**TYPE(S):** *back* - fracture, back; fracture, T8; fracture, back; fracture, T9; fusion, thoracic; fracture, vertebra; fracture, T8; fracture, vertebra; fracture, T9  
*chest* - fracture, rib  
*other* - physical therapy  
*urological* - incontinence  
*surgeries/treatment* - open reduction  
*paralysis/quadruplegia* - paralysis; paraplegia  
**CASE TYPE:** *Construction* - Accidents; Labor Law  
*Slips, Trips & Falls* - Fall from Height

hazard, as defined by Labor Law § 240(1), and that Moonsammy was not provided the proper, safe equipment that is a requirement of the statute. Counsel also contended that the site was not properly safeguarded and that, as such, it violated Labor Law § 241(6).

Counsel further contended that the site violated the general safety provisions of Labor Law § 200.

Plaintiff's counsel moved for summary judgment on the issue of liability, and the defendants moved to dismiss the claims against them.

On July 16, 2021, Judge Peter Sweeney dismissed the Section 240(1) claim as to 656 Warwick Realty, and dismissed the Section 241(6) claims against both Mecca Contracting and 656 Warwick Realty. However, Sweeney denied the motions to dismiss the Section 200 claims against the defendants, leaving that matter for the trial judge, and granted plaintiff's counsel's motion for summary judgment on the issue of Labor Law § 240(1) as to Mecca Contracting only. Ultimately, 656 Warwick Realty was let out of the case, and the matter proceeded to trial against Mecca Contracting on the issue of damages only.

**INJURY:** Following the accident, Moonsammy was unable to move his lower extremities and he had no sensation below his waist. He was taken by ambulance to Brookdale Hospital Medical Center, in Brooklyn, where he was diagnosed with thoracic injuries, including a burst fracture of the T8 vertebra with retropulsed fragments into the spinal canal and a fracture of the right T9 transverse process. He also sustained several fractured ribs. In order to stabilize the spine, Moonsammy underwent emergency surgery, which consisted of an open reduction of the fracture dislocation and spinal fusion at the T6-7, T7-8, T8-9 and T9-10 levels. However, Moonsammy was ultimately rendered a paraplegic.

Moonsammy remained at Brookdale Hospital for approximately 2.5 weeks before being transferred to Mount Sinai Brooklyn for

inpatient rehabilitation. He remained at Mount Sinai Brooklyn for nearly three months, during which he underwent daily medical care from physical medicine, urology, infectious disease, and gastroenterology specialists. He also underwent daily nursing care, physical therapy, and occupational therapy.

Moonsammy remains a paraplegic and is wheelchair bound. He is also incontinent of bowel and bladder and he is required to self-catheterize. Moonsammy continues to require ongoing medical care and treats with various specialists, including physical medicine and urology experts. He also requires the daily use of medications and assistance with activities of daily living.

Moonsammy sought recovery for his past and future medical costs, and past and future pain and suffering.

**RESULT:** The jury determined that Moonsammy's damages totaled \$53.5 million.

Alan Moonsammy  
\$1,000,000 Past Medical Cost  
\$7,500,000 Future Medical Cost  
\$30,000,000 Future Pain Suffering  
\$15,000,000 Past Pain Suffering  
**\$53,500,000 Plaintiff's Total Award**

### **Trial Information:**

**JUDGE:** Reginald A. Boddie  
**TRIAL LENGTH:** 0  
**TRIAL DELIBERATIONS:** 45 minutes

**EDITOR'S COMMENT:** This report is based on information that was provided by plaintiff's and defense counsel. Additional information was gleaned from court documents.

**WRITER:** Priya Idiculla



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