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THE RECORDER

CALIFORNIA'S MILLION-DOLLAR SETTLEMENTS

2015

ALM

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CALIFORNIA'S MILLION-DOLLAR SETTLEMENTS

Welcome to The Recorder's annual report on California's 2015 million-dollar settlements. Content is from VerdictSearch, the leading provider of California verdict and settlements information. We have included a selection of summaries of the top settlements. These summaries are available through Verdict Search. Learn more at **verdictsearch com**.

Content is based on 2015 cases made public and reported to VerdictSearch. Private settlements — or settlements that otherwise include nondisclosure requirements — are not part of this compilation. Settlements are recorded as reported and may not include agreements or decisions subsequent to that settlement.

Hal Cohen
Publisher

ALM

SELECTED SETTLEMENT SUMMARIES – 2016

MOTOR VEHICLE

Skateboarder struck in crosswalk required leg amputation

Amount: $3,300,000

Type: Mediated Settlement

State: California

Venue: Statewide

Case Type: Recreation — Skateboard, Motor Vehicle - Crosswalk, Pedestrian, Automobile Insurance, Underinsured Motorist

Case Name: Patrick Domato v. Steven Klone / Patrick Domato v. Chartis Inc.

Date: November 19, 2015

Parties

Plaintiff(s): Patrick Domato (Male, 24 Years)

Plaintiff Attorney(s): Joseph R. Lucia; Rains Lucia Stern, PC; Pleasant Hill, CA, for Patrick Domato, Eustace de Saint Phalle; Rains Lucia Stern, PC; San Francisco, CA, for Patrick Domato

Defendant(s): Chartis Inc., Steven Klone

Defense Attorney(s): Daniel P. Fallon; Tyson & Mendes; La Jolla, CA, for Chartis Inc. Jessica G. Heppenstall; Tyson & Mendes; La Jolla, CA, for Chartis Inc., None reported; claims adjuster, USAA; for Steven Klone

Insurer(s): USAA

Facts:

On March 17, 2013, claimant Patrick Domato, an unemployed 24 year old, was skateboarding home from a friend's home in Santa Clarita. As he skateboarded up to the intersection of Decoro Drive and Grandview Drive and entered the

See **SETTLEMENTS** page 4

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#1 TOP CIVIL RIGHTS SETTLEMENT OF 2015

8,300,000

M.H. v. Alameda County and Corizon Health Inc., et al.

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TOP SETTLEMENTS

BICYCLE/ MOTOR VEHICLE	AWARD	COURT	VENUE	CASE	ATTORNEYS	FIRM	CITY	STATE
1	$5,500,000	Yolo County, Main Courthouse		Taylor v. Griffith	Brian J. Panish, Adam K. Shea and Ryan A. Casey of Panish Shea & Boyle LLP and co-counsel Scott J. Corwin, APLC	Panish Shea & Boyle LLP	Los Angeles	CA
2	$1,500,000	Los Angeles County Superior Court, Hanford Division		Jomsky v. Block	Daniel W. Dunbar and Alexander J. Behar of Panish Shea & Boyle LLP	Panish Shea & Boyle LLP	Los Angeles	CA
CIVIL RIGHTS	**AWARD**	**COURT**	**VENUE**	**CASE**	**ATTORNEYS**	**FIRM**	**CITY**	**STATE**
1	$8,300,000	United States District Court, Northern District, Oakland	Federal	M.H. v. County of Alameda	Michael Haddad and Julia Sherwin, Haddad & Sherwin. J. Andrada and Catherine Koss, Andrada & Associates. Nancy Hudgins and Matthew Grigg, Law Offices of Nancy E. Hudgins. William Dury Jr. and Jeffrey Hunter, Renaud Cook Drury Mesaros, P.A. Martha Stringer, Williams & Associates.	Haddad & Sherwin	Oakland	CA
CONSTRUCTION	**AWARD**	**COURT**	**VENUE**	**CASE**	**ATTORNEYS**	**FIRM**	**CITY**	**STATE**
1	$4,150,000	Superior Court of San Diego County, San Diego	San Diego County	Jin v. LS Interior Design	William Gilmore	Strassburg, Gilmore & Wei, LLP	Pasadena	CA
2	$3,600,000	Superior Court of Fresno County, Fresno	Fresno County	Marin v. Westech Systems Inc.	Megan Crosbie	Miles, Sears & Eanni, P.C.	Fresno	CA
3	$1,850,000	Superior Court of Santa Clara County, Santa Clara	Santa Clara County	Beckner v. Beacon Construction Inc.	Timothy McMahon	Corsiglia McMahon & Allard LLP	San Jose	CA
EMPLOYMENT	**AWARD**	**COURT**	**VENUE**	**CASE**	**ATTORNEYS**	**FIRM**	**CITY**	**STATE**
1	$4,000,000	Superior Court of Sacramento County, Sacramento	Sacramento County	Cerbone v. Roman Catholic Bishop of Sacramento	Tyler Clark, Clark Employment Law APC. David Lowe and Erin Pulaski, Rudy Exelrod & Zieff LLP	Clark Employment Law, APC	Encino	CA
2	$1,500,000	Superior Court of Los Angeles County, Los Angeles	Los Angeles County	Shoemaker v. City of Los Angeles	Matthew McNicholas	McNicholas & McNicholas LLP	Los Angeles	CA
3	$1,100,000	Superior Court of Los Angeles County, Los Angeles	Los Angeles County	Podesta v. City of Los Angeles	Matthew McNicholas	McNicholas & McNicholas LLP	Los Angeles	CA
GOVERNMENT	**AWARD**	**COURT**	**VENUE**	**CASE**	**ATTORNEYS**	**FIRM**	**CITY**	**STATE**
1	$5,000,000	United States District Court, Central District, Los Angeles	Federal	Gomez v. Peppler	Dale Galipo	Law Offices of Dale K. Galipo	Woodland Hills	CA
2	$1,750,000	United States District Court, Eastern District, Sacramento	Federal	Kozacenko v. Murrill	Ray Gallo	Gallo LLP	San Rafael	CA

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SETTLEMENTS

Continued from page 2

crosswalk, he was struck by a vehicle operated by Steven Klone. As a result, Domato was thrown approximately 40 feet, and he sustained injuries to his head and legs.

Domato brought a claim against Klone, alleging that Klone was negligent in the operation of his vehicle.

Klone's insurance carrier agreed to settle by tendering its $100,000 policy limit. Domato then sought further recovery via the supplementary-underinsured-motorist provision of his own insurance policy, which was administered by Chartis Inc., also known as Chartis Property and Casualty.

The matter proceeded to arbitration.

Claimant's counsel contended that Klone should have seen Domato walking across the intersection within the crosswalk and that Klone ignored multiple visual cues, including brake lights from another vehicle stopped at the intersection. Counsel asserted that Klone was likely timing/anticipating the traffic light as he approached the intersection and that Klone never saw Domato, in that Klone struck Domato without slowing or braking. Claimant's counsel contended that there was anywhere from 10 to 12 seconds that passed from the time Domato stepped off the curb to the time he was struck. Thus, counsel asserted that Klone had a clear line of sight of the well-lit intersection and would have had up until approximately 3.5 to four seconds prior to impact to take evasive action and avoid the collision. Thus, claimant's counsel asserted that Domato should have been visible within the crosswalk to Klone for six to seven seconds, if Klone had properly scanned the intersection prior to entering it at approximately 35 mph.

Chartis' counsel disputed Domato's contentions, nothing that the police report and investigation of the accident determined that Domato was at fault for the pedestrian/vehicle collision. Counsel asserted that Domato ran in front of Klone's vehicle while the light was red and with a "Don't Walk Symbol" for Domato's direction of travel. Counsel also noted that Klone claimed that he had a green light at the time of the impact.

Chartis' counsel presented various witnesses who testified that Domato began walking across the intersection while the light was green for his direction of traffic, but that when Domato was approximately halfway through the intersection, the traffic light controlling vehicular traffic on east/west Decoro Drive turned from red to green. Witnesses further claimed that Domato then began to run to get across the intersection and that in doing so, he ran in front of a stopped Mustang in the number 1 lane and into the number 2 lane, where Klone was traveling.

Klone claimed that he obtained a visual of the intersection from 150 yards away and was traveling at approximately 35 mph when the light turned green for his direction of travel. However, he claimed he did not see Domato in the crosswalk and did not see him until the moment of impact, when Domato ran out from behind the stopped Mustang. Thus, Klone alleged that Domato was responsible for the accident because he failed to look and see that there was oncoming traffic as he walked against a red pedestrian signal and then he darted out from behind a stopped car.

Injury:

Domato suffered complex fractures to both legs, a non-displaced fracture of the left occipital bone, and a mild traumatic brain injury. He was subsequently taken by ambulance to a hospital, where he underwent open reduction and internal fixation surgeries to each leg within five days of accident. However, the fracture to his right leg was so severe that it developed recurrent infections over the next two months. As a result, he required a through-the-knee amputation of his right leg on June 1, 2013.

Domato now walks with a prosthetic leg.

Chartis' counsel disputed the extent of Domato's brain injury and asserted that Domato no longer suffered any symptoms from his concussion.

Result:

The parties agreed to settle the underinsured-motorist claim for $3.2 million. The settlement was finalized via the guidance of mediator Steven Denton, of Judicate West.

With the addition of the prior $100,000 settlement with Klone's carrier, Domato's total recovery was $3.3 million.

Trial Information:

Judge: Steven R. Denton

See **SETTLEMENTS** page 6

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3	$1,000,000	Superior Court of San Diego County, San Diego	San Diego County	Chanterelle v. County of San Diego	Brody McBride	Singleton Law Firm, APC	Solana Beach	CA
RANK	**AWARD**	**COURT**	**VENUE**	**CASE**	**ATTORNEYS**	**FIRM**	**CITY**	**STATE**
1	$1,350,000	Superior Court of Santa Clara County, Santa Clara	Santa Clara County	Kong v. London Bridge Resort, LLC	Boris Efron	Law Offices of Boris E. Efron	Portola Valley	CA
INTELLECTUAL PROPERTY	**AWARD**	**COURT**	**VENUE**	**CASE**	**ATTORNEYS**	**FIRM**	**CITY**	**STATE**
1	$210,000,000	Superior Court of Los Angeles County, Los Angeles	Los Angeles County	Capitol Records, LLC v. Sirius XM Radio Inc.	Marc E. Mayer	Mitchell Silberberg & Knupp LLP	Los Angeles	CA
INTENTIONAL TORTS	**AWARD**	**COURT**	**VENUE**	**CASE**	**ATTORNEYS**	**FIRM**	**CITY**	**STATE**
1	$1,250,000	Superior Court of Santa Barbara County, Santa Barbara	Santa Barbara County	Nigro v. Sofranko	Robert Clayton	Taylor & Ring, LLP	Los Angeles	CA
MOTOR VEHICLE	**AWARD**	**COURT**	**VENUE**	**CASE**	**ATTORNEYS**	**FIRM**	**CITY**	**STATE**
1	$10,999,999	Superior Court of San Francisco County, San Francisco	San Francisco County	Stoll v. City and County of San Francisco	Randall Scarlett, Scarlett Law Group, San Francisco,CA. Brendan Way, Scarlett Law Group, San Francisco,CA.; Thomas Malone, Malone Law Office; Karen Kirby, Office of the City Attorney, San Francisco, CA.; Landa Low, California Department of Transportation, Legal Division, San Francisco, CA	Scarlett Law Group, Malone Law Office, Office of the City Attorney, San Francisco, CA., California Department of Transportation, Legal Division, San Francisco, CA	San Francisco	CA

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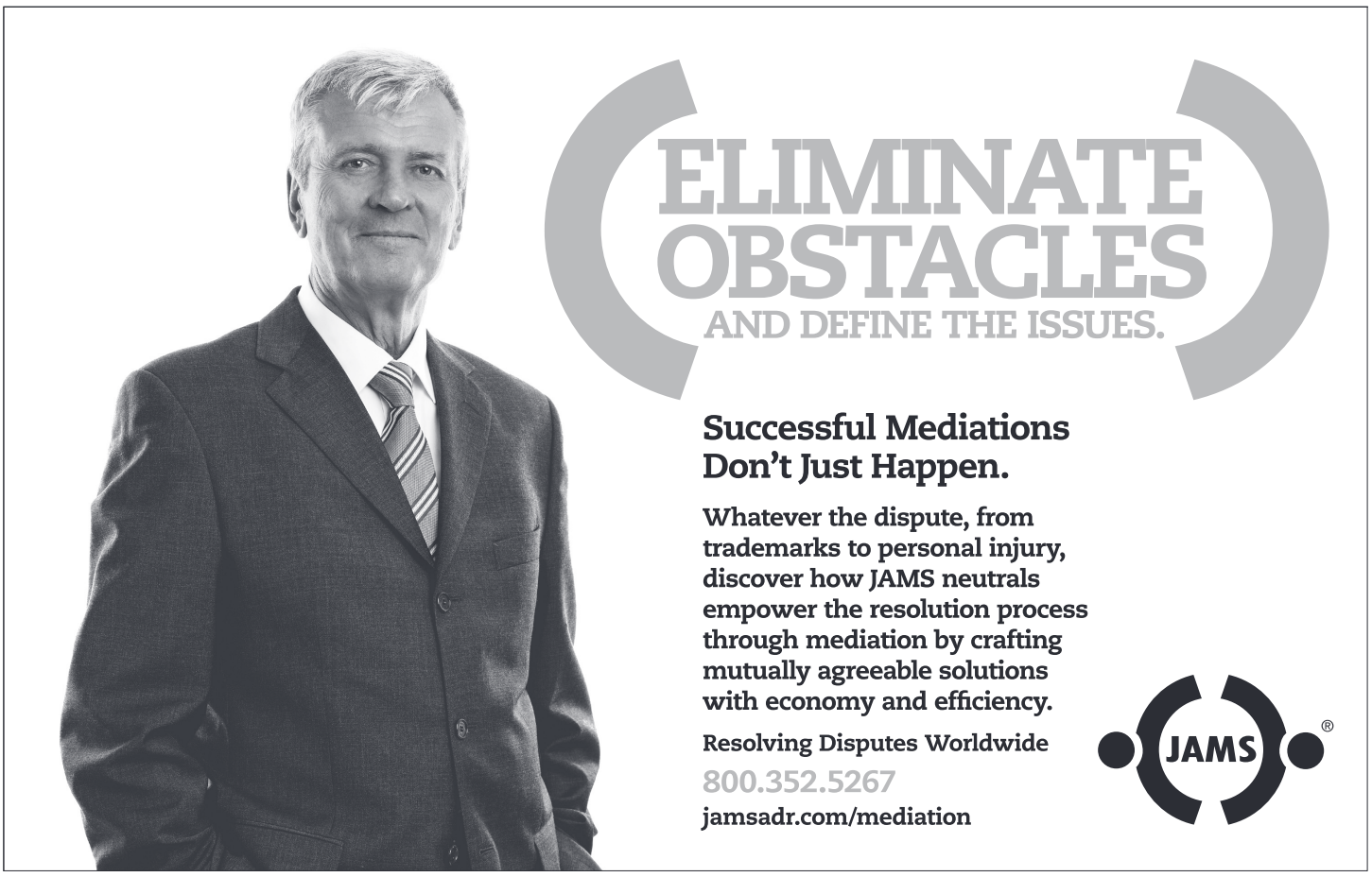

SETTLEMENTS

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Editor's Comment: This report is based on information that was provided by Domato's counsel. Counsel for Chartis andKlone's adjuster declined to contribute.

MOTOR VEHICLE

Plaintiff claimed multiple fractures from intersection crash

Amount: $2,650,000

Type: Settlement

State: California

Venue: Los Angeles County

Case Type: Motor Vehicle - Truck, Left Turn, Intersection

Case Name: Rosalina Chin v. Gold Coast Refractory Service, Inc., Dennis Cameron Ward, and Does 1 through 20

Date: September 8, 2015

Parties

Plaintiff(s): Rosalina Chin (Male, 67 Years)

Plaintiff Attorney(s): Brian J. Panish; Panish Shea & Boyle LLP; Los Angeles, CA, for Rosalina Chin, Jason B. Javaheri; Javaheri & Yahoudai; Century City, CA, for Rosalina Chin, Yosi Yahoudai; Javaheri & Yahoudai; Century City, CA, for Rosalina Chin

Defendant(s): Dennis Cameron Ward, Gold Coast Refractory Service, Inc.

Defense Attorney(s): David A. Tartaglio; Musick, Peeler, & Garrett; Los Angeles, CA, for Dennis Cameron Ward, Gold Coast Refractory Service, Inc., Mary Childs; Yoka & Smith, LLP; Los Angeles, CA, for Dennis Cameron Ward, Gold Coast Refractory Service, Inc.

Insurer(s): RSUI Group Inc.

Facts:

On March 21, 2013, plaintiff Rosalina Chin, 67, an IT specialist/computer programmer, was driving in Whittier. As she entered the intersection of Norwalk Boulevard and Saragosa Street, her vehicle was struck by a truck operated by Dennis Ward, who was attempting a left turn. Chin claimed injuries to her left femur, left knee, right foot, cervical spine, and her left wrist.

Chin sued Ward and Ward's employer, Gold Coast Refractory Service Inc. Chin alleged Ward was negligent in the operation of the truck and that Gold Coast Refractory Service was vicariously liable for Ward's actions while he was within the course and scope of his employment.

Plaintiff's counsel contended that Ward failed to stop at a red arrow light and failed yield to oncoming traffic. Counsel also contended that the collision occurred while Ward was driving his truck on the job and performing work duties for Gold Coast Refractory Service.

The defendants conceded liability.

Injury:

Chin's vehicle sustained significant property damage, and Chin sustained fractures to her left femur, left knee, right foot, left wrist, and cervical spine, at the C2 level. She was subsequently taken to LAC+USC Medical Center, in Los Angeles, and then transferred to Garfield Medical Center, in Monterey Park. The fractures to Chin's left femur, left knee, and right foot all required surgeries and extensive post-operation rehabilitation.

Chin claimed that she still suffers from intermittent pain and limited range of motion in her left leg and foot.

Result:

The parties agreed to a $2.65 million settlement prior to trial. Of the total settlement, Gold Coast Refractory Service's primary insurance carrier agreed to tender its $1 million policy limit and Gold Coast Refractory Service's excess carrier agreed to pay the remaining $1.65 million on behalf of both Ward and Gold Coast Refractory Service.

Trial Information:

Judge: Elia Weinbach

Editor's Comment: This report is based on information that was provided by plaintiff's counsel. Defense counsel did not respond to the reporter's phone calls.

MOTOR VEHICLE

Struck pedestrian suffered leg and hand fractures

Amount: $1,250,000

Type: Settlement

State: California

Venue: Solano County

Case Type: Motor Vehicle - Cell Phone, Pedestrian, Intersection

Case Name: Stephanie Murillo v. Brian Stafford and ChemSW, Inc.

Date: October 23, 2015

Parties

Plaintiff(s): Stephanie Murillo (Male, 19 Years)

Plaintiff Attorney(s): Igor Kopilenko; Allegiance Law; San Francisco, CA, for Stephanie Murillo, Jason, A. Lundberg; Allegiance Law; San Francisco, CA, for Stephanie Murillo
Christina J. Collins; Allegiance Law; San Francisco, CA, for Stephanie Murillo

Defendant(s): ChemSW, Inc., Brian Stafford

Defense Attorney(s): Gordon W. Bowley; Powers & Miller; Sacramento, CA, for Brian Stafford, Howard R. Weber; Rogaski, Preovolos, Weber & Patterson, LLP; Napa, CA, for ChemSW, Inc.

Insurer(s): Travelers Property Casualty Corp.

Facts:

See **SETTLEMENTS** page 8

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SETTLEMENTS

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On May 13, 2013, plaintiff Stephanie Murillo, a 19-year-old student, was crossing a street in Fairfield. Prior to entering the intersection, Murillo changed the music on her cell phone, which was being played at approximately half volume through earphones. At the same time, a vehicle operated by Brian Stafford was making a left turn. Stafford did not initially notice Murillo, who was crossing with the light, and the vehicle came to rest on Murillo's left hand. Murillo suffered injuries to her left leg and hand.

Murillo sued Stafford and Stafford's employer, ChemSW Inc. Murillo alleged that Stafford was negligent in the operation of the vehicle and that ChemSW Inc. was vicariously liable for Stafford's actions while in the course and scope of his employment. Specifically, she claimed that at the time of the accident, Stafford was driving from the ChemSW Inc. facility to his home office to conduct a meeting.

Defense counsel argued that Murillo was comparatively at fault, as she was operating her cell phone at the time of the incident.

Counsel for ChemSW Inc. contested whether Stafford was working in the course and scope of his employment at the time that the incident occurred.

Injury:

Murillo sustained a fracture of the left femur. She also sustained a degloving injuries and fractures of the middle and ring fingers of her left, non-dominant hand. Murillo was subsequently taken by ambulance to a hospital. For repair she underwent an intramedullary nailing surgery, during which a metal rod was inserted into the marrow canal of Murillo's femur and then screwed into place. Pins were also inserted into Murillo's middle and ring fingers. The wounds in her left hand were then irrigated, sutured, dressed, and splinted. Murillo then underwent a Z-plasty, a versatile plastic surgery technique that is used to improve the functional and cosmetic appearance of scars. The procedure was performed on her middle and ring fingers in order to provide greater range of motion.

Murillo claimed that despite surgery, she will continue to experience difficulty with her pinch and grip strength in her left hand.

Result:

Prior to trial, the parties agreed to a $1.25 million settlement. Of the total settlement, Stafford's insurer paid $250,000 and ChemSW's insurer paid $1 million.

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Trial Information:

Judge: Harry S. Kinnicutt

Editor's Comment: This report is based on information that was provided by plaintiff's counsel. Defense counsel did not respond to the reporter's phone calls.

EMPLOYMENT

Sergeant demoted after reporting violations, suit alleged

Amount: $1,100,000

Type: Settlement

State: California

Venue: Los Angeles County

Case Type: Government – Police, Employment – Retaliation, Government – Municipalities, Employment - Race Discrimination

Case Name: David Podesta v. City of Los Angeles, Los Angeles Police Department, Chief Charlie Beck, Captain Ruben De La Torre, Deputy Chief Debra McCarthy, Captain Evangelyn Nathan, and Does 1 through 100

Date: May 1, 2015

Parties

Plaintiff(s): David Podesta (Male)

Plaintiff Attorney(s): Matthew S. McNicholas; McNicholas & McNicholas LLP; Los Angeles, CA, for David Podesta, Douglas D. Winter; McNicholas & McNicholas LLP; Los Angeles, CA, for David Podesta

Defendant(s): Charlie Beck, Debra McCarthy, Evangelyn Nathan, Ruben De La Torre, City of Los Angeles, Los Angeles Police Department

Defense Attorney(s): Jennifer S. Pucher; Office of the City Attorney; Los Angeles, CA, for Charlie Beck, Debra McCarthy, Evangelyn Nathan, Ruben De La Torre, City of Los Angeles, Los Angeles Police Department, Michael N. Feuer; Office of the City Attorney; Los Angeles, CA, for Charlie Beck, Debra McCarthy, Evangelyn Nathan, Ruben De La Torre, City of Los Angeles, Los Angeles Police Department, Wayne H. Song; Office of the City Attorney; Los Angeles, CA, for Charlie Beck, Debra McCarthy, Evangelyn Nathan, Ruben De La Torre, City of Los Angeles, Los Angeles Police Department, Thomas H. Peters; Office of the City Attorney; Los Angeles, CA, for Charlie Beck, Debra McCarthy, Evangelyn Nathan, Ruben De La Torre, City of Los Angeles, Los Angeles Police Department

Facts:

In 2009, plaintiff David Podesta, a white Sergeant II Officer in charge of the Community Relations Office at the Los Angeles Police Department's West Los Angeles Division, began to be supervised by a new Area Commanding Officer, Captain Evangelyn Nathan, who was black. Within six months of Nathan's arrival, the highest levels of the LAPD command staff received multiple anonymous letters complaining about discrimination and retaliation at the West L.A. Division, including the alleged preferential treatment of black officers.

Over the next few years, Podesta received a series of negative comments in his personnel record, his chain-of-command was altered, and Internal Affairs complaints were made against him. Based on the negative documentation and internal complaints, Podesta was demoted in 2011 from Sergeant II to Sergeant I and was thereafter transferred to another division.

Podesta sued Nathan; additional command staff members, Chief Charlie Beck, Captain Ruben De La Torre, and Deputy Chief Debra McCarthy; and the officers' employers, the city of Los Angeles and the Los Angeles Police Department. Podesta claimed that the defendants' actions constituted racial discrimination and retaliation.

Podesta contended that after Nathan arrived at the West L.A. Division, he received negative Comment Cards and Notices to Correct after reporting what he believed to be violations of law by command staff, including a captain covering his license plate with duct tape to avoid paying highway tolls. Podesta claimed that this resulted in adverse documentation in his personnel package. He also claimed that Nathan altered his chain-of-command so that a subordinate black officer was no longer required to report to him. In addition, Podesta claimed that Nathan initiated an Internal Affairs complaint against him for allegedly failing to timely complete a project and that another Internal Affairs complaint was

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SETTLEMENTS

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levied against him for allegedly failing to provide Nathan with a notice of certain events. However, he noted that the second Internal Affairs complaint was later was deemed unfounded. Podesta contended that the negative documentation and internal complaints, caused him to be demoted in 2011 and then transferred to another division. Thus, he claimed that he was racially discriminated against because he was not of color and that he was retaliated against for reporting what he believed to be unlawful conduct.

Injury:

Podesta joined the LAPD in 1995 and worked his way up to Sergeant II, acting as the officer in charge of the Community Relations Office. However, he was ultimately demoted to Sergeant I in 2011 and was then transferred to another division. He claimed that as a result, he suffered humiliation, embarrassment, anxiety, and mental anguish.

Thus, Podesta sought recovery of damages for his emotional distress.

Result:

Prior to trial, the city of Los Angeles agreed to settle with Podesta for $1.1 million on behalf of all of the defendants.

Trial Information:

Judge: Gregory Keosian

Editor's Comment: This report is based on information that was provided by plaintiff's and defense counsel.

CIVIL RIGHTS

Decedent's family: Jail failed to treat withdrawal symptoms

Amount: $8,300,000

Type: Mediated Settlement

State: California

Venue: Federal

Case Type: Government - Police, Counties, Civil Rights - 42 USC 1983, Medical Malpractice - Nurse
Government - Excessive Force, Civil Rights - Police as Defendant, Worker/Workplace Negligence - Negligent Training

Case Name: M.H., a minor, through his Guardian Ad Litem, Michelle Henshaw, Joseph Harrison, Krystle Harrison, Martin Harrison, Jr., and Tiffany Harrison, all Individually and as Co-Successors in Interest of Decedent Martin Harrison v. County of Alameda, a municipal corporation; Sheriff Gregory J. Ahern, in his individual and official capacities; Deputies Matthew Ahlf, Alejandro Valverde, Joshua Swetnam, Roberto Martinez, Zachary Litvinchuk, Ryan Madigan, Michael Bareno, Fernando Rojas-Castaneda, Shawn Sobrero, Solomon Unubun, and Does 1-20, individually, jointly and severally

Date: February 10, 2015

Parties

Plaintiff(s): M. H., Joseph Harrison (Male, 25 Years), Krystle Harrison (Male, 26 Years), Tiffany Harrison (Male, 28 Years), Martin Harrison Jr. (Male, 26 Years), Estate of Martin Harrison (Male, 49 Years)

Plaintiff Attorney(s): Julia Sherwin; Haddad & Sherwin LLP; Oakland, CA, for M. H., Joseph Harrison, Krystle Harrison, Tiffany Harrison, Martin Harrison Jr., Estate of Martin Harrison
Michael J. Haddad; Haddad & Sherwin LLP; Oakland, CA, for M. H., Joseph Harrison, Krystle Harrison, Tiffany Harrison, Martin Harrison Jr., Estate of Martin Harrison, Richard H. Friedman; Friedman | Rubin; Bremerton, A, for M. H., Joseph Harrison, Krystle Harrison, Tiffany Harrison, Martin Harrison Jr., Estate of Martin Harrison

Plaintiff Expert(s): Jack Ryan ; Police Practices & Procedures; Indianapolis, IN called by: for Julia Sherwin Michael J. Haddad Richard H. Friedman
Kathryn Burns M.D.; Forensic Psychiatry; Westlake, OH called by: for Julia Sherwin Michael J. Haddad Richard H. Friedman
Larissa Mooney M.D.; Psychiatry; Los Angeles, CA called by: for Julia Sherwin Michael J. Haddad Richard H. Friedman
Michael Baden M.D.; Forensic Pathology; New York, NY called by: for Julia Sherwin Michael J. Haddad Richard H. Friedman
M. Patricia Fisher ; Document Examination; Albany, CA called by: for Julia Sherwin Michael J. Haddad Richard H. Friedman

Defendant(s): Matthew Ahlf, Ryan Madigan, Shawn Sobrero, Joshua Swetnam, Michael Bareno, Solomon Unubun, Gregory J. Ahern, Harold Orr, M.D., Roberto Martinez, County of Alameda, Alejandro Valverde, Megan Hast, A.S.W., Zachary Litvinchuk, Corizon Health, Inc., Zelda Sancho, L.V.N., Fernando Rojas-Castaneda

Defense Attorney(s): Nancy E. Hudgins; Law Offices of Nancy E. Hudgins; San Francisco, CA, for Harold Orr, M.D., Corizon Health, Inc.
J. Randall Andrada; Andrada & Associates; Oakland, CA, for Matthew Ahlf, Ryan Madigan, Shawn Sobrero, Joshua Swetnam, Michael Bareno, Solomon Unubun, Gregory J. Ahern, Roberto Martinez, County of Alameda, Alejandro Valverde, Megan Hast, A.S.W., Zachary Litvinchuk, Fernando Rojas-Castaneda, Matthew M. Grigg; Law Offices of Nancy E. Hudgins; San Francisco, CA, for Harold Orr, M.D., Corizon Health, Inc., Martha M. Stringer; Williams & Associates; Sacramento, CA, for Zelda Sancho, L.V.N., Catherine E. Koss; Andrada & Associates; Oakland, CA, for Matthew Ahlf, Ryan Madigan, Shawn Sobrero, Joshua Swetnam, Michael Bareno, Solomon Unubun, Gregory J. Ahern, Roberto Martinez, County of Alameda, Alejandro Valverde, Megan Hast, A.S.W., Zachary Litvinchuk, Fernando Rojas-Castaneda, William W. Drury, Jr.; Renaud Cook Drury Mesaros, P.A.; Phoenix, AZ, for Matthew Ahlf, Ryan Madigan, Shawn Sobrero, Joshua Swetnam, Michael Bareno, Solomon Unubun, Gregory J. Ahern, Roberto Martinez, County of Alameda, Alejandro Valverde, Megan Hast, A.S.W., Zachary Litvinchuk, Fernando Rojas-Castaneda, Jeffrey S. Hunter; Renaud Cook Drury Mesaros, P.A.; Phoenix, AZ, for Matthew Ahlf, Ryan Madigan, Shawn Sobrero, Joshua Swetnam, Michael Bareno, Solomon Unubun, Gregory J. Ahern, Roberto Martinez, County of Alameda, Alejandro Valverde, Megan Hast, A.S.W., Zachary Litvinchuk, Fernando Rojas-Castaneda

Facts:

On Aug. 13, 2010, plaintiffs' decedent Martin Harrison, 49, a laid off electrical supply worker, was arrested for jaywalking in Oakland, and a warrant check revealed a bench warrant for his arrest for failing to appear at court for a driving-under-the-influence (DUI) charge in April 2010. He was subsequently arrested and booked into the Alameda County jail system's Glenn E. Dyer Detention Facil-

See **SETTLEMENTS** page 11

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CONTINUED FROM PAGE 5

3	$8,000,000	Los Angeles County		Moradi, Majid v. Judy Bamberger	Brian J. Panish, Thomas A. Schultz, Deborah S. Chang of Panish Shea & Boyle LLP and co-counsel Wayne McClean and Christopher K. Roberts of the Law Office of Wayne McClean	Panish Shea & Boyle LLP	Los Angeles	CA
4	$6,355,776	Kern County Superior Court, Metropolitan Division		Portis v. Western Wineline Inc.	Brian J. Panish and David Rudorfer of Panish Shea & Boyle LLP and Curtis E. Floyd of Law Offices of Floyd & Horrigan	Panish Shea & Boyle LLP	Los Angeles	CA
5	$3,750,000	Los Angeles County Supe-rior Court, North County		Tribuno v. Antelope Valley Newspaper	Brian J. Panish and David Rudorfer of Panish Shea & Boyle LLP	Panish Shea & Boyle LLP	Los Angeles	CA
6	$2,600,000	San Bernardino County Superior Court		Torres/ Anchondo v. Galindo	Adam K. Shea, Patrick K. Gunning of Panish Shea & Boyle LLP and co-counsel Arash Khorsandi	Panish Shea & Boyle LLP	Los Angeles	CA
7	$2,020,000	Orange County Superior Court, Central District		Remeyer v. La Sirena Grill	Brian J. Panish, Rahul Ravipudi and Robert Glassman of Panish Shea & Boyle LLP and co-counsel Susan Cameron Kelley of The Law Offices of Susan Cameron Kelley	Panish Shea & Boyle LLP	Los Angeles	CA

CONTINUED ON PAGE 12

CLARK EMPLOYMENT LAW, APC

Tyler F. Clark

RUDY EXELROD ZIEFF & LOWE LLP

David A. Lowe

Erin M. Pulaski

Largest Employment Law Settlement of 2015:
Cerbone v. Roman Catholic Bishop of Sacramento

A Sacramento jury found in favor of our client on his defamation and whistleblower retaliation claims. During the punitive damages phase, the defendant agreed to pay a $4 million judgment.

We are honored to be recognized with so many champions of justice on this list and to have represented Chris Cerbone, who stood up for justice and prevailed.

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SETTLEMENTS

Continued from page 9

ity, in Oakland.

Alameda County contracts with the for-profit corporation, Corizon Health Inc., to provide medical services to inmates in Alameda County's jails. Corizon assigned Licensed Vocational Nurse Zelda Sancho to do an unsupervised intake medical screening on Harrison, who allegedly told Sancho that he drinks every day, that his last drink was on the day of his arrest, and that he had a history of alcohol withdrawal. Allegedly, Sancho initially decided to put Harrison on alcohol withdrawal protocols, but then changed her mind and sent him into the general jail population with no medical follow-up whatsoever.

Two days later, Harrison went into severe alcohol withdrawal, Delirium Tremens (DT's), a life-threatening medical emergency that is fatal in up to 35 percent of cases. When Harrison began hallucinating, Deputy Matthew Ahlf put Harrison into an isolation cell. However, Ahlf did not summon any medical or mental health care. As a result, Harrison languished in isolation for over 14 hours before flooding the isolation cell by plugging his toilet.

When Ahlf came to move Harrison out of the flooded cell, Harrison had his mattress over his head and was screaming that people were trying to kill him. Ahlf did not use a cuffing port to handcuff Harrison before trying to move him. Thus, when Harrison "tensed" during his interaction with Ahlf and looked at the deputy with a "thousand mile stare," Ahlf shoved him to the back of the cell and shocked Harrison twice with a Taser. He then called for backup, claiming that Harrison was attacking him. Nine other deputies arrived, and the 10 deputies allegedly repeatedly beat, kicked, and shocked Harrison with a Taser until he was unconscious. Harrison was then transferred to Valley Care Medical Center, in Pleasanton. However, Harrision never regained consciousness and he died two days later, on Aug. 18, 2010.

The decedent's four adult children (Joseph Harrison, Krystle Harrison, Martin Harrison Jr., and Tiffany Harrison) and the decedent's minor child (through the child's guardian ad litem, the decedent's wife, Michelle Henshaw) sued the 10 deputies, Matthew Ahlf, Alejandro Valverde, Joshua Swetnam, Roberto Martinez, Zachary Litvinchuk, Ryan Madigan, Michael Bareno, Fernando Rojas-Castaneda, Shawn Sobrero, Solomon Unubun; the deputies' supervisor, Sheriff Gregory Ahern; and their employer, the county of Alameda. The decedent's children also sued the Licensed Vocational Nurse, Zelda Sancho; Dr. Harold Orr; a social worker, Megan Hast; and their employer, Corizon Health Inc.

The unidentified minor plaintiff, M.H., accepted a $1 million in 2013. Thus, the matter proceeded to trial on the claims of the four adult plaintiffs.

Plaintiffs' counsel contended that Corizon allowed its licensed vocational nurse, Sancho, to do an unsupervised intake medical screening of the decedent, who was then sent into the general jail population with severe alcohol withdrawal. Counsel asserted evidence revealed that Corizon had licensed vocational nurses do work outside their legal scope of practice. Counsel noted that, under California law, licensed vocational nurses are not allowed to practice independently, and must be supervised by a physician or registered nurse at all times. Also under the law, licensed vocational nurses are allowed to collect data, but they are not allowed to do a nursing assessment on patients or formulate a plan for the patient's care. Plaintiffs' counsel further contended that Corizon pays licensed vocational nurses about 35 percent less than it pays registered nurses and that it allows licensed vocational nurses to do the work of registered nurses. Accordingly, counsel contended that for every licensed vocational nurse that Corizon allowed to do the work of an registered nurse, Corizon saved 35 percent in nursing costs. In addition, plaintiffs' counsel asserted that the decedent should have been put on alcohol withdrawal protocols, which would have allowed him to detoxify from alcohol safely, but that instead, the decedent was placed in an isolation cell when he began hallucinating.

Plaintiffs' counsel noted that the decedent weighed 142 pounds and was outnumbered 10-1 and that the deputies admitted that the decedent never struck or kicked any of them. Counsel contended that despite the decedent never striking any deputy, the decedent was severely beaten and shocked into unconsciousness by 10 sheriff's deputies. Thus, plaintiffs' counsel asserted that the deputies' actions constituted excessive force and deliberate indifference to serious medical needs. Counsel also asserted that the 10 deputies did not receive the required biennial training, pursuant to national accrediting standards set forth by the National Commission on Correctional Healthcare (NCCHC), and that the deputy who encountered the decedent while the decedent was in life-threatening DT, Ahlf, was negligent for failing to summon the medical care that the decedent needed. In addition, counsel asserted that the county was negligent for failing to properly train Ahlf to recognize the signs and symptoms of the decedent's withdrawal.

Defense counsel contended that the decedent lied to Sancho and told her that he did not have a history of alcohol withdrawal or an alcohol problem. Counsel also contended that the decedent never told any of the nursing staff or correctional staff that he had a drinking problem and that the decedent failed to inform the medical or jail staff when he began experiencing withdrawal.

The county claimed that its deputies received adequate training and that only the amount of force necessary was used in restraining the decedent. It also claimed that the deputies were attempting to subdue the decedent and that the decedent was only beaten because he was struggling against the deputies' attempts to subdue him.

Defense counsel contended that it took nine deputies to subdue the decedent and that the decedent seemed to have superhuman strength while he was struggling and refusing to cooperate the entire time.

Corizon's counsel contended that if the deputies had informed Corizon at any time that the decedent was in withdrawal, Corizon's employees would have saved him, but that, instead, the deputies beat the decedent to death.

In response, the county's counsel contended that shocking the decedent with Tasers and beating him did not cause the decedent's death, but that the decedent died from untreated alcohol withdrawal caused by Corizon's failures. The county's counsel further contended that the decedent's death was caused by a combination of DTs and the decedent's exertion, which, when combined, led to cardiac arrest.

Injury:

Martin Harrison sustained numerous contusions and abrasions from the incident with the 10 deputies and he shocked with a Taser several times. He ultimately became unconscious. He was then transferred to Valley Care Medical Center, in Pleasanton, but he never regained consciousness. Harrision died two days later, on Aug. 18, 2010. He was 49 years old.

The decedent previously met Rosemarie Martinez in 1984, at the age of 23, and they were married in 1986. They had four children, Tiffany Harrison, twins Martin Harrison Jr. and Krystle Harrison, and youngest son Joseph Harrison. In 1993, the decedent and Martinez divorced, but the decedent allegedly maintained close and loving relationships with his children, and a close friendship with Martinez, for the rest of his life. In 2003, the decedent had a fifth child with Michelle Henshaw.

The decedent was allegedly very close with his siblings and mother, Willmanette, but that his mother died in 2008. Distraught, he began drinking to excess and became alcohol dependent. The decedent allegedly knew he had a drinking problem, and wanted to stop. His children claimed that their father cried about his drinking problem when they discussed it with him. In April 2010, the decedent was involved in an automobile accident (which did not cause any injuries) while he was intoxicated. He allegedly felt awful about the accident and knew he needed to recover from his alcohol dependence. He also allegedly knew he would serve time in jail, and his children claimed that he told them that he planned to use his time in jail to detox from alcohol and start on a healing path.

The decedent is survived by his children, Tiffany Harrison (age 28), twins Martin Harrison Jr. and Krystle Harrison (ages 26), Joseph Harrison (age 25), and "M.H." (a minor). He is also survived by two grandsons; and his siblings Sharon, Gerald, Diane, Denise, Jenny, and Sheila. Another brother, Earl, predeceased him.

The decedent's children sought recovery of wrongful death damages for the loss of their father.

Defense counsel contended that the decedent had a longstanding alcohol problem and that the decedent had an estranged relationship with his children. Defense counsel noted that in the children's testimonies, one of them said that he or she had not spoken with the decedent for two years, while a couple of the children said that they had spoken with the decedent a few times.

Result:

The parties ultimately agreed to a $9.3 million total settlement.

Alameda County and Corizon paid $1 million to settle the minor plaintiff's (M.H.'s) claims in 2013, and the matter proceeded to trial on the claims of the four adult plaintiffs. However, after the first week of a 10-week trial, Alameda County and Corizon (on behalf of themselves and their employees) agreed to pay Tiffany Harrison, Martin Harrison Jr., Krystle Harrison, and Joseph Harrison $8.3 million. The settlement was finalized via the guidance of mediator Laurel Beeler.

As part of the mediated settlement, Corizon and the Alameda County agreed to injunctive relief, in the form of reforms that will change the way correctional medicine is practiced in the United States. The settlement requires Corizon to stop its practice of assigning unqualified licensed vocational nurses to do the

See **SETTLEMENTS** page 13

CONTINUED FROM PAGE 10

8	$1,250,000	Los Angeles County Superior Court		Enriquez v. Bugsch	Rahul Ravipudi and Robert S. Glassman of Panish Shea & Boyle LLP and co-counsel Laura Lynn Davidson and Jubin J. Niamehr of Akiva Niamehr LLP	Panish Shea & Boyle LLP	Los Angeles	CA
9	$4,315,000	Superior Court of Contra Costa County, Contra Costa	Contra Costa County	Crouch v. State of California	Anna Dubrovsky	Anna Dubrovsky Law Group	San Francisco	CA
10	$4,000,000	Superior Court of Los Angeles County, Los Angeles	Los Angeles County	Salinas v. Allied Sales and Distribution Inc.	Juan Dominguez	The Dominguez Firm	Los Angeles	CA
11	$3,500,000	Superior Court of Fresno County, Fresno	Fresno County	Libaridian v. Habib	Joseph Barrett	Kabateck Brown Kellner, LLP	Los Angeles	CA
12	$3,300,000	Matter not filed	Statewide	Domato v. Klone	Eustace de Saint Phalle and Joseph Lucia, Rains Lucia Stern, PC. Daniel Fallon and Jessica Heppenstall, Tyson Mendes	Rains Lucia Stern, PC	San Francisco	CA
13	$3,265,000	Superior Court of Los Angeles County, Los Angeles	Los Angeles County	Altamirano v. Harrison	Tyler Barnett	Yuhl Carr LLP	Marina del Rey	CA

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SETTLEMENTS

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work of registered nurses throughout all facilities in California where Corizon has contracts. The counties currently affected are Alameda, Santa Barbara, Tulare, and Fresno, but Corizon intends to grow in California. Registered nurses (RNs), and not licensed vocational nurses (LVNs) will conduct all intake medical assessments on patients in California. Corizon has 107 contracts around the country, covering 531 jails and prisons, and over 345,000 inmates in 27 states. The settlement also requires Alameda County to provide health training to deputies who work with jail inmates at least every two years, pursuant to the national accrediting standards set forth by the NCCHC. That training will encompass recognizing the signs and symptoms of alcohol and drug withdrawal. The parties are still in the process of drafting and agreeing to injunctive relief. However, Corizon agreed to practice the way California law requires them to practice.

Trial Information:

Judge: Laurel Beeler, Jon S. Tigar

Editor's Comment: This report is based on information that was provided by plaintiff's and defense counsel for the County defendants and Sancho. Defense counsel for Corizon did not respond to the reporter's phone calls.

EMPLOYMENT

Football coach claimed he was fired for reporting sexual hazing

Amount: $4,000,000

Type: Settlement

State: California

Venue: Sacramento County

Court: Superior Court of Sacramento County, Sacramento

Case Name: Christopher Cerbone v. Roman Catholic Bishop of Sacramento, and Does 1-9, Inclusive, No. 34-2013-00140297-CU-WT-GDS

Date: March 11, 2015

Parties

Plaintiff(s): Christopher Cerbone (Male, 50)

Plaintiff Attorney(s): David A. Lowe; Rudy Exelrod & Zieff LLP; San Francisco, CA, for Christopher Cerbone, Tyler F. Clark; Clark Employment Law, APC; Encino, CA, for Christopher Cerbone, Erin M. Pulaski; Rudy Exelrod & Zieff LLP; San Francisco, CA, for Christopher Cerbone

Defendant(s): Roman Catholic Bishop of Sacramento

Defense Attorney(s): Thomas A. Johnson; Law Offices of Thomas A. Johnson; Sacramento, CA, for Roman Catholic Bishop of Sacramento, Stephen J. Greene, Jr.; Sweeney, Greene & Roberts LLP; Elk Grove, CA, for Roman Catholic Bishop of Sacramento

Facts:

In December 2012, plaintiff Christopher Cerbone, a physical education teacher and head football coach at St. Patrick-St. Vincent High School, learned that, prior to the start of football practice, varsity football players were engaging in sexual abuse/hazing of younger players on the football field. Cerbone subsequently reported the abuse to Child Protective Services and the school's principal. However, after reporting the abuse, the Roman Catholic Diocese of Sacramento, which the high school was part of, terminated Cerbone's employment on Jan. 25, 2013. The diocese then stated to the media that Cerbone was fired because he had ultimate responsibility for the supervision of the football players at the time the sexual misconduct occurred, which Cerbone disputed.

Cerbone sued the corporation sole that owned and operated St. Patrick-St. Vincent High School, the Roman Catholic Bishop of Sacramento. Cerbone alleged that the actions of the Roman Catholic Bishop of Sacramento constituted retaliation, wrongful termination, and defamation.

Cerbone contended that the students were abused because the school lacked policies regarding the supervision of students after school ended and before the start of after-school activities, which the Dean of Students was responsible for. He also contended that he was unlawfully terminated in retaliation for reporting the sexual abuse/hazing. In addition, Cerbone contended that the diocese made statements to the media about him that were false and damaged his reputation.

Defense counsel contended that the Roman Catholic Bishop of Sacramento lawfully terminated Cerbone for good cause because, as head coach of the football team, Cerbone had ultimate responsibility for the football players at the time the sexual misconduct occurred. Counsel further contended that the statements made to the media were truthful and, thus, not defamatory.

Injury:

Cerbone was initially hired as a physical education teacher and head football coach at St. Patrick-St. Vincent High School in August 2012. However, he was terminated form his position on Jan. 25, 2013. He claimed the press release identifying him as being responsible for the supervision of the students during the hazing was destructive to his career. Cerbone claimed that as a result, he has been unable to find a head coaching job since his termination. He now works as an assistant principal in a King City school.

Cerbone sought recovery of damages for his emotional distress and damage to his reputation. He alleged that the Roman Catholic Bishop of Sacramento acted with malice, oppression or fraud and that the Diocese attempted to cover up the hazing. Thus, plaintiff's counsel argued that Cerbone was entitled to punitive damages at a multiple of five, totaling approximately $4.5 million. Counsel noted that the defendant, with $129 million in total assets, could afford the damages.

Defense counsel argued for a lower punitive damages award for Cerbone.

Result:

The jury found for Cerbone on his claims of retaliation, wrongful termination, and defamation. It determined that Cerbone's damages totaled $900,000, including $300,000 for the retaliation and firing, and $600,000 for the defamation. The jury also determined that Cerbone was entitled to punitive damages.

While the jury was deliberating on the amount of punitive damages, the parties stipulated to a $4 million judgment.

Trial Information:

Judge: David W. Abbott

Demand: $1,000,000

Offer: $100,000 plus attorney fees

Trial Length: 3 weeks

Trial Deliberations: 2 days

Jury Vote: 9-3 on retaliation and wrongful termination; 10-2 defamation; 9-3 punitive damages

Post Trial: The judgment was paid on March 19, 2015.

Editor's Comment: This report is based on information that was provided by plaintiff's counsel. Defense counsel did not respond to the reporter's phone calls.

Plaintiff: Intersection crash with airport shuttle caused back pain

Amount: $1,400,000

Type: Settlement

State: California

Venue: San Francisco County

Court: Superior Court of San Francisco County, San Francisco

Case Type: Motor Vehicle - Red Light, Right Turn, Intersection
Worker/Workplace Negligence -

Case Name: Wan Ling Song v. Tommy Zhong Yang Fang, and Does 1 to 25, Inclusive, No. CGC-14-537660

Date: August 28, 2015

Parties

See **SETTLEMENTS** page 15

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14	$2,350,000	Superior Court of Los Angeles County, Los Angeles	Los Angeles County	Khatun v. Monsher	William Salle	Law Offices of William F. Salle	Glendale	CA
15	$2,025,000	Superior Court of Orange County, Santa Ana	Orange County	De La Cruz v. Domino's Pizza	Otto Haselhoff	Law Offices of Otto L. Haselhoff, P.C.	Santa Monica	CA
16	$2,015,000	JAMS, San Francisco	San Francisco County	Estate of Liu v. Estate of Howard	Andrew Meisel and Monica Burneikis, Meisel, Krentsa & Burneikis.	Meisel, Krentsa & Burneikis	San Francisco	CA
17	$2,000,000	Superior Court of Alameda County, Oakland	Alameda County	Lee v. City of Oakland	Steven Cavalli	Gwilliam, Ivary, Chiosso, Cavalli & Brewer	Oakland	CA
18	$1,750,000	Superior Court of San Joaquin County, San Joaquin	San Joaquin County	McAdams v. Mid Valley Plastering Inc.	Jesse Fretwell	Law Offices of Darryl Freedman	Fresno	CA
19	$1,608,000	Superior Court of Santa Clara County, Santa Clara	Santa Clara County	Mehta v. Edgecumbe	Scott Dunning	Dunning Law Firm	San Francisco	CA
20	$1,575,000	Superior Court of Los Angeles County, Los Angeles	Los Angeles County	Powell v. State of California	Stephen McElroy	AlderLaw, P.C.	Los Angeles	CA
21	$1,550,000	Superior Court of Marin County, Marin	Marin County	Liu v. Nrekic	Andrew Meisel and Monica Burneikis, Meisel, Krentsa & Burneikis	Meisel, Krentsa & Burneikis	San Francisco	CA
22	$1,500,000	Superior Court of Santa Clara County, Santa Clara	Santa Clara County	Wang v. Manion	MAndrew Meisel and Monica Burneikis, Meisel, Krentsa & Burneikis. Andrew Lauderdale, Pedersen - Lauderdale	Meisel, Krentsa & Burneikis	San Francisco	CA
23	$1,500,000	Superior Court of Orange County, Santa Ana	Orange County	Deobereiner v. Choi	Darren Aitken	Aitken, Aitken & Cohn	Santa Ana	CA
24	$1,400,000	Superior Court of San Francisco County, San Francisco	San Francisco County	Song v. Fang	Andrew Meisel and Monica Burneikis, Meisel, Krentsa & Burneikis.	Meisel, Krentsa & Burneikis	San Francisco	CA
25	$1,250,000	Superior Court of Orange County, Santa Ana	Orange County	Withington v. McCollum	Brian Easton	Easton & Easton, LLP	Costa Mesa	CA
26	$1,250,000	Superior Court of Orange County, Orange	Orange County	Lampi v. Wehr	Alexander Feldman	Moran Law	Santa Ana	CA
27	$1,250,000	Superior Court of Solano County, Solano	Solano County	Murillo v. Stafford	Christina Collins, Igor Kopilenko and Jason Lundberg, Allegiance Law	Allegiance Law	San Francisco	CA
28	$1,115,000	Superior Court of Santa Clara County, Santa Clara	Santa Clara County	Cheng v. Move Expert Inc.	B. Fong	Minami Tamaki LLP	San Francisco	CA

CONTINUED ON PAGE 16

SETTLEMENTS

Continued from page 13

Plaintiff(s): Wan Ling Song (Female, 59 Years)

Plaintiff Attorney(s): Monica J. Burneikis; Meisel, Krentsa & Burneikis; San Francisco, CA, for Wan Ling Song, Andrew H. Meisel; Meisel, Krentsa & Burneikis; San Francisco, CA, for Wan Ling Song

Plaintiff Expert(s): Carol Hyland ; M.A. ; Vocational Rehabilitation; Lafayette, CA called by: Monica J. Burneikis, Andrew H. Meisel; Rajeev Kelkar ; Ph.D. ; Accident Reconstruction; Mountain View, CA called by: Monica J. Burneikis, Andrew H. Meisel; Phillip Allman, III ; Ph.D. ; Economics; Oakland, CA called by: Monica J. Burneikis, Andrew H. Meisel; Stephen Schneider ; M.D. ; Psychology/Counseling; San Francisco, CA called by: Monica J. Burneikis, Andrew H. Meisel

Defendant(s): Tommy Zhong Yang Fang, Go Lorries Airport Shuttle

Defense Attorney(s): Adrienne D. Cohen; Law Office of Adrienne D. Cohen; Santa Ana, CA, for Go Lorries Airport Shuttle, Martin L. Seeger; Babin & Seeger LLP; Santa Rosa, CA, for Tommy Zhong Yang Fang; Veronika J. Zappelli; Law Office of Adrienne D. Cohen; San Rafael, CA, for Go Lorries Airport Shuttle

Defendant Expert(s): Tami Rockholt; Coding & Billing (Medical); Portland, OR called by: Martin L. Seeger Floyd Fortuin; Neurology; San Francisco, CA called by: Martin L. Seeger Laura Liptai; Biomechanical; Moraga, CA called by: Martin L. Seeger Albert Ferrari; Mechanical; Oakland, CA called by: Martin L. Seeger Mariann Cosby; Life Care Planning; Sacramento, CA called by: Martin L. Seeger Maureen Clark; Human Resources Policies; Menlo Park, CA called by: Martin L. Seeger William Hoddick; Radiology; Walnut Creek, CA called by: Martin L. Seeger

Insurer(s): Knight Insurance Group for both defendants

Facts:

At approximately 11:30 a.m. on Nov. 23, 2012, plaintiff Wan Song, 59, a nanny, was driving west on East Millbrae Avenue, in Millbrae, when she attempted to cross the intersection with the southbound off-ramp from Redwood Highway, also known as U.S. Route 101. Song entered the intersection on a green light, but at the same time, a van owned and operated by Tommy Fang exited southbound U.S.-101 and attempted to make a right turn on red onto East Millbrae Avenue. As a result, a collision occurred. Song claimed injuries to her lower back.

A video retrieved from a traffic camera showed the incident occurring as described.

Song sued Fang, acting individually and doing business as Go Lorries Airport Shuttle. Song also added Go Lorries Airport Shuttle as a separate defendant. Song alleged that Fang was negligent in the operation of the van and that Go Lorries Airport Shuttle was liable for Fang's actions during the course and scope of his employment with Go Lorries.

Counsel for Go Lorries maintained that although the van Fang was driving at the time of the incident contained multiple Go Lorries logos, Fang was not, and has never been, an employee of Go Lorries Airport Shuttle, but that Fang rather operated the shuttle van as an independent contractor. Counsel contended that even if Fang were deemed to be an employee, he was not in the course and scope of such employment at the time of the incident because he was not working on that day.

Plaintiff's counsel asserted that discovery showed that Fang would have, in fact, been considered an employee of Go Lorries Airport Shuttle, rather than an independent contractor, due to a number of factors. Counsel contended that Fang was required to wear certain clothing while driving the van, was required to place certain and specific Go Lorries logos on his van, and was required to use electronic equipment provided by Go Lorries to access his passenger lists. Counsel also contended that Fang was required to equip his van with a radio device provided by Go Lorries to enable him to be in constant communication with Go Lorries. Counsel further contended that Go Lorries dictated what passengers Fang picked up, that Fang was required to attend safety training courses at Go Lorries, and that Go Lorries retained the power to terminate Fang in the event that Fang received customer complaints. In addition, plaintiff's counsel contended that Fang was not permitted to conduct independent advertising and that all reservations for Go Lorries' airport shuttles were made directly with and through Go Lorries. Furthermore, plaintiff's counsel asserted that at the time of the accident, Fang was on his way to get his van washed, which was a required task, pursuant to Fang's contract with Go Lorries, and essential to his work for that company.

Injury:

Song complained of severe lower back pain and was emergently taken to Mills-Peninsula Medical Center, in Burlingame. She was then transferred to Stanford University Medical Center, in Stanford, for emergency surgery. Song was ultimately diagnosed with cauda equina syndrome, for which she underwent an emergent bilateral decompression at the L4-5 level. She then underwent a second lumbar surgery, consisting of a laminectomy and decompression, five days later. Song's hospital treatment was followed by a course of physical therapy.

Song claimed that despite her efforts to do so, she was unable to return to work as a private nanny/in-home care provider following the incident. According to the plaintiff's experts, it was doubted that Song would ever be able to work again due to her inability to stand or sit for long periods of time, lift or carry heavy items, or drive long distances. Song also allegedly fatigued easily.

Thus, Song sought recovery of approximately $543,832 in past medical expenses, $75,000 in estimated future medical expenses, and $200,000 in past and future wage loss. She also sought recovery of damages for her past and future pain and suffering.

Defense counsel disputed that Song's injuries were caused by the accident. Instead, counsel asserted that the majority of Song's injuries were pre-existing and that the bulk of Song's medical treatment would have been required regardless of Song's involvement in the accident.

Thus, defense counsel asserted that a reasonable value for Song's related medical expenses was as low as $0 and at most $263,933. However, defense counsel disputed Song's alleged future loss of wages and earning capacity.

Result:

The parties agreed to a $1.4 million settlement prior to trial. Of the total settlement, $1,025,000 was paid out of Go Lorries' insurance policy and $375,000 was paid out of Fang's separate insurance policy, which was with the same carrier.

Trial Information:

Demand: $2,750,000

Offer: $450,000

Editor's Comment: This report is based on information that was provided by plaintiff's counsel. Defense counsel did not respond to the reporter's phone calls.

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29	$1,010,866	Superior Court of San Luis Obispo County, San Luis Obispo	San Luis Obispo County	Dunn v. Perry	Raymond Pulverman	Pulverman & Pulverman, LLP	Santa Barbara	CA
PREMISES LIABILITY	**AWARD**	**COURT**	**VENUE**	**CASE**	**ATTORNEYS**	**FIRM**	**CITY**	**STATE**
1	$21,500,000	Superior Court of San Diego County, San Diego	San Diego County	Long v. HMS Construction Inc.	Philip Alexander	Harris Personal Injury Lawyers	Oceanside	CA
2	$10,000,000	Superior Court of Los Angeles County, Los Angeles	Los Angeles County	Michaels-Nolan v. State of California, Department of Transportation	Matthew McNicholas	McNicholas & McNicholas LLP	Los Angeles	CA
3	$9,850,000	Superior Court of Yolo County, Yolo	Yolo County	Dionisio v. State of California	Roger Dreyer	Dreyer Babich Buccola Wood Campora, LLP	Sacramento	CA
4	$3,800,000	Superior Court of Riverside County, Riverside	Riverside County	Scharf v. Calvary Chapel Temecula Valley	Case Barnett	Barnett & Barnett	Orange	CA
5	$3,500,000	Superior Court of Fresno County, Fresno	Fresno County	Binger v. Omninet Capital, LLC	Richard Watters	Miles, Sears, & Eanni	Fresno	CA
6	$3,000,000	Superior Court of Orange County, Orange	Orange County	Vera v. Verano at Talega Homeowners Association	Richard Cohn	Aitken * Aitken * Cohn	Santa Ana	CA
7	$2,300,000	Superior Court of Mendocino County, Mendocino	Mendocino County	Weisshar v. Realty World Selzer Property Management	Eric Abramson	Abramson Smith Waldsmith, LLP	San Francisco	CA
8	$1,300,000	Superior Court of Los Angeles County, Los Angeles	Los Angeles County	Fong v. Transwestern Property Company West, LLC	Stephen McElroy	AlderLaw, P.C.	Los Angeles	CA
9	$1,025,000	Superior Court of San Francisco County, San Francisco	San Francisco County	Chin v. San Francisco Unified School District	Eric Abramson	Abramson Smith Waldsmith, LLP	San Francisco	CA
10	$1,000,000	Orange County Superior Court		Ruiz v. The New Home Co. Realty & Construction	Rahul Ravipudi, Thomas A. Schultz and Erika Contreras of Panish Shea & Boyle LLP	Panish Shea & Boyle LLP	Los Angeles	CA
PRODUCTS LIABILITY	**AWARD**	**COURT**	**VENUE**	**CASE**	**ATTORNEYS**	**FIRM**	**CITY**	**STATE**
1	$3,000,000	Superior Court of Kings County, Corcoran	Kings County	Gutierrez v. Flame Engineering Inc.	Douglas Gordon	Miles, Sears & Eanni	Fresno	CA
SCHOOL	**AWARD**	**COURT**	**VENUE**	**CASE**	**ATTORNEYS**	**FIRM**	**CITY**	**STATE**
1	$1,475,000	Superior Court of Contra Costa County, Contra Costa	Contra Costa County	Brennon B. v. West Contra Costa Unified School District	Micha Liberty	Liberty Law	Oakland	CA
WORKER/ WORKPLACE NEGLIGENCE	**AWARD**	**COURT**	**VENUE**	**CASE**	**ATTORNEYS**	**FIRM**	**CITY**	**STATE**

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1	$7,800,000	Superior Court of Alameda County, Oakland	Alameda County	Prickett v. Bonnier Corp.	Lyle Cavin, Jr.	Law Offices of Lyle C. Cavin, Jr.	Oakland	CA
2	$3,350,000	United States District Court, Central District, Los Angeles	Federal	Fuentes v. City of Los Angeles	Luis Carrillo	Law Offices of Luis A. Carrillo	South Pasadena	CA
3	$2,000,000	Superior Court of Orange County, Santa Ana	Orange County	Fitch-Hutton v. Hilton International Co.	Tyler Barnett	Yuhl Carr LLP	Marina del Rey	CA
4	$2,000,000	Superior Court of Los Angeles County, Los Angeles	Los Angeles County	Higashi v. Alhambra Birchwood Townhomes Homeowners Association Inc.	Brian Easton	Easton & Easton, LLP	Costa Mesa	CA

WORKERS' COMPENSATION	AWARD	COURT	VENUE	CASE	ATTORNEYS	FIRM	CITY	STATE
1	$5,000,000	Workers' Compensation Appeals Board	Statewide	Zhang v. Grandland International Inc.	Tina Odjaghian, Odjaghian Law Group	Odjaghian Law Group	Woodland Hills	CA
2	$2,750,000	Workers' Compensation Appeals Board	Statewide	Noxon v. Larry Lilley Motorcycles	Tina Odjaghian, Odjaghian Law Group	Odjaghian Law Group	Woodland Hills	CA

WRONGFUL DEATH	AWARD	COURT	VENUE	CASE	ATTORNEYS	FIRM	CITY	STATE
1	$5,000,000	Fresno County Superior Court, Central Courthouse		Tapia v. Stella Distributing, Inc.	Brian J. Panish and Daniel W. Dunbar of Panish Shea & Boyle LLP	Panish Shea & Boyle LLP	Los Angeles	CA
2	$5,000,000	Los Angeles Superior Court		Rivera v. ESI, Inc	Kevin R. Boyle, Rahul Ravipudi and Robert S. Glassman of Panish Shea & Boyle LLP and co-counsel Ed Fisher of Provost & Umphrey Law Firm LLP	Panish Shea & Boyle LLP	Los Angeles	CA
3	$4,900,000	Los Angeles Superior Court		Ashouri v. LACMTA	Brian J. Panish, Adam K. Shea, David Rudorfer of Panish Shea & Boyle LLP and co-counsel Douglas A. Linde of The Linde Law Firm	Panish Shea & Boyle LLP	Los Angeles	CA
4	$2,800,000	Los Angeles County Superior Court, Hanford Division		Romero v. Virji	Brian J. Panish and Daniel W. Dunbar of Panish Shea & Boyle LLP	Panish Shea & Boyle LLP	Los Angeles	CA
5	$2,500,000	Los Angeles County Superior Court, Central District		Wan v. City of Los Angeles	Brian J. Panish, Thomas A. Schultz and Candice S. Klein of Panish Shea & Boyle LLP	Panish Shea & Boyle LLP	Los Angeles	CA
6	$1,250,000	Los Angeles County Superior Court, Central District		Vartanian v. Vidaurri	Rahul Ravipudi and Robert S. Glassman of Panish Shea & Boyle LLP	Panish Shea & Boyle LLP	Los Angeles	CA

California 2015 Million Dollar Settlements Ranked by Award

RANK	CASE TYPE	AWARD	CASE	FIRM	CITY
1	Intellectual Property	$210,000,000	Capitol Records, LLC v. Sirius XM Radio Inc.	Mitchell Silberberg & Knupp LLP	Los Angeles
2	Premises Liability	$21,500,000	Long v. HMS Construction Inc.	Harris Personal Injury Lawyers	Oceanside
3	Motor Vehicle	$10,999,999	Stoll v. City and County of San Francisco	Scarlett Law Group	San Francisco
4	Motor Vehicle	$10,250,000	Von Normann v. Bloom	Carpenter, Zuckerman & Rowley, LLP	Beverly Hills
5	Premises Liability	$10,000,000	Michaels-Nolan v. State of California, Department of Transportation	McNicholas & McNicholas LLP	Los Angeles
6	Premises Liability	$9,850,000	Dionisio v. State of California	Dreyer Babich Buccola Wood Campora, LLP	Sacramento
7	Civil Rights	$8,300,000	M.H. v. County of Alameda	Haddad & Sherwin	Oakland
8	Motor Vehicle	$8,000,000	Moradi, Majid v. Judy Bamberger	Panish Shea & Boyle LLP	Los Angeles
9	Worker/Workplace Negligence	$7,800,000	Prickett v. Bonnier Corp.	Law Offices of Lyle C. Cavin, Jr.	Oakland
10	Motor Vehicle	$6,355,776	Portis v. Western Wineline Inc.	Panish Shea & Boyle LLP	Los Angeles
11	Bicycle/Motor Vehicle	$5,500,000	Taylor v. Griffith	Panish Shea & Boyle LLP	Los Angeles
12	Government	$5,000,000	Gomez v. Peppler	Law Offices of Dale K. Galipo	Woodland Hills
13	Workers' Compensation	$5,000,000	Zhang v. Grandland International Inc.	Odjaghian Law Group	Woodland Hills
14	Wrongful Death	$5,000,000	Rivera v. ESI, Inc	Panish Shea & Boyle LLP	Los Angeles
15	Wrongful Death	$5,000,000	Tapia v. Stella Distributing, Inc.	Panish Shea & Boyle LLP	Los Angeles
16	Wrongful Death	$4,900,000	Ashouri v. LACMTA	Panish Shea & Boyle LLP	Los Angeles
17	Motor Vehicle	$4,315,000	Crouch v. State of California	Anna Dubrovsky Law Group	San Francisco
18	Construction	$4,150,000	Jin v. LS Interior Design	Strassburg, Gilmore & Wei, LLP	Pasadena
19	Employment	$4,000,000	Cerbone v. Roman Catholic Bishop of Sacramento	Clark Employment Law, APC	Encino
20	Motor Vehicle	$4,000,000	Salinas v. Allied Sales and Distribution Inc.	The Dominguez Firm	Los Angeles
21	Premises Liability	$3,800,000	Scharf v. Calvary Chapel Temecula Valley	Barnett & Barnett	Orange
22	Motor Vehicle	$3,750,000	Tribuno v. Antelope Valley Newspaper	Panish Shea & Boyle LLP	Los Angeles
23	Construction	$3,600,000	Marin v. Westech Systems Inc.	Miles, Sears & Eanni, P.C.	Fresno
24	Motor Vehicle	$3,500,000	Libaridian v. Habib	Kabateck Brown Kellner, LLP	Los Angeles
25	Premises Liability	$3,500,000	Binger v. Omninet Capital, LLC	Miles, Sears, & Eanni	Fresno
26	Worker/Workplace Negligence	$3,350,000	Fuentes v. City of Los Angeles	Law Offices of Luis A. Carrillo	South Pasadena
27	Motor Vehicle	$3,300,000	Domato v. Klone	Rains Lucia Stern, PC	San Francisco
28	Motor Vehicle	$3,265,000	Altamirano v. Harrison	Yuhl Carr LLP	Marina del Rey
29	Premises Liability	$3,000,000	Vera v. Verano at Talega Homeowners Association	Aitken * Aitken * Cohn	Santa Ana
30	Products Liability	$3,000,000	Gutierrez v. Flame Engineering Inc.	Miles, Sears & Eanni	Fresno
31	Wrongful Death	$2,800,000	Romero v. Virji	Panish Shea & Boyle LLP	Los Angeles
32	Workers' Compensation	$2,750,000	Noxon v. Larry Lilley Motorcycles	Odjaghian Law Group	Woodland Hills
33	Motor Vehicle	$2,600,000	Torres/Anchondo v. Galindo	Panish Shea & Boyle LLP	Los Angeles
34	Wrongful Death	$2,500,000	Wan v. City of Los Angeles	Panish Shea & Boyle LLP	Los Angeles
35	Motor Vehicle	$2,350,000	Khatun v. Monsher	Law Offices of William F. Salle	Glendale
36	Premises Liability	$2,300,000	Weisshar v. Realty World Selzer Property Management	Abramson Smith Waldsmith, LLP	San Francisco
37	Motor Vehicle	$2,025,000	De La Cruz v. Domino's Pizza	Law Offices of Otto L. Haselhoff, P.C.	Santa Monica
38	Motor Vehicle	$2,020,000	Remeyer v. La Sirena Grill	Panish Shea & Boyle LLP	Los Angeles
39	Motor Vehicle	$2,015,000	Estate of Liu v. Estate of Howard	Meisel, Krentsa & Burneikis	San Francisco
40	Motor Vehicle	$2,000,000	Lee v. City of Oakland	Gwilliam, Ivary, Chiosso, Cavalli & Brewer	Oakland
41	Worker/Workplace Negligence	$2,000,000	Higashi v. Alhambra Birchwood Townhomes Homeowners Association Inc.	Easton & Easton, LLP	Costa Mesa
42	Worker/Workplace Negligence	$2,000,000	Fitch-Hutton v. Hilton International Co.	Yuhl Carr LLP	Marina del Rey
43	Construction	$1,850,000	Beckner v. Beacon Construction Inc.	Corsiglia McMahon & Allard LLP	San Jose
44	Government	$1,750,000	Kozacenko v. Murrill	Gallo LLP	San Rafael
45	Motor Vehicle	$1,750,000	McAdams v. Mid Valley Plastering Inc.	Law Offices of Darryl Freedman	Fresno
46	Motor Vehicle	$1,608,000	Mehta v. Edgecumbe	Dunning Law Firm	San Francisco
47	Motor Vehicle	$1,575,000	Powell v. State of California	AlderLaw, P.C.	Los Angeles
48	Motor Vehicle	$1,550,000	Liu v. Nrekic	Meisel, Krentsa & Burneikis	San Francisco
49	Bicycle/Motor Vehicle	$1,500,000	Jomsky v. Block	Panish Shea & Boyle LLP	Los Angeles
50	Employment	$1,500,000	Shoemaker v. City of Los Angeles	McNicholas & McNicholas LLP	Los Angeles
51	Motor Vehicle	$1,500,000	Deobereiner v. Choi	Aitken, Aitken & Cohn	Santa Ana
52	Motor Vehicle	$1,500,000	Wang v. Manion	Meisel, Krentsa & Burneikis	San Francisco
53	School	$1,475,000	Brennon B. v. West Contra Costa Unified School District	Liberty Law	Oakland
54	Motor Vehicle	$1,400,000	Song v. Fang	Meisel, Krentsa & Burneikis	San Francisco
55	Hotel/Restaurant	$1,350,000	Kong v. London Bridge Resort, LLC	Law Offices of Boris E. Efron	Portola Valley
56	Premises Liability	$1,300,000	Fong v. Transwestern Property Company West, LLC	AlderLaw, P.C.	Los Angeles
57	Intentional Torts	$1,250,000	Nigro v. Sofranko	Taylor & Ring, LLP	Los Angeles
58	Motor Vehicle	$1,250,000	Murillo v. Stafford	Allegiance Law	San Francisco
59	Motor Vehicle	$1,250,000	Withington v. McCollum	Easton & Easton, LLP	Costa Mesa
60	Motor Vehicle	$1,250,000	Lampi v. Wehr	Moran Law	Santa Ana
61	Motor Vehicle	$1,250,000	Enriquez v. Bugsch	Panish Shea & Boyle LLP	Los Angeles
62	Wrongful Death	$1,250,000	Vartanian v. Vidaurri	Panish Shea & Boyle LLP	Los Angeles
63	Motor Vehicle	$1,115,000	Cheng v. Move Expert Inc.	Minami Tamaki LLP	San Francisco
64	Employment	$1,100,000	Podesta v. City of Los Angeles	McNicholas & McNicholas LLP	Los Angeles
65	Premises Liability	$1,025,000	Chin v. San Francisco Unified School District	Abramson Smith Waldsmith, LLP	San Francisco
66	Motor Vehicle	$1,010,866	Dunn v. Perry	Pulverman & Pulverman, LLP	Santa Barbara
67	Government	$1,000,000	Chanterelle v. County of San Diego	Singleton Law Firm, APC	Solana Beach
68	Premises Liability	$1,000,000	Ruiz v. The New Home Co. Realty & Construction	Panish Shea & Boyle LLP	Los Angeles

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15 TOP RANKING
2015 SETTLEMENTS

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RANK	CASE TYPE	AWARD	CASE
1	BICYCLE/MOTOR VEHICLE	$5,500,000	TAYLOR v. GRIFFITH
2	BICYCLE/MOTOR VEHICLE	$1,500,000	JOMSKY v. BLOCK
3	MOTOR VEHICLE	$8,000,000	MORADI, MAJID v. JUDY BAMBERGER
4	MOTOR VEHICLE	$6,355,776	PORTIS v. WESTERN WINELINE INC.
5	MOTOR VEHICLE	$3,750,000	TRIBUNO v. ANTELOPE VALLEY NEWSPAPER
6	MOTOR VEHICLE	$2,600,000	TORRES/ANCHONDO v. GALINDO
7	MOTOR VEHICLE	$2,020,000	REMEYER v. LA SIRENA GRILL
8	MOTOR VEHICLE	$1,250,000	ENRIQUEZ v. BUGSCH
10	PREMISES LIABILITY	$1,000,000	RUIZ v. THE NEW HOME CO. REALTY & CONSTRUCTION
1	WRONGFUL DEATH	$5,000,000	TAPIA v. STELLA DISTRIBUTING INC.
2	WRONGFUL DEATH	$5,000,000	RIVERA v. ESI, INC.
3	WRONGFUL DEATH	$4,900,000	ASHOURI v. LACMTA
4	WRONGFUL DEATH	$2,800,000	ROMERO v. VIRJI
5	WRONGFUL DEATH	$2,500,000	WAN v. CITY OF LOS ANGELES
6	WRONGFUL DEATH	$1,250,000	VARTANIAN v. VIDAURRI

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