

JURY TRIAL SUMMARIES

Business/ Contract/Subrogation

-Plaintiff contracted to provide trucks, drivers, and trailers for transportation of almonds to a processing facility. Plaintiff alleged that Defendant's employees damaged Plaintiff's aluminum sided hoppers of their trailers during the unloading process. Defendant denied causing the damage, and alleged the trucks were still fully usable and had been fully rented out to capacity after Defendant returned them to Plaintiff.

- Plaintiff was under contract to a grocery chain to host a cooking show. There was a dispute over the contract terms, including whether a final large invoice submitted by Plaintiff to Defendant had been agreed upon.

-Cross breach of contract actions based on the assignment of a turn-key gas station and minimart. Issue after Plaintiff was evicted for nonpayment of rent was whether Defendant landlord converted Plaintiff's property, or was classified as fixtures or trade fixtures, such that it was Defendant's property. Issues at trial included whether there was money owed for gas and groceries, and whether there was partial satisfaction of the debt.

-Cross breach of contract actions against corporate Defendants, with nearly identical claims of fraud, and each claiming to pierce the corporate veil due to the principals allegedly being the alter egos of each respective corporation.

-Plaintiff, an attorney, represented himself in action against the state. Plaintiff owned 9,000 acres adjacent to a state Off-highway vehicle Park. There had been a prior settlement by way of stipulated judgment regarding a non-exclusive easement through the Park. A dispute arose over the public using the easement rather than the designated crossings, where the public was allowed. Maintenance of the easement was in dispute as well. Plaintiff alleged Defendants damaged the easement, caused damage by breaching the easement terms, breached their obligations to provide signage and fencing, and interfered with his use and

enjoyment of his property by creating a nuisance. Defendants claimed Plaintiff led them to believe no duty was owed, Plaintiff was estopped to complain about any violations of their agreements, consent & waiver, immunity, and statute of limitations. Plaintiff's claims included breach of contract and related claims, trespass, nuisance, and permanent injunction.

-Plaintiff an attorney, alleged a referral fee agreement with attorney Defendant based on a wrongful death case referral. Defendant had received over \$1 million on the wrongful death case settlement, and after agreeing Plaintiff would receive 25% of Defendant's total fee, only sent Plaintiff 15% of the fee, citing increased expert costs. Ultimately, Defendant sent Plaintiff a check for \$20,000, stating it was the final fee he would be sharing for the referral.

-Cross breach of contract actions brought over a dispute involving the custom crushing of wine grapes and storage thereof. Issue for trial was contract interpretation.

-**(Subrogation)** Complex multi-party three phase trial of construction defect subrogation action. Initial court trial was to determine whether Insurer as complainant in intervention could bring equitable subrogation action, i.e., had standing, and if so, whether next phase would be a court or jury trial. Phase two was a jury trial on the money damage claims against the subcontractor Defendants. Phase three was a court trial on the issue of set-off on any judgments against the subcontractor Defendants.

Eminent Domain

-Commercial business property was taken by the state for a freeway interchange. Battle of the experts presented opposing views of the property's valuation.

Civil Rights

-Plaintiff sued the City, Police Department, and individual Police Officers for violations of his civil rights under police brutality and excessive force claims. When Plaintiff was 16-years old, he was at a gas station minimart paying for his Mom's gas and buying his 4-year old brother a candy bar. The family lost their home to a

fire the day prior. The 16-year had retrieved the \$1 for the candy bar from his mom who was in the car at the gas pump. The edge of the \$1 was a little burned from the house fire, but the store clerk refused to take the dollar. Off-duty gang unit police officers were at the store for waters as they knew the employees there. Plaintiff asked the clerk why he wouldn't take the \$1 and the clerk asked Plaintiff to leave. The officer believed the Plaintiff cursed when he left, so he showed his badge and pulled the teen back into the store where he proceeded to punch the Plaintiff twice, cuff him, and slammed his face into the ground, knocking out 2 front teeth and splitting his lip, requiring 7 stitches. A second off-duty police officer stepped on the teen's legs while the other officer beat him. The second officer ordered all witnesses to leave or they'd be arrested. The teen was crying and yelling for his mother during the assault. Plaintiff claimed to have suffered psychological injuries following the encounter, requiring psychiatric treatment. The Defense alleged Plaintiff had a scale and some drug paraphernalia on him, and unlawfully resisted the officers, providing the probable cause for their arrest and subsequent actions.

Employment

-(State Labor Commissioner brought this action) Plaintiff employee claimed that Defendant employer fired him for filing for partial unemployment benefits when work at the shop was slow. But Defense contended they did not know of the filing of the claim for benefits prior to laying off Plaintiff during the slow season, especially since Plaintiff lacked the necessary certifications to do the work that was available. The economy also dipped, so there were too many workers at the firm for the workload according to the Defense.

-Plaintiff was a 60-year old hotel worker who alleged age discrimination upon being demoted. Defense alleged Plaintiff had history of negative evaluations leading up to her demotion, justifying her termination.

-Plaintiff was an at-will employee working as a maintenance person. He alleged he hurt his back and needed time off work as a reasonable accommodation. Issue

was whether he was fired for a temporary disability or other reasons. Defense contended Plaintiff was fired for tardy issues, insubordination, fighting and threatening coworkers, and other reasons. Plaintiff eventually got a doctor's note but he didn't turn it in until after he was fired and replaced at work. Coworkers testified Plaintiff was evasive when questioned about his back injury.

-Plaintiff manager, was a 30-year employee of a corporation and was fired at around age 50 for three no shows/no calls, which violated company policy and was a terminable offense. Defendant used progressive discipline to terminate Plaintiff. Plaintiff himself knew the policy and enforced the policy on those he supervised, but claimed to have a bad back and on the day he was terminated, he submitted a back-dated medical excuse to explain why he missed work. During trial, Defense portrayed Plaintiff as a liar and denied liability.

-Employee of municipal transit district alleged that he was a whistle-blower, and that he was retaliated against along with the other Plaintiff employees, after he complained of various conduct of the transit district to his boss, and reported same to the civil grand jury. Plaintiff alleged he was asked to provide documents to the grand jury, which he did through the two other Plaintiff-employees. All of the involved employees were terminated following the giving of grand jury testimony. Defendant claimed it was a business decision to terminate the three transit employees, based on budgetary concerns.

-Plaintiff worked as a public safety officer for a private University. She claimed she was wrongly fired for reporting being sexually harassed. She claimed retaliation, discrimination based on her medical leave absence of a year for cancer treatment. Defense alleged they terminated her for abandoning her post, violation of direct orders and dishonesty. Other employees had complained about Plaintiff inappropriately touching them, as well as her lewd comments at work.

-Plaintiff worked for major automaker in their warehouse for 14 years, taking 28 leaves of absence, sometimes for a full workweek, during her tenure. Plaintiff suffered severe mental illness and had been 5150'd a number of times. Plaintiff was terminated, and she claimed that the automaker discriminated against her primarily based on her disability. She claimed Defendant failed to engage in the

interactive process or to accommodate her disability. Plaintiff complained that the CBA required an extension of her leave, which was not provided. Defendant submitted evidence that Plaintiff was a problem employee, complaining about almost everyone in her life and sharing inappropriate information with employees at the job site about her sex life. Defense alleged Plaintiff had sex with her boyfriend at the work property, during work hours. Defense alleged Plaintiff made more money on SSI tax free than at the warehouse, and that she didn't try to get substitute employment for four years after her termination due to the large amount of SSI she received for not working.

-Plaintiff worked at Defendant warehouse for two years before having a non-work injury which required time off for accommodation. Plaintiff had a very physical job in the warehouse, requiring lifting of 100 pounds and picking orders for customers daily. Plaintiff had no work issues, but later hurt his shoulder outside of work, again taking off time. HR put him on extended leave and then determined he had asked for an indefinite leave and HR fired him. Plaintiff sued for disability discrimination, failure to accommodate a disability, failure to engage in interactive process, and wrongful termination. Defense challenged whether the HR representative who terminated Plaintiff was a managing agent. Plaintiff sought punitive damages.

-This was three consolidated cases with four Plaintiffs alleging sexual harassment and discrimination against Defendant winery and owner. Plaintiff sought punitive damages. All four Plaintiffs were **egg shell plaintiffs** according to the psychiatric testimony at trial, due to their prior histories. Plaintiffs were all young women who worked in the tasting room of the winery with Defendant, an older man and the owner, who they allege harassed them non-stop with comments, touching, propositions, work trips out of town where he would get them drunk and try to have sex with them. Multiple Me-Too witnesses testified to similar conduct. Plaintiffs' psychiatric expert testified that all of the Plaintiffs suffered from PTSD. The Defense alleged the young women used the Defendant to take them out for drinks and dinners, and that they enjoyed the attention he gave them. The Defense asserted that the women all took advantage of Defendant's generosity, in that he took them on trips, and paid for their expenses in addition to them

receiving their wages. The Defense also presented evidence that the women engaged in verbally suggestive conduct with Defendant, similar to what they were complaining about.

Lemon law (Song-Beverly Act)

Plaintiff bought new truck and had transmission problems around 45k miles. The dealer repeatedly fixed the vehicle and installed a rebuilt engine. At 45k miles on the new rebuilt transmission, Plaintiff brought the vehicle back in for similar engine problems. Defense alleged that Plaintiff's driving ruined the transmission and that they repaired the problem per their warranty obligations. Defendant alleged that nothing was wrong with the vehicle after their proper repair, so it was not a lemon under the law.

Medical Malpractice

-Plaintiff, an older man, had his gallbladder removed laparoscopically. Doctor cut the wrong section which required a 7.5 hour reconstructive surgery at different hospital, Stanford, followed by an 18-day recovery, and a bile bag on the outside of Plaintiff's body for a couple of weeks. Thereafter, Plaintiff fully recovered. Defense argued that Plaintiff was fully informed of the surgical risks before the surgery, including the instant surgical error, and signed the Informed Consent. Defense noted that Plaintiff had some irregularity with his gallbladder, a history of stones, making the removal surgery necessary, and that the surgeon immediately took responsibility for his error and notified Plaintiff, providing the opportunity for prompt corrective surgery at a hospital of Plaintiff's choice.

-Plaintiff arranged for doctor to do hernia repair. Plaintiff received proper informed consent but during the robotic laparoscopic surgery, the surgeon went straight through his small intestine and did not notice it. Two days later Plaintiff was deathly ill from the infection due to bowel leakage and he was rushed to the hospital where he had emergency surgery to replace the mesh to prevent further problems. Plaintiff spent a week in the hospital following the repair surgery. A 3rd surgery to remove the mesh was conducted a year later. Plaintiff had an intervening, unrelated stroke, making it difficult at trial to remember many details.

Defense argued that Plaintiff had informed consent and that the doctor was not negligent.

-Plaintiff was a court reporter, who went to her chiropractor for an adjustment. The chiropractor decided to adjust Plaintiff's hands and ended up giving Plaintiff an avulsion fracture, which was a rare and very painful injury, causing the middle finger to be pulled upward. Plaintiff had to wear an embarrassing splint that looked huge and appeared that she was exhibiting her middle finger to people for about 6 weeks. Defense put on evidence that the chiropractor had done the same adjustment to other patients thousands of times with no injuries. Defense also contended that Plaintiff had preexisting trigger finger condition that contributed to her receiving the unexpected result from her treatment.

-Plaintiff sued hospital for malpractice when a nurse put elbow ointment into Plaintiff's eyes by mistake. While no nurse rinsed Plaintiff's eyes following the error, Plaintiff asked for and received a wet towel and she wiped her eyes. Liability was admitted, but Defense disputed causation and argued that Plaintiff was not injured.

-Plaintiff was in her early 20's and suffered from irritable bowel disease and Crohn's disease since age 6. She was mistakenly given a double dose of her strong medication by the hospital pharmacy when Plaintiff renewed her prescription, which over-dosed Plaintiff. Defense admitted liability. Opposing experts for each side disagreed on whether Plaintiff was injured and extent thereof. Defense argued Plaintiff should have followed up with her doctor when she saw that her dose was doubled, but she didn't.

Personal Injury

-(**Rear-end**) Plaintiff on a country road in his pickup truck was stopped for heavy equipment which was re-graveling the road. A school bus was stopped ahead of Plaintiff, and a teenage driver who lived nearby and was familiar with the road rear-ended Plaintiff at 50 mph or so without slowing. The impact of the collision caused the Plaintiff's seat to break, causing him to suffer soft-tissue injuries

requiring physical therapy. Defense admitted liability but each side presented expert witnesses on causation and extent of injuries.

-(Rear-end) Cross actions where Plaintiff sued Defendant for soft tissue personal injuries from an offset rear-end collision, which occurred when Defendant failed to yield right of way and pulled out in front of Plaintiff, causing Plaintiff to rear-end Defendant because she could not stop in time. Defendant sued Plaintiff claiming he had the right of way and that Plaintiff was speeding, therefore causing this collision.

-(Rear-end) Plaintiff alleged that during stopped traffic on the highway, Defendant rear-ended him, causing injuries resulting in physical therapy.

-(Rear-end) Plaintiff in his Irrigation district truck was stopped for a school bus when a teenage girl who was fiddling with the A/C knob rear-ended Plaintiff at 45 mph. Plaintiff suffered soft tissue injuries and had prior injuries and accidents and falls at work.

-(Rear-end) This was a low impact rear-end collision. Plaintiff was an avid motocross rider who continued to race 8 times a year, and practice 180 times a year. Plaintiff alleged long-term low back pain, which defense experts blamed on this motocross activity. Only the issue of general damages went to jury, as specials were paid prior to trial.

-(Rear-end) Plaintiff in her late-20's was stopped for a red light when an older woman rear-ended her at approximately 3 mph per Defendant. The only damage was paint-transfer, and each side claimed the other driver was on their cell phone immediately prior to the accident. Plaintiff claimed TBI, disc bulge, loss of job and earning capacity.

-(Rear-end) Plaintiff in rush hour traffic on freeway when traffic stopped. Defendant who was next to Plaintiff, swerved suddenly around his lane of stopped cars and rear-ended Plaintiff at 65 mph in an offset collision. The force of the impact caused Plaintiff to spin around 180 degrees. Both involved cars were badly damaged, and Plaintiff suffered soft-tissue injuries to his neck, shoulder, and back.

-(Rear-end) Defendant rear-ended 20-year old college student driver on the freeway in a borrowed compact car. Driver son did not claim injury, but the alleged Plaintiff passenger was his mother, who claimed injury. Prior to the collision, the Plaintiff suffered four aneurysms. Defendant driver alleged no one but the driver was in the vehicle, and the Defense expert testified that the data recorder for the car in which Plaintiff claimed to be a passenger, showed no one was in the passenger seat at the time of the rear-end accident.

-(Rear-end) Plaintiff was rear-ended by Defendant, who was driving drunk at over twice the legal limit. Initially Plaintiff had some soft-tissue injury, but returned to ironman-type of physical activity, and after a couple of years, alleged he was surgical for his shoulder injury. Plaintiff blamed failed marriage on the collision as well. Defense disputed causation, and used Facebook photos at trial to show how active Plaintiff was after the collision.

-(Rear-end) Plaintiff exited freeway and was stopped at a red light when Defendant rear-ended him. Liability was admitted and Plaintiff claimed soft-tissue injury with chiropractic care. Defense disputed the extent of injury and damages.

-(Rear-end) Plaintiff was an **egg-shell plaintiff** who was involved in a 5-car rear-end pile up on the highway. Plaintiff stopped for traffic ahead, and was hit from behind by Defendant who skidded and totaled his car. The collision was so forceful that it shoved Plaintiff's car into the vehicle in front of her. Plaintiff had a prior fusion to her lower back, and had been on pain medication after she fell twice. Plaintiff alleged she suffered new and "different" low back pain from the current accident, and tried to differentiate her prior back problems from her new ones. Defendant admitted liability, but challenged causation and damages.

-(Rear-end) Plaintiff was an **egg-shell plaintiff** who had a history of low back problems, well-documented, including with Workers Compensation records. While a back seat passenger in a luxury car, a 20-year old in an HVAC work truck slightly bumped the luxury car resulting in no visible damage. Plaintiff immediately complained of back pain. Defense argued lack of causation and cited Plaintiff's prior claims of back problems from her teaching job as the actual source of her

pain. Defense presented evidence of Plaintiff driving small cars around racetracks, which was her “hobby”, post- accident.

-(**Big rig**) Big rig vs. motorcycle crash, where Plaintiff had significant injuries, including broken leg. Defense argued Plaintiff was in his blind spot, causing his own injuries.

-(**Big rig**) Big rig vs. small passenger car with four occupants. Plaintiffs were in stop and go freeway traffic when a loaded big rig rear-ended them, pushing them into the big rig ahead of them, causing serious spinal injuries to all four occupants. Defense contested liability, claiming Plaintiff first hit the big rig in front of Plaintiff, causing most of their injuries, prior to the Defendant rear-ending Plaintiffs.

-(**Big rig**) Plaintiff was a long-haul trucker in a fully loaded big rig on the freeway in the slow lane. A CHP unit was traveling up to 109 mph with lights and siren in the fast lane enroute to a minor accident when he suddenly realized he needed to exit the freeway, so he turned off his lights and siren and made a sudden diagonal turn across all lanes of traffic, ending up in traveling at 40 mph immediately in front of Plaintiff who was traveling at 55 mph. Plaintiff was forced to “jump on his brakes”, but still clipped the back corner of the CHP unit, sending the Officer crashing into two pedestrians, over the embankment, and into a tree. Plaintiff stopped the rig immediately and complained of back and neck pain at the scene. The rig was towed for inspection and repairs. Plaintiff had five surgeries on his neck and back, and a spinal cord stimulator implant. Defense argued Plaintiff had degenerative disc prior to the accident, and a minor prior crash and some chiropractic treatments. Defense admitted liability.

-(**Motorcycle**) Plaintiff, a 63-year old retiree, was driving her Harley motorcycle in the country when a 9-pound dog ran in front of her. Plaintiff laid 138 feet of skids before losing control of the bike, resulting in serious injuries including a mangled leg that required exterior fixators with surgery including many plates and screws and likely future surgery for removal of hardware. Both sides’ experts testified that Plaintiff improperly applied her brakes, resulting in the crash, and that a more-skilled rider would not have laid down the bike and would have hit the dog. Plaintiff sued the owner of the dog, who alleged that his dog never escaped his

home before and that 4-5 other drivers had stopped to catch the dog and even flagged Plaintiff “to slow down”, but she ignored them.

-(Motorcycle) Defense admitted liability in the case where husband and wife hit a 300-pound black calf in the middle of a dark country road close to midnight. The couple were knocked off their motorcycle upon collision, with both losing consciousness, and the wife suffering serious road rash injuries to her hand. The husband had stuttering issues post-accident as well as soft-tissue injuries. Only general damage claim was tried to the jury. Sub-rosa video showed the husband and wife having fun with their motorcycle friends and the Defense produced Plaintiffs’ Facebook pages from motorcycle club outings showing both husband and wife having fun with the group post-accident.

-(Bicycle) Plaintiff was riding bicycle on wrong side of the road, when he took off at high speed across a drive-way exit. Plaintiff could not see drivers exiting the parking lot due to bushes blocking his view. Defendant driver was exiting the parking lot and could not see Plaintiff on the bike because of bushes blocking his view, hitting Plaintiff. The impact caused Plaintiff and his bike to fly into the roadway, resulting in serious, life-threatening injuries to Plaintiff.

-Plaintiff was an **egg-shell plaintiff** who had serious medical issues prior to being involved in a collision with Defendant. Defendant failed to yield and turned in front of Plaintiff, causing the collision. Defense argued that injuries were pre-existing, and that Plaintiff didn’t seek medical treatment of a fusion of her spine for a couple of years post-accident, making causation a key issue.

-Plaintiff, an **egg-shell plaintiff**, was permanently disabled for 20 years at the time he was hit by an older woman who ran a red light at about 30 mph. Defendant hit a car before hitting Plaintiff’s car at an angle. Plaintiff suffered shoulder, neck and back injuries. Plaintiff had shoulder surgery, a pain pump installed, plus other treatment. Defense argued Plaintiff had preexisting injuries from when he fell off a 6-foot wall at his work 20 years earlier, resulting in his permanent disability finding. Defense challenged causation and damages.

-Plaintiff grandmother was driving her infant grandchild in a car seat on an overpass when Defendant very slowly came into Plaintiff's lane, side-swiping her car. There was a scratch on Plaintiff's car, and she claimed a rotator cuff tear from grabbing the steering wheel tightly to protect the infant and keep steering straight. Defense expert negated Plaintiff's version, and the Defense presented evidence that Plaintiff had played competitive tennis which caused her a preexisting shoulder injury, unrelated to the accident.

-Plaintiff and Defendant were both driving large pickup trucks in opposite directions going around a 90-degree curve on a country road they were very familiar with, when they hit. It was contested as to who crossed the center line. One of Plaintiff's tires popped from the collision, and Plaintiff had two ankle surgeries as well as neck and back pain for which she treated with a chiropractor. Defense had three experts who testified that Plaintiff's ankle problem was congenital and unrelated to the accident. Defense also established that Plaintiff had a bad fall at work around the time of the collision, and she was in a very serious car accident in which she broke seven ribs and her leg three years after the current crash, prior to trial.

-Plaintiff was in a department store parking lot when she was backing out of a stall and Defendant hit her during a low impact crash on the passenger side of her car. There was very little damage, but Plaintiff went to Immediate Care and then for chiropractic treatment. Plaintiff acknowledged that the chiropractic treatments made her hurt more, but she continued with treatment. The Defense argued that the Plaintiff's chiropractor required his patients to be represented by an attorney, and it was brought out that Plaintiff's chiropractor and attorney shared office space. Defense disputed that Plaintiff was injured at all.

-Defendant ran a red light and t-boned Plaintiff in Defendant's work vehicle at high speed. Liability was admitted. Plaintiff had soft-tissue and back injuries, which resolved in a couple of months. Surgeon initially said Plaintiff was not surgical, then years later, determined her to be surgical after she went for years with no treatment. Defense argued that Plaintiff had a congenital back issue so her back issues were not related to the accident.

-Plaintiff was a practicing attorney who sued Defendant for a TBI she alleged she received from an accident with Defendant. Defendant was driving his company's large work truck and ran a red light while being distracted by talking on the phone. Plaintiff's luxury SUV was spun 180 degrees and shoved 25 feet by the impact. Defense presented evidence that Plaintiff's legal workload was the same before and after the accident, to dispute the TBI claim. Loss of consciousness was disputed at trial, and Defense submitted evidence of Plaintiff's pre-accident prior history of depression and anxiety.

-Defendant failed to yield and caused Plaintiff to collide with Defendant. Liability was admitted, and at trial it was uncontested that Plaintiff needed shoulder surgery. Defense contended that Plaintiff did not get the surgery for four years post-accident and could have mitigated a lot of his pain and suffering if he had the surgery as recommended.

-Plaintiff, a teacher, was driving when she was hit by the Defendant school superintendent who ran a stop sign in front of the school. Defense admitted liability but contested nature and extent of injuries. Plaintiff received multiple steroid injections, 2 shoulder surgeries, and a disc replacement spine surgery. Defense argued that Plaintiff's subsequent motor vehicle accident and hopping over a 3-foot fence a month after the accident while being chased by dogs was the cause of her injuries.

-This was a low-impact collision with soft-tissue injury and treatment with a chiropractor. Issue at trial was whether the release that Plaintiff signed was valid. Plaintiff was a Spanish-speaker, and the release was in English and presented by the claims adjuster to Plaintiff on the hood of her car at her apartment. The claims adjuster negotiated the release in Spanish a few days after the collision, while she was still treating for her injuries.

-**(School District Defendant)** Plaintiff was 15-year old 100-pound boy who was around 5 feet tall. He complained about being bullied, and later was seen facing off to fight a much larger boy who was 40 pounds heavier and a foot taller than Plaintiff. Security tried to stop the fight, and Plaintiff ended up punching the bigger boy in the face before running away. Later a teacher who saw the earlier incident,

tried to assist security in catching the fleeing Plaintiff, and the teacher stepped in front of Plaintiff, causing him to bounce off the teacher's belly, at which point they both fell to the ground. Plaintiff had a badly bruised or broken tailbone, which took 4-5 months to heal and still hurts in cold weather. The Defendant school district asserted that they did nothing wrong and there was no liability.

-Plaintiff was driving at night in the rain on a small residential street when Defendant, who saw Plaintiff coming, pulled out in front of him, failing to yield causing a collision. Just before trial, Defendant claimed for the first time that Plaintiff didn't have his lights on and was speeding very fast. Liability was admitted at trial.

-Plaintiff was involved in a low impact collision in a parking lot with no damage. Plaintiff claimed soft-tissue injury and Defense asserted Plaintiff over-treated with a chiropractor and delayed seeking treatment.

-Plaintiff and Defendant were high school friends who were in their early 20's. Defendant was driving a pickup truck when Plaintiff stepped on the running board while the truck was in motion. Plaintiff was barefoot and when the pickup was traveling at 20-25 mph, he grabbed the side view mirror which was plastic, and it immediately broke off the truck. Plaintiff was tossed into the road and partially underneath the truck. Plaintiff suffered significant road rash which required an ambulance transport to the hospital.

-Plaintiffs, a family of mom, two children and mom's boyfriend, stayed at a hotel and suffered bed bug bites. They took cell phone pictures of both live and dead bed bugs, as well as the blood and feces of the bugs on the infested mattresses. Hotel had received numerous complaints from prior guests about the bed bugs, and the Health Department confirmed the presence of the bugs. Manager was hiding the problem of the bed bugs, instead of treating them. Plaintiffs sought punitive damages. Defense contested liability.

Product Liability

-Plaintiff had been a prison inmate dairy worker. While packaging milk in the cold dairy at 2:00 a.m., Plaintiff wore his prison-issued baggy denim jacket. The milk

packaging machine jammed, so Plaintiff looked into the machine holding a flashlight to fix it. The machine had been modified at some unknown time to allow for someone to open the machine while it was operating. A bypass valve had been installed by some unknown person or entity. When Plaintiff reached into the machine, his jacket sleeve got hooked on a sprocket and a moving chain completely severed and cauterized his hand at the wrist. Other inmates had to use tools to dislodge Plaintiff from the machine. The Defendant alleged that the machine was never maintained and ran 24/7 to produce milk to send to other prison facilities. Defendant manufacturer argued this was now a completely different machine from what it sold, as the prison had presumably altered the safety features with installation of a dangerous bypass valve.

-Plaintiff Insurer paid a street-sweeping company for a fire that started in one of their sweepers on their parking lot overnight, which burned four sweepers. Four cause and origin fire experts testified to different things, each pointing to different origins of the fire. The manufacturer of the sweeper testified it was the placement of the battery cords that they believe caused the fire. Video of the fire was used by the various experts during trial to support their different theories. Defense contested liability.

-(Wrongful death product liability) 17-year old girl was driving when her car left the freeway at 88 mph hitting a berm, becoming airborne for 135 feet, 9-feet off the ground, and crashing into a concrete pillar. Decedent died instantly. Defense alleged no defects with the vehicle. Plaintiff heirs alleged a recall of a part was ordered, but the dealer only reset the electronics with a “patch” instead of replacing the defective part, which caused Plaintiff’s steering wheel to lock and the subsequent collision. Defense contested liability.

-Major automobile manufacturer was sued for product liability due to an offset head-on collision at high speed on a country highway. Plaintiff was rendered paralyzed with head and spinal injuries from the crash, and alleged that a better design of her small vehicle would have limited the crush of the vehicle into the passenger compartment and reduced the seriousness of her injuries. Plaintiff’s husband sued for loss of consortium, and had to become her primary caregiver.

Driver of the opposing SUV rolled over several times from the impact of the collision. Defendant manufacturer argued that the SUV driver caused the collision, not the design of the Plaintiff's vehicle, and that Plaintiff was lucky to be alive which was due to the safe design of her vehicle. Defense argued that no car design would have resulted in a different more favorable result for Plaintiff. Opposing experts were key to each sides' case.

Professional Negligence/Fee Disputes-

Plaintiff was a jail nurse who lost his license when his attorney failed to competently handle the administrative hearing with the Board of Nursing after the nurse was fired by the County. There was an issue with a belligerent drunk at the jail who punched Plaintiff, and Plaintiff alleged he was fired by the County to cover themselves. Plaintiff hired an LA father and son law firm whose website boasted of 60-years' experience in administrative law, who Plaintiff alleged did nothing for the \$18k paid to them. The attorneys failed to get discovery until a week before the hearing with the ALJ, failed to seek a continuance, failed to get character letters or to arrange for the doctors, correctional officers and nurses who wanted to testify for Plaintiff to be witnesses. During trial, Plaintiff brought out that the handling lawyer, the son, had flunked the Bar exam four times and that his father was in his 80's and handled very little of the practice and no ALJ hearings anymore. Plaintiff sought punitive damages. Defendants contested liability.

Railroad (FELA)

-Plaintiff sued RR for cumulative vibration injuries to his whole body, alleging spinal injuries from 36 years as a RR engineer. Defense claimed Plaintiff's prior auto accident and his riding a Harley motorcycle for years was the cause of his degenerative injuries.

-Plaintiff was a train man moving train cars when a lever stuck, causing injury to Plaintiff's arm. Wrist surgery was negligently performed, requiring several more surgeries. Defense alleged nothing was wrong with the train, so there was no liability.

-Plaintiff train engineer, was walking on mainline ballast on the slope to his train after being dropped off by the RR van driver, when he slipped, falling onto his back, twisting his leg, and falling onto his 10-pound grip (duffle bag). Plaintiff had two total knee replacements and two revision surgeries and injections, resulting in a forced retirement after 37 years with the RR. Defense argued that engineer Plaintiff should have told the van driver to drop him off elsewhere so he would not walk on mainline ballast.

-Plaintiff RR worker, worked at night and stepped into a hole in the yard while switching cars. Plaintiff alleged that there should not have been a hole in the yard, and the extensive lighting project for the yard which was planned, was not completed. Plaintiff hurt his ankle and had surgery, went to extensive physical therapy, then finally saw another expert at UC Davis who fixed his ankle. Then Plaintiff developed CRPS, chronic pain syndrome, which kept him off work for 4 years in severe pain. Plaintiff finally returned to work. Defendant contested liability.

Real Property

-Cross actions were filed in this property dispute. After most of a 100-acre parcel was sold, a dispute arose over the easement to the landlocked parcel in the center, over the road maintenance agreement, and 3rd party beneficiary issues.

-Cross actions on quiet title, declaratory relief, and trust and lien actions. Issues were fraudulent signing of a grant deed by a relative in Hospice at their bedside, straw man sale due to prior bankruptcies, short sales where non-relative ended up with house debt- free, and related issues. Plaintiff sought punitive damages.

Sexual Assault

-(**School District Defendant**) Bus driver for a school district sexually molested a special-needs 8-year old child on a school bus on multiple occasions, at least the last of which was captured on the bus's interior video camera. The perpetrator threatened to kill the victim and her parents if she told. The bus driver plead guilty to felony kidnapping and molestation, and was sentenced to over 25 years in prison. Plaintiff sued Defendant school district for negligently hiring the bus driver

and not properly supervising him and for improperly retaining him as an employee. Plaintiff alleged the district did not check references, made no calls of inquiry to confirm information in the driver's application, did not find the prior sexual history of the bus driver which made him ineligible to be an employee of the district, and the bus driver was good friends with the head of personnel who hired him; the two played football together 30-40 years earlier and had both worked at a different high school together. The bus driver's wife also worked for the school district. The child victim complained of pain after a prior molestation by the bus driver but the doctor said it was just "poor hygiene." The child allegedly suffered serious psychological trauma following the sexual abuse, including cutting herself and having severe PTSD and severe acting out behaviors and suicidal thoughts. Plaintiff sought punitive damages. Defendant denied liability.

Trip & Fall

-Plaintiff, an older woman with many health problems, turned a corner at a warehouse store and tripped on a pallet, causing her to fall onto the cement ground. Plaintiff broke a rib and suffered neck strain and knee pain and injured her finger. No medical expert testified, but Plaintiff's safety expert testified there were safer ways to display merchandise that reduces tripping hazards. Defendant contested liability and alleged Plaintiff acknowledged seeing the pallet before tripping on it.

-Plaintiff, a 75-year old woman who recently moved to her new home, was walking on the sidewalk when she tripped where a city tree had raised up the sidewalk with its roots. It had been patched 5 years earlier but was in disrepair with a 2-inch lift. Plaintiff broke her shoulder and needed 2 surgeries, lots of physical therapy, and still has loss of mobility and strength. Plaintiff put on evidence of City's notice of the dangerous condition. Defense claimed the City did not have notice of the condition.

-Plaintiff was at a drug store when as she alleged, a box full of Christmas boxes which were up high on a shelf, fell onto her head, injuring her spine. Plaintiff had a three-level disc surgery, with placement of two artificial discs and a fusion of the spine, and was still in pain at the time of trial. Plaintiff was a young single mother

working two very physical jobs at the time. Defense alleged the surgery was unnecessary, that time and conservative treatment would have resolved the problem, and each side put on experts.

Wrongful Death

-Plaintiff, son of victim who was raped and murdered by her grandson while under Parole supervision of Department of Corrections, sued the Department for wrongful death of his mother. Plaintiff claimed negligence by the Parole agents for not supervising properly, in light of the grandson's mental illness, homelessness, inability to care for himself, prior sex offenses, drug use, continued criminality, and violations of the victim's restraining orders. Plaintiff alleged Parole's failure to warn the victim upon the grandson's release from jail was negligent. Defense denied knowing that the grandson was a danger to the victim and claimed governmental immunity prevented liability.

-Plaintiffs were wife and minor children of decedent, who was killed in a collision while riding a **motorcycle**. Decedent, in his early 20's, had the right of way, when Defendant older woman in an SUV made a left turn in front of decedent. Visibility studies and reconstructions were presented during trial. Liability was contested.

-This was a double fatality accident where a husband and wife were killed by a big rig slamming into them in the roadway while they were outside their car. It was midnight, very dark on a country road with no lighting, and a huge tree fell across the roadway. Plaintiffs were the adult children of decedents, who contended their parents hit the tree as they could not see it, but they were fine and got out of their vehicle. Other vehicles hit the tree or nearly hit the tree immediately afterwards, as the tree covered both lanes of traffic on this 2-lane highway. A double tractor trailer combination mistook the decedents' headlights for an oncoming car so the big rig driver plowed into the couple as they stood by their vehicle, attempting to retrieve their car keys. Issues of the big rig's speed prior to the accident, and the quality of the big rig video camera and the use of high beams were presented at trial. Defendant denied liability.

