

Verdict amount: \$3 million

Case evaluation: \$190,000

Most helpful expert: Dr. Neil Farber, internal medicine, San Diego

Insurance carrier(s): ProAssurance

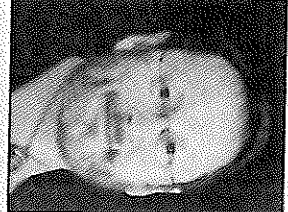
Attorneys for plaintiff: Brian J. Mcken, Parker G. Sitar, David I. Triella
Attorneys for defendant: John M. Torch, Jill H. Vandercook

10
\$2,325,000

Propane trailer collides with pickup, injures two

This lawsuit involved a crash between plaintiffs' pickup truck and an empty propane trailer that crossed the center line. During the litigation the defense contended that a "phantom" vehicle caused the tanker operator to swerve to avoid a head-on and was thus a "sudden emergency." This evasive action caused the trailer to cross the center line and hit plaintiffs.

Very late in the case the defense tried to shift the blame to plaintiffs when it was obvious the physics and scene evidence didn't support the phantom driver. The



RINGSMUTH

trial court struck this late defense because it prejudiced plaintiffs significantly. Shortly thereafter defendants admitted negligence. Plaintiff husband had bad pelvic and

Verdict amount: \$2,325,000

Insurance carrier: Self-insured

Attorneys for plaintiff: Blake K. Ringsmuth, Thomas J. Wlori, Ward M. Powers

Attorney for defendant: James P. Feeney

11
\$1,767,500

Family sued dairy farm, owner for son's death

Defendant Paul Lettinga, owner of defendant Yankee Springs Dairy Inc., ordered the plaintiff's decedent, Victor Perez, 18, and another teen, 17, to clean inside a tank that stored liquid feed for cows. The contents of the tank had fermented, resulting in lack of oxygen. The two teens were overcome with fumes and died. The Perez family sued under the wrongful death statute.



AKEEL

This is rare case brought under the intentional tort exception of the Worker's Compensation Act. Typically, an employee cannot sue under the act, but there is an exception if an employer subjects the employee to a task where it is certain injury will occur.

The Barry County trial lasted 2 1/2 days, and the jury was out three hours before reaching its verdict for the plaintiff, awarding the estate \$1,767,500.

Shereef H. Akeel, co-counsel for plaintiff, provided case information.
See story, "Barry jury awards \$1.76M for teen's death," MILW, Sept. 7, 2015.

Issue at trial was whether Alison, who is now deceased, had her parents' permission to take their car on the date of the accident. If she had taken the vehicle without permission, she would be barred from no-fault benefits under MCL 500.3113(a).

The mother had given a statement to defendant Home-Owners two weeks after the accident that Alison did not have permission. The father allegedly made comment at the accident scene that could be construed as meaning his daughter did not have permission as well.

The mother testified at trial that Alison had permission and that she wasn't initially truthful with the Home-Owners adjuster, as she was concerned she could go to jail as the owner of the vehicle and be unable to care for her catastrophically injured daughter.

Her father testified at trial that Alison had permission the day of the accident and that he did not recall the alleged statement at the accident scene. However, if such statement was made, it would have been directed toward the mother, as he initially disagreed with her decision to let Alison take and operate the vehicle without a parent present.

Alison's discovery deposition was read at trial. She also testified she had her parents' permission to regularly take and use the car before and on the date of the accident.

Key for all plaintiffs' case was establishing a pattern of use of the vehicle, by Alison, while alone, prior to the accident. A half-dozen witnesses testified that they repeatedly saw her driving the car, by herself, to work, school and



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Verdict amount: \$1,265,364 (\$246,897 to plaintiffs estate; \$1,018,467 to intervening plaintiffs)

Case evaluation: \$186,000 (plaintiffs estate)

Most helpful expert: Dr. Andrea S. Kuldarek, physical medicine and rehabilitation, Grand Rapids

Insurance carrier: Home-Owners

Attorneys for plaintiffs: Phillip S. Serahni (plaintiff's estate), Thomas S. Baker, C.J. Schneider (intervening plaintiffs)

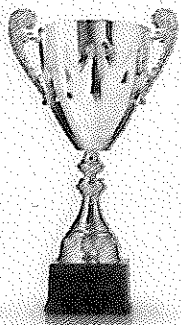
Attorney for defendant: David M. Nelson

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Verdicts

2015 MILLION DOLLAR VERDICTS & SETTLEMENTS

from respiratory depression from the narcotic medication she received at the rehabilitation facility, which led to her death.

Plaintiff alleged that when nurses realized that Dickerson was showing signs of a narcotic overdose, they notified defendant Dr. Joram Mogaka, who ordered a short-acting drug to reverse the effects of the narcotic.

Plaintiff argued that in lieu of the fact that the narcotic had a long-lasting adverse effect on respiratory function, a long-term reversal agent should have been given and Dickerson should have been transferred to a hospital or, at the very least, given a pulse oxygen monitor, which would have alerted the nursing staff when Dickerson began to suffer hypoxemia.

A Wayne County jury awarded plaintiff's estate \$3 million.

Brian J. McKeen, co-counsel for plaintiff, provided case information.

Type of action: Medical malpractice, wrongful death

Type of injuries: Central nervous system depression, hypoxia, death

Name of case: *Williams v. Mogaka*

Court/Case no./Date: Wayne County Circuit Court; 13-001836-NH; April 17, 2015

Tried before: Jury

Name of judge: Hon. David J. Allen

Verdict amount: \$3 million

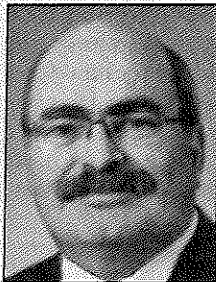
Case evaluation: \$190,000

Most helpful expert: Dr. Neil Farber, internal medicine, San Diego

Insurance carrier(s): ProAssurance

Attorneys for plaintiff: Brian J. McKeen, Parker G. Stinar, David T. Tirella

Attorneys for defendant: John M. Toth, Jill H. Vandercook



MCKEEN

right foot fractures requiring multiple surgeries including a hip replacement. Plaintiff wife suffered a mild traumatic brain injury for which she received cognitive therapy. Both plaintiffs were in their late fifties and had recently retired. No economic damages were sought.

Plaintiff's counsel said key to the jury's \$2,325,000 award was understanding what the treating doctors would say and using them live at trial, and effectively portraying the importance of the loss of health as the plaintiffs began their "golden" years.

Blake K. Ringsmuth, co-counsel for plaintiffs, provided case information.

Type of action: Auto negligence

Type of injuries: Pelvic fractures, foot/ankle fractures, multiple surgeries, traumatic brain injury, loss of consortium

Name of case: *Milliron v. Ferrellgas LP*

Court/Case no./Date: Grand Traverse County Circuit Court; 15-30749-NJ; Dec. 10, 2015

Tried before: Jury

Name of judge: Hon. Philip E. Rodgers Jr.

Demand: \$2 million

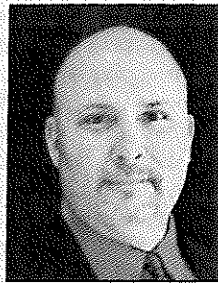
Highest offer: \$1.25 million

Verdict amount: \$2,325,000

Insurance carrier: Self-insured

Attorneys for plaintiff: Blake K. Ringsmuth, Thomas J. Wuori, Ward M. Powers

Attorney for defendant: James P. Feeney



WUORI

Type of action: Wrongful death under Workers' Compensation Act

Type of injuries: Death

Name of case: *Perez v. Yankee Springs Dairy Inc.*

Court/Case no./Date: Barry County Circuit Court; NO-11-481; Aug. 12, 2015

Tried before: Jury

Name of judge: Hon. Amy L. McDowell

Demand: \$250,000

Highest offer: \$150,000

Verdict amount: \$1,767,500

Attorneys for plaintiff: Shereef H. Akeel, William R. Thomas

Attorney for defendant: Michael D. Ward

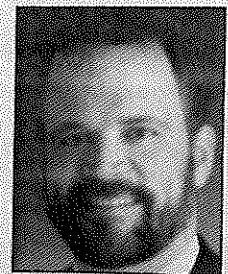


Estate, hospitals: 15-year-old had permission to use car

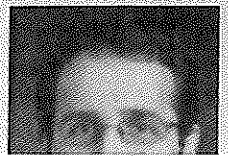
Plaintiff Alison Monaco was involved in a serious one-car motor-vehicle accident on July 23, 2012. At the time of the accident, Alison was 15 years old and driving, contrary to Michigan law, without a parent in the car.

The only real issue at trial was whether Alison, who is now deceased, had her parents' permission to take their car on the date of the accident. If she had taken the vehicle without permission, she would be barred from no-fault benefits under MCL 500.3113(a).

The mother had given a state-



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Family sued dairy farm

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