

THE **RECORDER**

# TOP VERDICTS

April 25, 2011 | ESSENTIAL CALIFORNIA LEGAL CONTENT

## California's Million Dollar Verdicts



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is proud of our client service in 2010 including  
the 5th highest California Verdict  
\$60,000,000

(2nd highest within Intellectual Property Law)  
*Neurovision Medical Products, Inc. v. Nuvasive, Inc.*



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## \$1 Million Dollar Verdicts

Welcome to *The Recorder's* annual Top Verdict special report, a summary of 2010 California Verdicts of \$1 million or more. The content is from Verdict Search, an affiliate company and a leading provider of verdict information.

Content is based on cases reported by Verdict Search.

These verdicts are reported as issued after trial. The summaries and listing do not include whether post-trial motions or appeals have been decided or are pending. The content includes awards involving injuries only to one party in each case and claims that derive from those injuries.

We hope you find the information useful, and we look forward to continuing to provide subscribers to *The Recorder* with high-value legal content.

Brian Hunt  
Publisher

## CONGRATULATIONS

WE CONGRATULATE OUR PARTNER, **CHRISTOPHER HEALEY**, AND the entire *Lavender vs. Skilled Healthcare* trial team, for obtaining a \$677 million verdict — the second highest verdict in the country in 2010. In this case, the plaintiffs were a class of individuals who accused Skilled Healthcare Group of severe understaffing at 22 nursing facilities it operates in California. As a result, this verdict will benefit individuals receiving care at nursing facilities throughout California and across the nation as healthcare facilities scrutinize their own operations to make sure they are compliant with the mandated average nursing hours per patient, per day.

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OFFICIAL NEWSPAPER: U.S. DISTRICT COURT (N.C.) SUPERIOR  
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## 1. Intellectual Property: Oracle says SAP's infringement cost company billions in profits

**Verdict:** (P) \$1,300,000,000.00

**Case Type:** Copyrights, Intellectual Property - Infringement, Fraud - Computer Fraud and Abuse Act, Contracts - Breach of Contract, Intentional Torts - Intentional Interference with Prospective Economic Advantage, Equitable Relief - Unjust Enrichment, Damages - Accounting, Torts - Trespass to Chattels

**Case:** Oracle USA Inc., a Colorado corporation; Oracle International Corp., a California corporation; Oracle EMEA Limited, an Irish private limited company; and Siebel Systems Inc., a Delaware corporation v. SAP AG, a German corporation; SAP America Inc., a Delaware corporation; TomorrowNow Inc., a Texas corporation; and Does 1-50, inclusive, No. 4:07-cv-01658-PJH

**Venue:** United States District Court, Northern District, Oakland, CA

**Judge:** Phyllis J. Hamilton

**Date:** 11-23-2010

**Plaintiff Attorney:**

Zachary J. Alinder; Bingham McCutchen LLP; San Francisco, CA, for Oracle International Corp., Oracle USA Inc., Siebel Systems Inc., Oracle

David Boies; Boies, Schiller & Flexner LLP; Armonk, NY, for Oracle USA Inc., Oracle International Corp., Siebel Systems Inc., Oracle

Bree Hann; Bingham McCutchen LLP; San Francisco, CA, for Oracle International Corp., Oracle USA Inc., Siebel Systems Inc., Oracle

Steven C. Holtzman; Boies, Schiller & Flexner LLP; Oakland, CA, for Oracle International Corp., Oracle USA Inc., Siebel Systems Inc., Oracle

Holly A. House; Bingham McCutchen LLP; San Francisco, CA, for Oracle International Corp., Oracle USA Inc., Siebel Systems Inc., Oracle

Geoffrey M. Howard; Bingham McCutchen LLP; San Francisco, CA, for Oracle USA Inc., Oracle International Corp., Siebel Systems Inc., Oracle

Donn P. Pickett; Bingham McCutchen LLP; San Francisco, CA, for Oracle International Corp., Oracle USA Inc., Siebel Systems Inc., Oracle

**Plaintiff Expert:**

Kevin Mandia; Computer Forensics; Alexandria, VA called by: David Boies, Zachary Alinder, Steven Holtzman, Holly House, Geoffrey Howard, Donn Pickett, Bree Hann

Paul Meyer C.P.A.; IP Damages; San Francisco, CA called by: David Boies, Zachary Alinder, Steven Holtzman, Holly House, Geoffrey Howard, Donn Pickett, Bree Hann

**Defendant Attorney:**

Robert A. Mittelstaedt; Jones Day; San Francisco, CA, for TomorrowNow Inc., SAP America Inc., SAP AG

Tharan Gregory Lanier; Jones Day; Palo Alto, CA, for TomorrowNow Inc., SAP America Inc., SAP AG

**Defendant Expert:**

Stephen Clarke; Economics; Las Vegas, NV called by: Robert Mittelstaedt, Tharan Lanier

**Facts:** In November 2006, plaintiff Oracle, a Redwood Shores-based developer of database and applications software, discovered unusually heavy download activity on its password-protected customer support website for its PeopleSoft and J.D. Edwards product lines. The website permits licensed Oracle customers with active support agreements to download a wide array of copyrighted, proprietary software programs and other support materials.

Oracle alleged that, in November 2006, it discovered that the unusual downloading activity traced back to TomorrowNow, a subsidiary of its largest enterprise applica-

tions competitor, SAP (the largest enterprise applications software company in the world, based in Germany). After further investigation and following years of discovery, Oracle alleged that SAP AG, SAP America Inc. and TomorrowNow, since 2005, used thousands of illegal copies of Oracle's applications and database software and millions of illegal copies of related Oracle support materials to convert Oracle's PeopleSoft, J.D. Edwards and Siebel Systems Inc. customers to SAP's competing brand of software applications. (Software manufacturer Siebel Systems was acquired by Oracle in 2006.) Oracle further alleged that SAP and TomorrowNow continued to make and use these illegal copies for more than a year and a half after Oracle sued SAP and TomorrowNow, up until SAP closed TomorrowNow on Oct. 31, 2008.

Oracle brought claims of copyright infringement, violations of the Federal Computer Fraud and Abuse Act, violations of the California Computer Data Access and Fraud Act, breach of contract, intentional interference with prospective economic advantage, negligent interference with prospective economic advantage, violations of California Business & Professions Code § 17200, trespass to chattels and unjust enrichment.

On Sept. 9, 2010, TomorrowNow stipulated to all liability on all claims, and preserved no defenses. On the same date, SAP AG and SAP America both stipulated to vicarious liability on the copyright claims against TomorrowNow in their entirety. TomorrowNow also stipulated to injunctive relief, including further copyright infringement, further illegal downloading from Oracle's websites, further use of automated downloading programs on Oracle's websites, and further interference with Oracle's customers. On Sept. 29, SAP AG, SAP America and TomorrowNow stipulated that TomorrowNow made thousands of infringing copies of Oracle software and hundreds of thousands of infringing copies of Oracle support materials. The defendants further stipulated that TomorrowNow infringed Oracle's copyrighted software and support materials after the lawsuit commenced on March 22, 2007. On Nov. 2, 2010, SAP AG and SAP America further stipulated that they were liable to Oracle for contributory copyright infringement, and therefore knew or had reason to know about TomorrowNow's infringement, and intentionally and materially contributed to it.

The case proceeded to trial on the issue of alleged damages sustained by Oracle.

**Injury:** Plaintiffs' counsel maintained that SAP should pay a lump-sum royalty based on the fair market value of the license to the infringed Oracle intellectual property that SAP would have needed when it acquired TomorrowNow in January 2005. Based on SAP's expectations of the value of the Oracle software TomorrowNow pirated, SAP would have paid \$1.65 billion for a license. Plaintiffs' experts estimated the fair market value of a license to be at least \$1.65 billion. Based on SAP's internal documents, SAP's board and top executives expected that the infringement would be worth billions of dollars, and SAP valued the impact of TomorrowNow not on TomorrowNow's revenue, but on the overall strategic impact to Oracle. SAP's internal board-level documents also showed that SAP believed it could hide behind TomorrowNow as a liability shield and let TomorrowNow take the fall if/when it was caught.

Defense counsel contended that Oracle's billion-dollar damages claims were akin to a film studio demanding the value of worldwide movie rights from a bootlegger who only managed to sell one pirated copy. Counsel urged the jury to award damages based on the number of customers Oracle actually lost to SAP as a result of Tomor-

See **VERDICTS** page 6

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Gwilliam, Ivory, Chiosso, Cavalli & Brewer is proud to be named in Verdict Search's top 2010 California verdicts. The firm recognizes partner Steven R. Cavalli and congratulates him on achieving the highest personal injury verdict in Yolo County. The firm is also pleased to announce that Jayme L. Burns has become an associate with the firm.

In *Jacobs v. Pacific Transportation Services* the jury awarded the plaintiff \$1,503,477 in a case where a big rig rear ended the plaintiff's vehicle. It is believed to be the largest personal injury verdict ever in Yolo County. The case then settled for \$1,750,000.

Since 1978, Gwilliam, Ivory, Chiosso, Cavalli & Brewer, continues to champion the cause of victims' rights. As aggressive as the firm is in its approach to winning cases, it is equally compassionate towards its clients. The firm specializes in complex and serious cases in the personal injury and consumer law field including employment, civil litigation, professional malpractice, product liability, bad faith insurance and business fraud. It has a superior track record for verdicts and settlements.

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### Travis v. Bison Builders, Inc.

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### We wish the best to David Travis and his family as they move forward.



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RANK	CASE	DATE	COURT	TYPE OF ACTION	HEADLINES	COUNSEL	AWARD
1	Oracle USA Inc. v. SAP AG	11/23/2010	Federal	Intellectual Property: Copyrights	Oracle: SAP's infringement cost company billions in profits	P: Zachary J. Alinder, San Francisco, CA of Bingham McCutchen LLP; Bree Hann, San Francisco, CA of Bingham McCutchen LLP; Holly A. House, San Francisco, CA of Bingham McCutchen LLP; Geoffrey M. Howard, San Francisco, CA of Bingham McCutchen LLP; Donn P. Pickett, San Francisco, CA of Bingham McCutchen LLP; David Boies, Armonk, NY of Boies, Schiller & Flexner LLP; Steven C. Holtzman, Oakland, CA of Boies, Schiller & Flexner LLP	\$1,300,000,000
2	Lavender v. Skilled Healthcare Group Inc.	7/6/2010	Humboldt County	Health Law: Nursing Home	Nursing facilities were understaffed, class claimed	P: Amelia F. Burroughs, Eureka, CA of Janssen, Malloy, Needham, Morrison, Reinholtsen, Crowley & Griego, LLP; Michael J. Crowley, Eureka, CA of Janssen, Malloy, Needham, Morrison, Reinholtsen, Crowley & Griego, LLP; Patrik Griego, Eureka, CA of Janssen, Malloy, Needham, Morrison, Reinholtsen, Crowley & Griego, LLP; W. Timothy Needham, Eureka, CA of Janssen, Malloy, Needham, Morrison, Reinholtsen, Crowley & Griego, LLP; Michael D. Thamer, Callahan, CA of Law Offices of Michael D. Thamer; Christopher J. Healey, San Diego, CA of Luce, Forward, Hamilton & Scripps, LLP; Aaron T. Winn, San Diego, CA of Luce, Forward, Hamilton & Scripps, LLP	\$676,771,596
3	Celador International Ltd. v. Walt Disney Co.	7/7/2010	Federal	Contracts: Breach of Contract	'Millionaire' creator claimed it was owed millions for hit show	P: Bernice Conn, Los Angeles, CA of Robins, Kaplan, Miller & Ciresi L.L.P.; Marcia J. Harris, Los Angeles, CA of Robins, Kaplan, Miller & Ciresi L.L.P.; Roman M. Silberfeld, Los Angeles, CA of Robins, Kaplan, Miller & Ciresi L.L.P.; Bridgette M. Taylor, Los Angeles, CA of Robins, Kaplan, Miller & Ciresi L.L.P.	\$269,431,798
4	Evans v. A.W. Chesterton Co.	4/29/2010	Los Angeles County	Products Liability: Asbestos	Suit alleged asbestos dust caused woman's mesothelioma	P: T. Scott Hames, San Francisco, CA of Levin Simes Kaiser & Gornick, LLP; William A. Levin, San Francisco, CA of Levin Simes Kaiser & Gornick, LLP; Laurel L. Simes, San Francisco, CA of Levin Simes Kaiser & Gornick, LLP	\$208,821,015
5	Neurovision Medical Products Inc. v. NuVasive Inc.	10/25/2010	Federal	Intellectual Property: Trademarks	Suit: Defendent used confusingly similar mark on competing device	P: Peter W. Ross, Los Angeles, CA of Browne Woods George LLP; Keith J. Wesley, Los Angeles, CA of Browne Woods George LLP; K. Andrew Kent, Westlake Village, CA of Rincon Venture Law Group	\$60,000,000
6	Atallah v. Bleau, Fox & Fong	3/9/2010	Los Angeles County	Intentional Torts: Fraud	Suit alleged company withheld info before sale of gas station	P: William Gwire, San Francisco, CA of Gwire Law Offices	\$50,000,000
7	Vnus Medical Technologies Inc. v. Biolitec Inc.	12/8/2010	Federal	Intellectual Property: Infringement	Company alleged its patented laser treatments were copied	P: Matthew Lehr, Menlo Park, CA of Davis Polk & Wardwell LLP	\$45,840,000
8	Elkins v. Murchison	6/4/2010	San Bernardino County	Motor Vehicle: Passenger	Boy rendered quadriplegic after jumping from back of truck	P: Ricardo Echeverria, Claremont, CA of Shernoff Bidart Echeverria	\$32,228,747
9	Landeros v. Torres	2/1/2010	Kern County	Motor Vehicle: Stop Sign	Sisters claimed drunken driver ran stop sign, caused crash	P: Alejandro Blanco, Beverly Hills, CA of Carpenter, Zuckerman & Rowley; Nicholas C. Rowley, Beverly Hills, CA of Carpenter, Zuckerman & Rowley; Daniel Rodriguez, Bakersfield, CA of Rodriguez & Associates	\$31,748,595

Continued on page 7

The Law Offices of Jan C. Nielsen

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The question is:  
are they willing to  
do the work that's neces-  
sary to succeed?

There are many examples  
of Nielsen's persistence  
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believes that it is neces-  
sary to build a strong  
foundation for cases so  
that when they are ready  
to go to trial, the facts are  
known, documented, and  
palpable.

Top Verdict in 2009

**J. Steven Wiley v. Wyndham  
Vacation Ownership, Inc.**  
On April 14, 2010, Judge David  
B. Flinn of the Contra Costa  
County Superior Court signed a  
final judgment in the amount of  
\$2,150,876.75 in favor of Plaintiff  
J. Steven Wiley. The judgment  
includes attorney's fees and costs,  
added to the jury's verdict of  
\$1,000,000 awarded on March  
10, 2009.

In sum, the Law Offices of Jan C. Nielsen believes there are no  
shortcuts to success.

**Update:** 2010 jury verdict Victoria Li v. Wyndham Vacation Ownership Resorts, Inc.  
\$392,000, including costs, Contra Costa County Superior Court, Honorable Barry P.  
Goode, presiding. Request for \$1.8 million attorneys fees currently on appeal.

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Robinson, Calcagnie, Robinson, Shapiro, Davis is honored to be included in the Top California verdicts of 2010. The firm proudly congratulates Daniel S. Robinson and Ted B. Wacker, the attorneys who obtained the \$14,548,351 verdict for Plaintiff Dante Poole in regard to his injuries sustained in the auto v. motorcycle crash which left Mr. Poole paralyzed. The trial lasted 18 days; the deliberations lasted 7 hours; the jury vote was 12-0 on negligence.



FOR OVER THREE DECADES, **Robinson, Calcagnie, Robinson, Shapiro, Davis** has been at the forefront of major products liability, mass tort and personal injury litigation.

**Outstanding Results.** The firm has achieved over 100 substantial verdicts, judgments and settlements on behalf of its clients.

**Practice Areas.** The firm's practice areas include products liability, asbestos, auto accidents, aviation accidents, pharma-ceuticals and medical devices, pedestrian accidents, unfair business practices and workplace injuries. The firm has been involved in numerous mass torts involving pharmaceutical injuries, class actions, tobacco-related litigations and product liability cases commanding national attention. Recently, senior partner Mark P. Robinson, Jr. was appointed Co-Lead Counsel for the Plaintiffs' Liaison Committee for personal injury/wrongful death cases, in the Toyota Unintended Acceleration Litigation. He has also been designated to the Plaintiffs' Executive Committee in the DePuy Orthopaedics, Inc., ASR Hip Implant Products Liability Litigation.

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## VERDICTS

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rowNow's infringement, or to calculate the value of Oracle's license as if the companies had entered into a royalty agreement based on actual sales. Counsel further argued that damages should match Oracle's lost profits, which the defense damages expert testified was about \$40 million.

**Verdict Information:** The jury found that Oracle is entitled to \$1.3 billion from the defendants to compensate the plaintiff for its actual damages under its copyright infringement claim, in the form of a fair market value license for the copyright infringement.

## 2. Health Law: Nursing facilities were understaffed, class claimed Verdict: (P) \$676,771,596.00

**Case Type:** Nursing Home, Consumer Protection - False Advertising, Consumer Protection - Deceptive Trade Practices Act, Consumer Protection - California Consumer Legal Remedies Act

**Case:** Vinnie Lavender by and through her Conservator, Wanda Baker; Walter Simon; James C. Brewer and Jacquelyn Vilchinsky v. Skilled Healthcare Group Inc., Skilled Healthcare LLC, Granada Healthcare and Rehabilitation Center LLC, Eureka Healthcare and Rehabilitation Center LLC, Pacific Healthcare and Rehabilitation Center LLC, Seaview Healthcare and Rehabilitation Center LLC, St. Luke Healthcare and Rehabilitation Center LLC, Bay Crest Care Center LLC, Brier Oak on Sunset LLC, The Earlwood LLC, Royalwood Care Center LLC, Valley Healthcare Center LLC, Willow Creek Healthcare Center LLC, Alta Care Center LLC, Anaheim Terrace Care Center

LLC, Carehouse Healthcare Center LLC, Devonshire Care Center LLC, Elmcrest Care Center LLC, Montebello Care Center LLC, Alexandria Care Center LLC, Hancock Park Rehabilitation Center LLC, Sharon Care Center LLC and Does 1 through 100, No. DR060264

**Venue:** Superior Court of Humboldt County, Eureka, CA

**Judge:** W. Bruce Watson

**Date:** 07-06-2010

**Plaintiff Attorney:**

Amelia F. Burroughs; Janssen, Malloy, Needham, Morrison, Reinholtsen, Crowley & Griego, LLP; Eureka, CA, for Vinnie Lavender, Wanda Baker, Walter Simon, Jacquelyn Vilchinsky

Michael J. Crowley; Janssen, Malloy, Needham, Morrison, Reinholtsen, Crowley & Griego, LLP; Eureka, CA, for Vinnie Lavender, Wanda Baker, Walter Simon, Jacquelyn Vilchinsky

Patrik Griego; Janssen, Malloy, Needham, Morrison, Reinholtsen, Crowley & Griego, LLP; Eureka, CA, for Vinnie Lavender, Wanda Baker, Walter Simon, Jacquelyn Vilchinsky

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W. Timothy Needham; Janssen, Malloy, Needham, Morrison, Reinholtsen, Crowley & Griego, LLP; Eureka, CA, for Vinnie Lavender, Wanda Baker, Walter Simon, Jacquelyn Vilchinsky

Michael D. Thamer; Law Offices of Michael D. Thamer; Callahan, CA, for Vinnie Lavender, Wanda Baker, Walter Simon, Jacquelyn Vilchinsky

Aaron T. Winn; Luce, Forward, Hamilton & Scripps, LLP; San Diego, CA, for Vinnie Lavender, Wanda Baker, Walter Simon, Jacquelyn Vilchinsky

**Plaintiff Expert:**

John Schnelle Ph.D.; Nursing Policy & Procedures; Nashville, TN called by: Michael

crowley, W. Needham, Michael Thamer, Christopher Healey, Aaron Winn, Amelia Burroughs, Patrik Griego

Kathryn Locatell M.D.; Geriatrics; Sacramento, CA called by: Michael Crowley, W. Needham, Michael Thamer, Christopher Healey, Aaron Winn, Amelia Burroughs, Patrik Griego

Patrick Kennedy Ph.D.; Business Interruption/Lost Profits (Economics); San Diego, CA called by: Michael Crowley, W. Needham, Michael Thamer, Christopher Healey, Aaron Winn, Amelia Burroughs, Patrik Griego

Charlene Harrington R.N., Ph.D.; Nursing; San Francisco, CA called by: Michael Crowley, W. Needham, Michael Thamer, Christopher Healey, Aaron Winn, Amelia Burroughs, Patrik Griego

Barbara Banoff; Partnership Disputes; Tallahassee, FL called by: Michael Crowley, W. Needham, Michael Thamer, Christopher Healey, Aaron Winn, Amelia Burroughs, Patrik Griego

Victoria Fierro C.P.A.; Accounting (Forensic); Tallahassee, FL called by: Michael Crowley, W. Needham, Michael Thamer, Christopher Healey, Aaron Winn, Amelia Burroughs, Patrik Griego

**Defendant Attorney:**

Darryl A. Ross; Wroten & Associates, Inc.; Irvine, CA, for Skilled Healthcare Group Inc., Skilled Healthcare LLC, Granada Healthcare and Rehabilitation Center LLC, Eureka Healthcare and Rehabilitation Center LLC, Pacific Healthcare and Rehabilitation Center LLC, Seaview Healthcare and Rehabilitation Center LLC, St. Luke Healthcare and Rehabilitation Center LLC, Bay Crest Care Center LLC, Brier Oak on Sunset LLC, The Earlwood LLC, Royalwood Care Center LLC, Sycamore Park Care Center LLC, Villa Maria Healthcare Center LLC, Valley Healthcare Center LLC, Willow Creek Healthcare Center LLC, Alta Care Center LLC, Anaheim Terrace Care Center LLC, Carehouse Healthcare Center LLC,

Devonshire Care Center LLC, Elmcrest Care Center LLC, Montebello Care Center LLC, Alexandria Care Center LLC, Hancock Park Rehabilitation Center LLC, Sharon Care Center LLC, Does 1-100

Kippy L. Wroten; Wroten & Associates, Inc.; Irvine, CA, for Skilled Healthcare Group Inc., Skilled Healthcare LLC, Granada Healthcare and Rehabilitation Center LLC, Eureka Healthcare and Rehabilitation Center LLC, Pacific Healthcare and Rehabilitation Center LLC, Seaview Healthcare and Rehabilitation Center LLC, St. Luke Healthcare and Rehabilitation Center LLC, Bay Crest Care Center LLC, Brier Oak on Sunset LLC, The Earlwood LLC, Royalwood Care Center LLC, Sycamore Park Care Center LLC, Villa Maria Healthcare Center LLC, Valley Healthcare Center LLC, Willow Creek Healthcare Center LLC, Alta Care Center LLC, Anaheim Terrace Care Center LLC, Carehouse Healthcare Center LLC, Devonshire Care Center LLC, Elmcrest Care Center LLC, Montebello Care Center LLC, Alexandria Care Center LLC, Hancock Park Rehabilitation Center LLC, Sharon Care Center LLC, Does 1-100

Laura K. Sitar; Wroten & Associates, Inc.; Irvine, CA, for Skilled Healthcare Group Inc., Skilled Healthcare LLC, Granada Healthcare and Rehabilitation Center LLC, Eureka Healthcare and Rehabilitation Center LLC, Pacific Healthcare and Rehabilitation Center LLC, Seaview Healthcare and Rehabilitation Center LLC, St. Luke Healthcare and Rehabilitation Center LLC, Bay Crest Care Center LLC, Brier Oak on Sunset LLC, The Earlwood LLC, Royalwood Care Center LLC, Sycamore Park Care Center LLC, Villa Maria Healthcare Center LLC, Valley Healthcare Center LLC, Willow Creek Healthcare Center LLC, Alta Care Center LLC, Anaheim Terrace Care Center LLC, Carehouse Healthcare Center LLC, Devonshire Care Center LLC, Elmcrest Care Center LLC, Montebello Care Center

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## Ward & Hagen LLP

ATTORNEYS AT LAW

Ward & Hagen, LLP is proud to be named in Verdict Search's top 2010 California verdicts. The firm recognizes partners **Peter C. Ward** and **Christopher H. Hagen**



Peter C. Ward

along with associate **Steven M. Nuñez** and congratulates them on achieving one of the highest professional negligence verdicts and **29th highest verdict in California for 2010.**

In ***Earley v. Smith-Kandal Insurance Agency, et al.***, the jury awarded the plaintiff **\$7,553,559** for economic loss, attorneys fees, litigation costs and emotional distress.

Ward & Hagen, LLP, continues to represent clients in their claims for insurance bad faith, construction defect, professional negligence, commercial contracts and real estate disputes.

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RANK	CASE	DATE	COURT	TYPE OF ACTION	HEADLINES	COUNSEL	AWARD
10	Doe v. Eastfield Ming Quong Inc.	8/4/2010	Santa Clara County	Negligence: Negligent Supervision	Abused foster child alleged agency didn't do proper background check	P: Donald Joseph Beck, San Diego, CA; Stephen J. Estey, San Diego, CA of Estey & Bomberger	\$30,000,000
11	Tanner v. Horizon West Inc.	5/13/2010	Sacramento County	Elder Law: California Elder Abuse Act	Facility to blame for fatal bed sore, family alleged	P: Jay P. Renneisen, Walnut Creek, CA of Nursing Home & Elder Abuse Law Center; Edward P. Dudensing, Sacramento, CA of the Law Office	\$29,100,000
12	Loza-Jimenez v. Freeway Transport Inc.	3/8/2010	Sacramento County	Motor Vehicle: Pedestrian	Girl, 9, run over by rig operated by her father	P: Robert A. Buccola, Sacramento, CA of Dreyer, Babich, Buccola & Wood; Steven M. Campora, Sacramento, CA of Dreyer, Babich, Buccola & Wood	\$24,300,000
13	Castillo v. Ford Motor Co.	2/18/2010	San Bernardino County	Products Liability: Design Defect	Woman blamed Ford for rollover that left her paralyzed	P: Robert Langdon, Lexington, MO of Langdon & Emison, Attorneys at Law; Brian Brandt, Upland, CA of Law Offices of Brian Brandt	\$23,441,101
14	Don Johnson Productions Inc. v. Rysher Entertainment Inc.	7/7/2010	Los Angeles County	Contracts: Breach of Contract	Production company said it was entitled to half of show's profits	P: Mark Holscher, Los Angeles, CA of Kirkland & Ellis LLP	\$23,200,000
15	Pfeifer v. Buffalo Pumps Inc.	11/18/2010	Los Angeles County	Products Liability: Asbestos	Man alleged asbestos exposure from gaskets caused cancer	P: Robert A. Green, Long Beach, CA of Simon, Eddins & Greenstone, LLP; Jay Stuemke, Dallas, TX of Simon, Eddins & Greenstone, LLP	\$22,753,580
16	Moreno v. ATV Inc.	3/18/2010	Los Angeles County	Products Liability: Tires	Family claimed old, recalled tire caused fatal crash	P: Roger S. Braugh, Jr., Corpus Christi, TX of Sico, White, Hoelscher & Braugh; Jane M. Braugh, Pasadena, CA of Sico, White, Hoelscher & Braugh, LLP; Jason P. Hoelscher, Corpus Christi, TX of Sico, White, Hoelscher & Braugh, LLP	\$18,048,016
17	Leivo v. Avila	6/10/2010	Los Angeles County	Motor Vehicle: Alcohol Involvement	One killed, three injured in collision with drunken driver	P: Cory R. Weck, Redlands, CA of Welebir Tierney & Weck, APLC	\$16,599,394
18	Hughes v. Pham	1/29/2010	Riverside County	Medical Malpractice: Neurosurgery	Plaintiff claimed surgery delay led to paraplegia	P: Burt Rosenblatt, Phoenix, AZ of Ely Bettini Ulman & Rosenblatt; David Bricker, Beverly Hills, CA of Ervin Cohen & Jessup LLP	\$16,475,000
19	Houck v. Daimler Chrysler Corp.	6/9/2010	Alameda County	Products Liability: Design Defect	Suit claimed recalled vehicle was still rented to customers	P: Lawrence P. Grassini, Woodland Hills, CA of Grassini & Wrinkle; Kathleen M. Grassini, Woodland Hills, CA of Grassini & Wrinkle; Roland Wrinkle, Woodland Hills, CA of Grassini & Wrinkle	\$15,000,000
20	Poole v. Picazo	11/18/2010	Los Angeles County	Motor Vehicle: Motorcycle	Crash at intersection left motorcyclist paralyzed	P: Daniel S. Robinson, Newport Beach, CA of Robinson, Calcagnie & Robinson; Ted B. Wacker, Newport Beach, CA of Robinson, Calcagnie & Robinson	\$14,548,351
21	Dawe v. Corrections USA	10/22/2010	Federal	Business Law: Defamation	Company's founders claimed takeover officers defamed them	P: Daniel Lawrence Baxter, Sacramento, CA of Wilke, Fleury, Hoffelt, Gould & Birney, L.L.P.	\$12,591,409
22	Schwartz v. Oakdale Heights Management Corp.	3/1/2010	Los Angeles County	Nursing Homes	Nursing home blamed after worker attacked resident	P: Susan A. Owen, Valencia, CA of Owen, Patterson & Owen; Gregory J. Owen, Valencia, CA of Owen, Patterson & Owen	\$12,500,000
23	Liou v. State of California	7/1/2010	San Mateo County	Motor Vehicle: Pedestrian	Suit alleged marked crosswalk was dangerous for pedestrians	P: Douglas S. Saeltzer, San Francisco, CA of Walkup, Melodia, Kelly & Schoenberger; Richard H. Schoenberger, San Francisco, CA of Walkup, Melodia, Kelly & Schoenberger	\$12,200,000
24	Ramirez v. Abudu	2/11/2010	Los Angeles County	Medical Malpractice: Emergency Room	Hospital transfer delay to blame for plaintiff slipping into a coma	P: Bruce G. Fagel, M.D., Beverly Hills, CA of Dr. Bruce G. Fagel & Associates	\$12,017,970

Continued on page 7



Gwire Law Offices is honored to be included in Verdict Search's 2010 list of the Top 100 Verdicts, for our \$50,000,000 jury trial verdict for Elias Atallah over Equilon Enterprises (Shell Oil Company, U.S.).

While we are pleased with achieving the #6 largest verdict in California, and the #40 largest in the U.S. for 2010, we are most proud of the hundreds of smaller successes we achieve year in and year out for our clients, who unfortunately, have been wronged by members of the legal profession.

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**SIMONA A. FARRISE,  
ESQ., LL.M.**

SIMONA A. FARRISE, ESQ., LL.M., founder of the Farrise Law Firm, has established herself as among the top lawyers in the country. Ms. Farrise is a sought after national public speaker on a variety of legal topics concerning trials, jury work, and other matters. For each year from 2004 through 2007, San Francisco Magazine named her one of Northern California's SuperLawyers™. She has also been recognized as one of the top 50 female lawyers in California.

Legal Newspapers including The National Law Journal and The Recorder have featured her practice and verdicts. She has received numerous awards and honors including the progressive leadership award from the Equal Justice Society, and in 2007 received the prestigious Distinguished Alumnus Award of Golden Gate University School of Law presented at its commencement exercises.

***Farrise Law Firm obtains justice from Ford Motor Co. for man dying of mesothelioma — Los Angeles jury awards \$4.355 million, finds Ford 100% responsible and determines auto giant acted with malice, oppression or fraud in exposing plaintiff to asbestos in its auto brakes, clutches & other components***

***Farrise Law Firm helps obtain justice for man dying of mesothelioma — Los Angeles jury awards \$9.2 million & finds chemical maker union carbide corporation largely responsible***

***Farrise Law Firm obtains justice — Los Angeles jury awards \$14.876 million, and finds Fluor Corporation 45% responsible***



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Continued from page 7

RANK	CASE	DATE	COURT	TYPE OF ACTION	HEADLINES	COUNSEL	AWARD
25	Travis v. Bison Builders Inc.	12/22/2010	Marin County	Construction: Scaffolds and Ladders	Worker alleged he hit his head on low scaffolding	P: Jeremy D. Cloyd, San Francisco, CA of The Veen Firm, P.C.; William L. Veen, San Francisco, CA of The Veen Firm, P.C.	\$11,732,637
26	PC Specialists Inc. v. Fusion-Storm	7/16/2010	San Francisco County	Intellectual Property: Trade Secrets	Pltf: Former employees disclosed trade secrets to competitor	P: Arturo J. Gonzalez, San Francisco, CA of Morrison & Foerster, L.L.P.; Craig A. Schloss, San Diego, CA of Morrison & Foerster, L.L.P.	\$10,885,000
27	Novak v. Pizza Hut Inc.	7/28/2010	San Diego County	Motor Vehicle	Suit: Pizza Hut was negligent in hiring dangerous driver	P: John H. Gomez, San Diego, CA of The Gomez Law Firm; John P. Fiske, San Diego, CA of Wertz, McDade, Wallace, Moot & Brower, APC; Joseph C. Lavelle, San Diego, CA of Wertz, McDade, Wallace, Moot & Brower, APC; John R. Wertz, San Diego, CA of Wertz, McDade, Wallace, Moot & Brower, APC	\$10,820,976
28	Lutz v. Mudford	10/23/2010	Fresno County	Motor Vehicle: Multiple Vehicle	Plaintiffs alleged van driver's inattention caused pile-up	P: Rene L. Sample, Fresno, CA of Cornwell & Sample, L.L.P.; Christopher T. Aumais, Los Angeles, CA of Girardi & Keese; David R. Lira, Los Angeles, CA of Girardi & Keese	\$9,349,252
29	Earley v. Chubb Custom Insurance Co.	7/2/2010	Imperial County	Contracts: Breach of Contract	Insurance agency mishandled coverage, hotel owner alleged	P: Steven M. Nuñez, Solana Beach, CA of Ward & Hagen LLP; Peter C. Ward, Solana Beach, CA of Ward & Hagen LLP	\$7,553,559
30	Bae v. First Transit Inc.	6/24/2010	Los Angeles County	Motor Vehicle: Pedestrian	Pedestrian hit by bus claimed traumatic brain injury	P: Daniel E. Hoffman, Los Angeles, CA of Lee & Associates; Jae Y. Lee, Los Angeles, CA of Lee & Associates;	\$7,000,000
31	Martin E. and Marion E. Scalzo Family Trust v. City of San Capistrano	6/1/2010	Orange County	Land Use: Inverse Condemnation	City placed unfair conditions on development project, plaintiff said	P: Carol Zaist, Newport Beach, CA of Newmeyer & Dillion; Charles S. Krolikowski, Newport Beach, CA of Newmeyer & Dillion LLP	\$6,768,000
32	Crenshaw v. Land O'Lakes Inc.	11/2/2010	Kings County	Motor Vehicle: Intersection	Corrections officer said crash caused career-ending injuries	P: Robert Glassman, Los Angeles, CA of Panish Shea & Boyle LLP; Brian J. Panish, Los Angeles, CA of Panish Shea & Boyle LLP	\$6,445,551
33	Avery v. MV Public Transportation Inc.	10/8/2010	Placer County	Products Liability: Design Defect	Lift system mishap caused rider in wheelchair to roll off bus	P: Roger A. Dreyer, Sacramento, CA of Dreyer, Babich, Buccola & Wood, L.L.P.; Christopher W. Wood, Sacramento, CA of Dreyer, Babich, Buccola & Wood, L.L.P.	\$6,396,697
34	McDonald v. Biggs	6/10/2010	Kern County	Motor Vehicle: Rear-end	Mother alleged crash caused painful shoulder injuries	P: Stephen K. McElroy, Lancaster, CA of R. Rex Parris Law Firm; Ashley N. Parris, Lancaster, CA of R. Rex Parris Law Firm	\$6,158,083
35	McIntosh v. Northern California Universal Enterprises Co.	3/10/2010	Federal	Intellectual Property: Copyrights	Engineer said his copyrighted designs were used without permission	P: James J. Braze, Bakersfield, CA of Borton Petrini, LLP; Jeffrey A. Travis, Bakersfield, CA of Borton Petrini, LLP	\$5,389,000
36	Lee v. California Institute of Technology	7/23/2010	Federal	Products Liability: Design Defect	Professor paralyzed in rollover blamed van's roof design	P: Christine D. Spagnoli, Santa Monica, CA of Greene Broillet & Wheeler, LLP; Bruce A. Broillet, Santa Monica, CA of Greene, Broillet & Wheeler, LLP	\$4,697,347
37	DaSilva v. Ornelas	3/26/2010	San Mateo County	Motor Vehicle: Motorcycle	Motorcyclist alleged tanker crossed center line, struck him	P: George V. Choulos, San Francisco, CA of Choulos, Choulos & Wyle, LLP; Anna Dubrovsky, San Francisco, CA of Choulos, Choulos & Wyle, LLP	\$4,696,229
38	Johnson v. Kirk	12/1/2010	Los Angeles County	Intentional Torts: Slander	Retired pastor accused replacement of slander, conversion	P: William M. Crosby, Irvine, CA of Barnes, Crosby, FitzGerald & Zeman LLP	\$4,632,010

Asbestos / Mesothelioma

Benzene

Pharmaceutical

Commercial Law

Products Liability

Toxic Tort

Truck Accidents

Refinery Explosions

Anaplastic Large Cell Lymphoma

Nephrogenic Systemic Fibrosis



Jay B. Stuemke



Robert A. Green

Simon, Eddins & Greenstone, LLP proudly congratulates attorneys Jay B. Stuemke and Robert A. Green on their victory in obtaining a verdict of approximately \$22.7 million in compensatory and punitive damages on behalf of Bill and Anne Pfeifer and against John Crane, Inc. Plaintiffs sued John Crane, Inc. in products liability for the design, manufacture and sale of asbestos-containing products, on the grounds that Bill Pfeifer’s exposure to asbestos from John Crane products contributed to cause his mesothelioma. The Los Angeles jury found John Crane liable for both design defect (on a “consumer expectations” theory) and failure to warn. The jury assigned 70% of the fault to John Crane, and found no contributory negligence as to Bill Pfeifer. The jury further found clear and convincing evidence that John Crane, Inc. acted with malice, and thereafter awarded plaintiffs \$14.5 million in punitive damages.

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## OWEN, PATTERSON & OWEN

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Greg Owen would like to thank his co-counsel, Susy Owen, for the incredible work she did on behalf of 94-year-old Sophie Schwartz who was raped at a nursing home whose owner chose profits over protecting a beautiful, kind woman.

"Susy, you exemplify what all plaintiffs' lawyers should strive to be."

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## VERDICTS

Continued from page 6

LLC, Alexandria Care Center LLC, Hancock Park Rehabilitation Center LLC, Sharon Care Center LLC, Does 1-100

Scott J. Kiepen; Hooper, Lundy & Bookman, Inc.; San Diego, CA, for Alexandria Care Center LLC, Alta Care Center LLC, Anaheim Terrace Care Center LLC, Bay Crest Care Center LLC, Brier Oak on Sunset LLC, Carehouse Healthcare Center LLC, Devonshire Care Center LLC, Does 1-100, Elmcrest Care Center LLC, Eureka Healthcare and Rehabilitation Center LLC, Granada Healthcare and Rehabilitation Center LLC, Hancock Park Rehabilitation Center LLC, Montebello Care Center LLC, Pacific Healthcare and Rehabilitation Center LLC, Royalwood Care Center LLC, Seaview Healthcare and Rehabilitation Center LLC, Sharon Care Center LLC, Skilled Healthcare LLC, Skilled Healthcare Group Inc., St. Luke Healthcare and Rehabilitation Center LLC, Sycamore Park Care Center LLC, The Earlwood LLC, Valley Healthcare Center LLC, Villa Maria Healthcare Center LLC, Willow Creek Healthcare Center LLC

### Defendant Expert:

Mary Tellis-Nayak R.N.; Nursing Home Staffing/Training; Chicago, IL called by: Nancy Delaney, Kippy Wroten, Laura Sitar, Darryl Ross, Kristine Kiepen

Carl Bryant R.N.; Standards of Care; El Cajon, CA called by: Nancy Delaney, Kippy Wroten, Laura Sitar, Darryl Ross, Kristine Kiepen

Michael Lesnick; Health Care Management; Fountain Valley, CA called by: Nancy Delaney, Kippy Wroten, Laura Sitar, Darryl Ross, Kristine Kiepen

Eric Talley J.D., Ph.D.; Corporate Management Systems; Oakland, CA called by: Nancy Delaney, Kippy Wroten, Laura Sitar, Darryl Ross, Kristine Kiepen

Karl Steinberg M.D.; Life Care Planning; Oceanside, CA called by: Nancy Delaney, Kippy Wroten, Laura Sitar, Darryl Ross, Kristine Kiepen

Jennifer Ziegler C.P.A.; Accounting (Forensic); San Francisco, CA called by: Nancy Delaney, Kippy Wroten, Laura Sitar, Darryl Ross, Kristine Kiepen

C. Amparo R.N., BSN; Nursing Home Staffing/Training; Seattle, WA called by: Nancy Delaney, Kippy Wroten, Laura Sitar, Darryl Ross, Kristine Kiepen

Sharon Brangman M.D.; Geriatrics; Syracuse, NY called by: Nancy Delaney, Kippy Wroten, Laura Sitar, Darryl Ross, Kristine Kiepen

**Facts:** Representative plaintiffs Vinnie Lavender, Walter Simon and James Brewer were residents of health and rehabilitation facilities operated by Skilled Healthcare LLC. Plaintiff Wanda Baker represented Lavender, who is her mother. Plaintiff Jacquelyn Vilchinsky represented her deceased husband, Robert Vilchinsky. The plaintiffs claimed that Skilled Healthcare Group violated state law in its handling of its 22 skilled nursing facilities.

On behalf of a class of 32,000 residents, former residents and their family members, the plaintiffs sued Skilled Healthcare Group and its members for understaffing in violation of state law. The plaintiffs named the 22 nursing facilities, their administrative company and the parent corporation.

The plaintiffs contended that the defendants had a repeated practice of failing to provide adequate nursing staff in violation of Health and Safety Code Sec. 1276.5, which requires a minimum of 3.2 nursing hours per patient day. The plaintiffs further contended that the defendants violated Health and Safety Code Sec. 1599.1, which requires that a facility have adequate nursing personnel to carry out the functions of the facility.

The action was brought under Health

and Safety Code Sec. 1430(b), which provides that a defendant may be held liable for up to \$500 per violation of a patient's rights under the Consumer Legal Remedies Act. The plaintiffs used the defendants' internal records to show that the facilities were below the 3.2-minimal-hour requirement, and that they were below the adequate staffing requirements for 9,617 days. That translated into 1,178,090 patient days that the defendants were below the minimum hours required by state law.

The plaintiffs introduced numerous e-mails to show that the defendants were aware that they were in violation of state law; that administrators had been ordered to violate the state minimum; and that staffing had been reduced to increase profit margins. The plaintiffs also provided evidence showing that key documents had been destroyed by the defendants.

The plaintiffs' accounting expert was on the stand for eight days, including five days of cross-examination. He testified as to the number of patient days that the facilities were in violation of state law, using the defendants' own data. The plaintiffs' nursing experts testified as to the number of nursing staff necessary to provide adequate care to residents and the consequences of not providing sufficient staff.

The defense disputed that e-mails showed that administrators had been ordered to violate the state minimum and that staffing had been decreased to make more money. The defendants argued that 3.2 nursing hours per patient day was merely a recommendation by the legislature and not a requirement. The defendants argued that they were not in violation of the law because facility personnel were cross-trained and thus fulfilled the necessary nursing duties even though they were not categorized as such. The defendants also argued that even if they were short-staffed, the residents were not harmed.

Defense witnesses were impeached numerous times with prior deposition testimony.

**Injury:** The plaintiffs sought damages for violations of California's health and safety code and the California Consumer Legal Remedies Act. Counsel did not ask for a specific damages award, indicating only that once added up, the amount would be "staggering."

**Verdict Information:** The jury rendered a plaintiffs' verdict, finding all defendants jointly and severally liable. It awarded \$676,771,596. The jury returned a verdict for the maximum allowed under the law, \$500 per violation of the health and safety code, for a total of \$618,769,500. An additional \$58,002,096 was awarded under the Consumer Legal Remedies Act. The jury made the predicate findings for treble and punitive damages, but the damages phase to determine those awards was stayed, pending post-trial mediation.

**Post-Trial:** Skilled Healthcare Group agreed to pay \$50 million to settle the case post-trial. The defendants also agreed to an injunction, which will require them to staff above the state-mandated minimum. The defense estimated the increase will cost \$12.8 million over the next two years. The court approved the settlement on Nov. 30.

### 3. Contracts: 'Millionaire' creator claimed it was owed millions for hit show

**Verdict:** (P) \$269,431,798.00

**Case Type:** Breach of Contract, Contracts — Implied Covenant of Fair Dealing, Business Law — Intentional Interference with a Contract

**Case:** Celador International Ltd., a United Kingdom corporation; Lusam Music

See **VERDICTS** page 12

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VERDICTS

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Ltd., a United Kingdom corporation; and Paul Smith, an individual v. The Walt Disney Co., a Delaware corporation; American Broadcasting Cos. Inc., a New York corporation; Buena Vista Television, a California corporation; Valleycrest Productions Ltd., a California corporation; Walt Disney World Co., a Florida corporation; and Does 2 through 20, inclusive, No. 2:04-cv-03541-VAP -RNB

**Venue:** United States District Court, Central District, Los Angeles, CA

**Judge:** Virginia A. Phillips

**Date:** 07-07-2010

**Plaintiff Attorney:** Bernice Conn; Robins, Kaplan, Miller & Ciresi L.L.P.; Los Angeles, CA, for Lusam Music Ltd., Celador International Ltd., Paul Smith

Marcia J. Harris; Robins, Kaplan, Miller & Ciresi L.L.P.; Los Angeles, CA, for Lusam Music Ltd., Celador International Ltd., Paul Smith

Roman M. Silberfeld; Robins, Kaplan, Miller & Ciresi L.L.P.; Los Angeles, CA, for Lusam Music Ltd., Celador International Ltd., Paul Smith

Bridgette M. Taylor; Robins, Kaplan, Miller & Ciresi L.L.P.; Los Angeles, CA, for Lusam Music Ltd., Celador International Ltd., Paul Smith

**Plaintiff Expert:** James Dertouzos Ph.D.; Statistical Analysis; Los Angeles, CA called by: Roman Silberfeld, Bernice Conn, Marcia Harris, Bridgette Taylor

Richard Marks; Television Industry; Los Angeles, CA called by: Roman Silberfeld, Bernice Conn, Marcia Harris, Bridgette Taylor

Stephen Sills; Accounting; Los Angeles, CA called by: Roman Silberfeld, Bernice Conn, Marcia Harris, Bridgette Taylor

**Defendant Attorney:**

Lisa N. Stutz; Sheppard Mullin Richter & Hampton LLP; Los Angeles, CA, for Buena Vista Television, Valleycrest Productions Ltd., Walt Disney World Co., The Walt Disney Co., American Broadcasting Cos. Inc.

Martin D. Katz; Sheppard Mullin Richter & Hampton LLP; Los Angeles, CA, for Buena Vista Television, Valleycrest Productions Ltd., Walt Disney World Co., The Walt Disney Co., American Broadcasting Cos. Inc.

Whitney Walters; Sheppard Mullin Richter & Hampton LLP; Los Angeles, CA, for Buena Vista Television, Valleycrest Productions Ltd., Walt Disney World Co., The Walt Disney Co., American Broadcasting Cos. Inc.

**Defendant Expert:**

Michael Intriligator Ph.D.; Statistical Analysis; Los Angeles, CA called by: Martin Katz, Lisa Stutz, Whitney Walters

Jeff Kinrich Ph.D.; Economics; Los Angeles, CA called by: Martin Katz, Lisa Stutz, Whitney Walters

Scuylar Moore; Television Industry; Los Angeles, CA called by: Martin Katz, Lisa Stutz, Whitney Walters

**Facts:** In 1999, plaintiff Celador International Ltd., the London-based studio which produced the original British version of the television game show, “Who Wants to Be a Millionaire?” entered into an agreement with Walt Disney Co. subsidiaries ABC and Buena Vista Television to license the show in North America. (Disney is the parent company for ABC and Buena Vista, and it is Disney’s accounting department that issues the profit participation statements for “Who Wants to Be a Millionaire?”)

Celador alleged that, pursuant to the agreement, Celador was entitled to 50 percent of the profits of the Americanized “Millionaire,” which began airing in late summer 1999. But, based on accountings generated by Disney, not only did the show (which aired on ABC for three years and has been in syndication for 10 years) never

make a profit, it generated more than \$70 million in what Disney regarded as “losses.”

As a result, Celador sued ABC, Buena Vista and Valleycrest Productions Ltd. (a wholly owned television production company owned by Disney) for breach of contract and breach of the implied covenant of good faith and fair dealing. Celador also sued Disney for interference with contract and unfair business practices pursuant to Business & Professions Code Section 17200. (Plaintiffs included Paul Smith, Celador’s managing director, and Lusam Music Ltd., which provided music for “Millionaire.”)

Plaintiffs’ counsel argued that Disney, through its subsidiaries, deprived Celador a fair-market value network license fee which in turn deprived plaintiff of its fair share of profits for “Millionaire.” Disney was further negligent for using accounting methods contrary to industry standards that cost Celador millions in receiving merchandising revenue ancillary products related to the show, maintained plaintiffs.

Defendants denied the allegations. Defense counsel asserted that the revenues of “Millionaire” were properly distributed pursuant to industry standards — specifically, ABC paid Buena Vista a license fee that covered the full costs of production. The defense blamed any perceived revenue allocation on Celador, maintaining that plaintiff agreed to a 10 percent overhead charge and interest that put the series in a negative position when it transitioned from its network run to syndication. Therefore, the profits generated by the series’ syndication fell short in reversing “Millionaire”’s negative position, even when the 35 percent distribution fee — as agreed upon by the parties — was applied. Celador’s agents, who negotiated the original contract, were well aware of the arrangement between ABC and Buena Vista and the historical industry practice that ABC and Buena Vista followed, asserted the defense.

Prior to jury deliberations, Celador voluntarily dismissed its claims against Disney, and plaintiffs’ claims against ABC, Buena Vista and Valleycrest remained.

**Injury:**

Celador sought to recover \$202 to \$395 million in damages — a range that represented its 50 percent share of a fair market license fee that should allegedly have been paid by ABC to Buena Vista for the network broadcast of the show. The range was presented by plaintiffs’ entertainment industry account auditing expert who relied upon figures calculated by plaintiffs’ entertainment industry and statistics/economics experts. The latter two experts said that the network license fee agreed to between ABC and Buena Vista was not fair market value given that “Millionaire” was one of ABC’s most successful shows at the time. The experts also analyzed and compared the advertising spot rates of the other top 10 shows during the first season broadcast of “Millionaire.” From that analysis, plaintiffs’ accounting expert used both the smallest number of episodes and smallest license fee, minus production costs, and the largest number of shows and the highest license fee, minus production costs, to arrive at a range of \$202 to \$395 million in damages. Celador also claimed that it was owed \$10 million in revenue from the sale of games and other merchandise inspired by the show.

The defense experts criticized the methodology that the plaintiffs’ experts employed to determine Celador’s alleged sustained damages.

**Verdict Information:** The jury found in favor of Celador and against ABC, Buena Vista Television and Valleycrest Productions on plaintiff’s claims of breach of contract and breach of the implied covenant of good faith and fair dealing. Jurors also found that Celador did not waive its right to

See **VERDICTS** page 14

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Auto Accident – Personal Injury	\$2,059,669.42
Truck Accident	\$1,800,000.00

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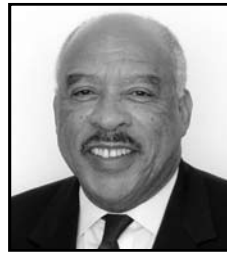
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VERDICTS

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assert its network license claim. Plaintiff was awarded \$269,431,798 — \$260,238,024 Commercial: network license claim; \$9,193,774 Commercial: merchandising claim.

**Post-Trial:** Judgment was entered on the verdict. Pursuant to the parties’ stipulation, the court awarded Celador International a total of \$50 million in prejudgment interest against ABC, Buena Vista Television and Valleycrest. Defense counsel motioned for new trial and judgment as a matter of law.

4. Products Liability: Suit alleged asbestos dust caused woman’s mesothelioma

**Verdict:** (P) \$208,821,015.00  
**Case Type:** Asbestos, Premises Liability - Dangerous Condition of Public Property, Toxic Torts - Asbestos, Products Liability - Failure to Warn  
**Case:** Rhoda Evans and Bobby Evans v. A.W. Chesterton Company, et al., No. BC418867  
**Venue:** Superior Court of Los Angeles County, Central, CA  
**Judge:** Conrad Aragon  
**Date:** 04-29-2010  
**Plaintiff Attorney:** T. Scott Hames; Levin Simes Kaiser & Gornick, LLP; San Francisco, CA, for Rhoda Evans, Bobby Evans, Bobby and Rhoda Evans

William A. Levin; Levin Simes Kaiser & Gornick, LLP; San Francisco, CA, for Rhoda Evans, Bobby Evans, Bobby and Rhoda Evans

Laurel L. Simes; Levin Simes Kaiser & Gornick, LLP; San Francisco, CA, for Rhoda Evans, Bobby Evans, Bobby and Rhoda Evans

**Defendant Attorney:** Mark S. Geraghty; McKenna Long & Aldridge LLP; Los Angeles, CA, for CertainTeed Corp.

Will Jay Pirkey; Los Angeles City Attorney’s Office; Los Angeles, CA, for Los Angeles Department of Water and Power

William J. Sayers; McKenna Long & Aldridge LLP; Los Angeles, CA, for CertainTeed Corp.

**Facts:** From the late 1970s to the early 1980s, plaintiff Bobby Evans worked for the Los Angeles Department of Water and Power on a leak crew that responded to water leaks. During this time period, he used heavy-duty power saws to cut through cement pipes, including pipes manufactured by CertainTeed Corp. His wife, plaintiff Rhoda Evans, washed his work clothing during this time period.

In April 2009, Rhoda Evans was diagnosed mesothelioma.

Bobby and Rhoda Evans sued the Los Angeles Department of Water and Power (LADWP) and CertainTeed, in addition to several other manufacturers and suppliers, alleging dangerous condition of public property and products liability. The other defendants in the case were either let out or settled prior to trial. LADWP entered into a settlement with Bobby and Rhoda Evans in which the department’s contribution would be determined by the percentage of liability that the jury assigned to it.

Plaintiffs’ counsel contended that Rhoda Evans developed mesothelioma through secondary exposure. She was exposed to asbestos while washing her husband’s work clothing. Her husband had gotten asbestos dust on his clothing while working for LADWP.

Plaintiffs’ counsel contended that CertainTeed failed to warn customers that its pipe contained asbestos because it feared

that if customers knew that the pipe contained asbestos it would hurt business. When LADWP found out that the CertainTeed pipe contained asbestos in 1985, the department stopped buying the pipe. CertainTeed pipe also contained the most deadly form of asbestos, crocidolite.

Plaintiffs’ counsel presented documents from CertainTeed’s director of safety that the company knew about the risk and that crocidolite was strongly associated with mesothelioma. The manufacturer had its own employees change at their plant so asbestos dust was not brought home where family members and others could be exposed to it, according to counsel.

Defense counsel for CertainTeed stated that LADWP always knew asbestos-cement pipe contained asbestos. Counsel for CertainTeed stated that Bobby Evans did not start cutting pipe until 1979 and LADWP allowed him to use a gas-powered saw. In 1978, CertainTeed and other A/C pipe manufacturers distributed a recommended work practices and installation guide that prohibited the use of the gas saw. LADWP did not prohibit the use of the saw until 1981, but continued to use A/C pipe in the field until 1985, according to counsel for CertainTeed. Counsel stated that CertainTeed had its own employees follow Occupational Health and Safety Administration regulations regarding clothing worn in the workplace and the company required levels of asbestos to be 50 percent lower than the OSHA requirements.

Counsel stated that CertainTeed did warn its customers regarding proper installation of its pipe and never to use a gas-powered saw to cut its pipe. OSHA health warnings were part of recommended work practices and installation guidelines throughout the time that Bobby Evans was on a crew that cut pipe.

Plaintiffs’ counsel argued that CertainTeed did not effectively tell customers not to cut the pipe with a power saw as the company only provided a warning toward the back of its manual. Counsel also pointed to a half dozen studies which showed that within a half mile of areas with asbestos plants, rates of mesothelioma are higher.

Defense counsel for LADWP argued that the LADWP had acted reasonably by providing laundry services on site, banning the use of a power saw to cut asbestos pipe in 1982, and ceasing to purchase A/C pipe in approximately 1985 when the CertainTeed placed a warning on its A/C pipe for the first time that stated that use of it could cause cancer. LADWP also argued that it complied with the known manufactures’ work practices recommendations by the A/C manufacturers, including CertainTeed, such as using hand saws and water to keep the dust down.

Defense counsel for LADWP also argued that Bobby Evans and his primary witness were on a leak team of just themselves. Counsel for LADWP argued that if they cut A/C pipe with a power saw after 1982 it was unknown to LADWP. Had it been known, they would have been disciplined as others had been. The witness testified that at LADWP he had been instructed in the use of hand saws and the wet (water) method to cut A/C pipe from about 1977 or 1978.

Defense counsel for LADWP further argued that it had been misled by CertainTeed as well. The A/C pipe manufacturers including CertainTeed had continually recommended the use of an electric power saw to cut A/C pipe and stated so in their work practices manual in 1966, 1972 and 1974. For the first time in 1977 the A/C pipe manufacturers including CertainTeed performed a dry cut test using a power saw to cut A/C pipe which produced unacceptable high levels of asbestos dust. As a consequence, they recommended against using the dry cut method in their 1977 work practices manual. However, later in 1977 the

A/C pipe manufacturers including CertainTeed performed a wet cut test using a power saw to cut A/C pipe with water added to keep the dust levels down. However, this test proved to produce even higher and worse levels of asbestos dust than during the earlier dry cut test. Nonetheless, the A/C pipe manufacturers including CertainTeed continued to recommend the dry cut test in 1978 and thereafter and did not change their work practices manual until 1988.

**Injury:** In April 2009, Rhoda Evans, who is in her 70s, was diagnosed with mesothelioma. She underwent chemotherapy to try and shrink the tumor. She sought compensation for past and future medical expenses.

Rhoda Evans began taking care of her 7-year-old granddaughter after her 24-year-old daughter died from complications related to juvenile diabetes. She sought to recover non-economic damages, including pain and suffering, and economic damages for child care costs and for compensation for the care of the grandchild as a single parent. She was also seeking punitive damages, which were bifurcated. Her husband had a loss of consortium claim.

**Verdict Information:** The jury found in favor of Rhoda Evans on the dangerous condition of public property claim against LADWP, and in favor of Rhoda Evans on the product liability, failure to warn and negligence claims against CertainTeed. It also found for Bobby Evans on the loss of consortium against CertainTeed.

The jury awarded Rhoda Evans \$6,821,015 in compensatory damages and Bobby Evans \$2 million. It found that CertainTeed was 70 percent liable while LADWP was 30 percent liable. It found that Johns Manville, Kubota and Crane (who were on the verdict sheet but not involved in the trial) were not liable. The jury further awarded \$200 million in punitive damages against CertainTeed. The award total was \$208,821,015.

CertainTeed will be responsible for 70 percent of the non-economic damages, offset by settlement credits, according to plaintiffs’ counsel.

The plaintiffs and LADWP entered into a Mary Carter-type sliding scale settlement agreement with a high of \$975,000 and a low of \$600,000, of which the amount would be determined on LADWP’s liability. The court granted LADWP’s pre-trial request that the settlement was in good faith.

**Bobby Evans:** \$2,000,000 Personal Injury: loss of consortium.

**Bobby and Rhoda Evans:** \$200,000,000 Personal Injury: Punitive Exemplary Damages.

**Rhoda Evans:** \$200,000 Personal Injury: Future Medical Cost; \$6,000,000 Personal Injury: past and future pain and suffering; \$125,000 Personal Injury: medical expenses to date; \$96,015 Personal Injury: future lost Social Security earnings; \$400,000 Personal Injury: household services

**Post-Trial:** The case is currently on appeal.

5. Intellectual Property: Defendent used confusingly similar mark on competing device

**Verdict:** (P) \$60,000,000.00  
**Case Type:** Trademarks, Intellectual Property — Unfair Competition, Intellectual Property — Infringement, Business Law — California Business and Professions Code

**Case:** Neurovision Medical Products, Inc. v. NuVasive, Inc., No. 2:09-cv-6988-R (JEMx)  
**Venue:** United States District Court, Central District, Los Angeles, CA

**Judge:** Manuel L. Real  
**Date:** 10-25-2010

**Plaintiff Attorney:** K. Andrew Kent; Rincon Venture Law Group; Westlake Village, CA, for Neurovision Medical Products, Inc.

Peter W. Ross; Browne Woods George LLP; Los Angeles, CA, for Neurovision Medical Products, Inc.

Keith J. Wesley; Browne Woods George LLP; Los Angeles, CA, for Neurovision Medical Products, Inc.

**Defendant Attorney:** Arturo J. Gonzalez; Morrison & Foerster, L.L.P.; San Francisco, CA, for NuVasive, Inc.

Jennifer L. Taylor; Morrison & Foerster, L.L.P.; San Francisco, CA, for NuVasive, Inc.

**Facts:** Plaintiff Neurovision Medical Products Inc., based in Ventura County, is an innovator and provider of devices used by surgeons to locate nerves during surgery. Neurovision alleged that NuVasive Inc., a competing medical device manufacturer that focuses on spinal surgeries, infringed upon its trademark “Neurovision.”

Neurovision sued NuVasive for trademark infringement, common law unfair competition and cancellation of NuVasive’s trademark registrations based on fraud on the United States Patent Trademark Office (USPTO).

Neurovision contended that it has been a pioneer in nerve locating, monitoring and evaluation devices and equipment and that the Neurovision mark was first used in interstate commerce in or around November 1993, in connection with surgical equipment used to monitor and locate nerves. Neurovision alleged that the mark was continuously used by Neurovision and that therefore, Neurovision established trademark rights through prior use in commerce.

Neurovision contended that in 2000, NuVasive, after acquiring knowledge of Neurovision’s extensive use of the Neurovision trademark, secretly adopted and used the same Neurovision mark in connection with surgical equipment, including nerve location and monitoring instruments.

Neurovision contended that NuVasive’s infringement was willful and that NuVasive fraudulently concealed that it knew of Neurovision’s prior use of the Neurovision mark when it applied for two trademark registrations with the USPTO.

NuVasive contended that when it filed its two applications to federally register the Neurovision mark, it was unaware of any prior rights owned by the plaintiff in the Neurovision trademark, and that it did not commit fraud in filing either of its applications. NuVasive also contended that the plaintiff did not have sufficient commercial use of any Neurovision trademark to establish the type of prior rights that are required to overcome NuVasive’s two incontestable trademark registrations.

NuVasive further contended that the plaintiff waited more than six years to assert its alleged rights in the Neurovision trademark and that it filed a lawsuit only after NuVasive declined to purchase electrodes from the plaintiff.

**Injury:** Neurovision contended that NuVasive’s conduct caused it harm, including harm to its reputation and goodwill. It sought damages in the form of an award of NuVasive’s unjust enrichment. It also sought a declaration that it is the owner of the Neurovision mark in conjunction with nerve location devices and that NuVasive’s trademark registrations be canceled.

**Verdict Information:** The jury found for Neurovision and awarded it \$60 million in damages owed to it due to NuVasive’s infringement of the Neurovision mark. The jury also found that NuVasive had willfully infringed upon the Neurovision mark and had committed fraud on the USPTO in registering the mark for itself.

**Post-Trial:** Neurovision has moved the court for a permanent injunction, which is currently pending.



RANK	CASE	DATE	COURT	TYPE OF ACTION	HEADLINES	COUNSEL	AWARD
39	Schwartz v. Leeds	8/12/2010	Los Angeles County	Premises Liability: Slip and Fall	Woman slipped on wet stairs, fell down entire staircase	P: Silvio Natale, Los Angeles, CA of Nelson & Natale LLP; Daniel L. Nelson, Los Angeles, CA of Nelson & Natale LLP	\$4,565,000
40	Farag v. Advance Auto Parts	12/13/2010	Los Angeles County	Products Liability: Asbestos	Mechanic alleged exposure to car parts caused mesothelioma	P: Simona A. Farrise, Los Angeles, CA of Farrise Firm, P.C.	\$4,355,687
41	Kennedy v. Cummings	4/9/2010	San Diego County	Motor Vehicle: Motorcycle	Trucker involved in fatal crash didn't have commercial license	P: Guy D. Levy, San Diego, CA of Guy Levy & Associates; Otto L. Haselhoff, Santa Monica, CA of Law Offices of Otto L. Haselhoff	\$3,859,000
42	Vargas v. Paramount Scaffold Inc.	6/8/2010	Los Angeles County	Motor Vehicle: Work Zone	Flagman said trucker entered zoned-off lane, ran over his foot	P: Bruce C. Fishelman, Santa Monica, CA of Randolph & Associates; John H. Petersen, Santa Monica, CA of Randolph & Associates; Donald C. Randolph, Santa Monica, CA of Randolph & Associates	\$3,711,794
43	Parken v. Smart-Vasquez	8/16/2010	Sacramento County	Motor Vehicle: Phantom Car Defense	Salesman alleged car crash caused permanent injuries	P: Hank G. Greenblatt, Sacramento, CA of Dreyer Babich Buccola Wood, LLP; Catia G. Saraiva, Sacramento, CA of Dreyer Babich Buccola Wood, LLP	\$3,652,593
44	Mitchell Engineering v. City and County of San Francisco	9/30/2010	Federal	Constitutional Law: Due Process	Construction company said it was wrongfully removed from project	P: Michael Betz, San Francisco, CA of Allen Matkins Leck Gamble Mallory & Natsis LLP; Robert Moore, San Francisco, CA of Allen Matkins Leck Gamble Mallory & Natsis LLP	\$3,600,000
45	Garcia v. Cornejo	6/10/2010	Alameda County	Motor Vehicle: Tractor-Trailer	Plaintiffs blamed rig operator for three-vehicle collision	P: Salim Khawaja, San Diego, CA of Law Office of Salim Khawaja; J. Jude Basile, Cambria, CA of The Basile Law Firm	\$3,568,488
46	Primex Farms, LLC v. Chapparral Farms Inc.	3/25/2010	Fresno County	Contracts: Breach of Contract	Parties traded arguments over contracts to deliver pistachios	P: Walter W. Whelan, Fresno, CA of Law Offices Walter W. Whelan APC; Brian D. Whelan, Fresno, CA of Law Offices Walter W. Whelan APC	\$3,460,043
47	Lefforge v. Covenant Care of California, LLC	8/19/2010	Orange County	Medical Malpractice: Failure to Monitor	Patient: Morphine overdose caused heart attack, brain injury	P: Ted B. Wacker, Newport Beach, CA of Robinson, Calcagnie & Robinson; Jennifer Turner, Long Beach, CA of Wilkes & McHugh, P.A.; Kimberly A. Valentine, Long Beach, CA of Wilkes & McHugh, P.A.;	\$3,189,005
48	City of Compton v. Westchester Industrial Medical Services	10/6/2010	Los Angeles County	Fraud	City: Defendants submitted false workers' comp invoices	P: Tina Fisher, Los Angeles, CA of Martin & Martin, LLP; Galen Gentry, Los Angeles, CA of Martin & Martin, LLP; Areva D. Martin, Los Angeles, CA of Martin & Martin, LLP	\$3,148,619
49	Martinez v. Brownco Construction Co.	4/29/2010	Los Angeles County	Construction: Accidents	Demolition company blamed for electrical explosion at factory	P: Albro L. Lundy, Hermosa Beach, CA of Baker, Burton & Lundy; Victor L. George, Torrance, CA of Law Offices of Victor L. George	\$3,106,000
50	Beijing Tong Ren Tang (USA) Corp. v. TRT USA Corp.	9/2/2010	Federal	Contracts: Fraud	Defense: Chinese medicine manufacturer fraudulent	D: J. James Li, Palo Alto, CA of LiLaw	\$3,081,341
51	Buica v. Talent Ventures of California Inc.	2/26/2010	Los Angeles County	Intellectual Property: Trademarks	Actor asserted rival company used his trademarked name	P: Lincoln D. Bandlow, Los Angeles, CA of Lathrop & Gage LLP	\$2,702,962
52	Field Properties v. Gomes Partnership	11/5/2010	Contra Costa County	Contracts: Breach of Contract	Seller misrepresented facts about lessees, plaintiffs alleged	P: Clifford R. Horner, Walnut Creek, CA of Horner & Singer, L.L.P.; Matt Urdan, Walnut Creek, CA of Horner & Singer, L.L.P.	\$2,700,000
53	Sanchez v. Strickland	7/18/2010	Tuolumne County	Motor Vehicle: Tractor-Trailer	Suit: Lights were out on trailer involved in fatal crash	P: John N. Demas, Sacramento, CA of Demas & Rosenthal, LLP; John M. O'Brien, Elk Grove, CA of John M. O'Brien & Associates, P.C.	\$2,575,569
54	Stevens v. Security Contractor Services Inc.	12/1/2010	Sacramento County	Worker/Workplace Negligence	Man struck by pallet as it was being loaded onto truck	P: Clayeo C. Arnold, Sacramento, CA of The Arnold Law Firm; Kirk J. Wolden, Sacramento, CA of The Arnold Law Firm	\$2,556,194
55	Saadian v. Saadian	10/22/2010	Los Angeles County	Intentional Torts: Sexual Battery	Wife claimed she contracted STD from cheating husband	P: Shaun M. Murphy, Palm Springs, CA of Slovak Baron & Empey LLP	\$2,492,000
56	Securities and Exchange Commission v. Jasper	4/23/2010	Federal	Fraud: Investment	CFO accused of illegally backdating stock options	P: Mark P. Fickes, San Francisco, CA of Securities & Exchange Commission; Robert S. Leach, San Francisco, CA of Securities & Exchange Commission; Erin E. Schneider, San Francisco, CA of Securities & Exchange Commission	\$2,320,562
57	HLC Properties Ltd. v. UMG Recordings Inc.	6/30/2010	Los Angeles County	Intellectual Property	Heirs of Bing Crosby claimed they were underpaid royalties	P: George Knopfler, Westlake Village, CA of Law Offices of George Knopfler; Mark Brodka, Malibu, CA of Law Offices of Mark Brodka; Charles D. Cummings, Los Angeles, CA of Sullivan, Workman & Dee	\$2,218,778
58	Huber v. Sharp Healthcare Corp.	9/30/2010	San Diego County	Products Liability: Medical Devices	Plaintiff alleged laparoscopic instrument caused perforation	P: Damian M. Dolin, San Diego, CA of Pettit, Kohn, Ingrassia & Lutz, P.C.; Tyler Theobald, San Diego, CA of Pettit, Kohn, Ingrassia & Lutz, P.C.	\$2,201,283
59	Lang v. Geweke Auto Mall Inc.	4/16/2010	San Joaquin County	Motor Vehicle: Rear-ender	Rear-ender injuries were so painful, they led to divorce: pltf's	P: Lawrance A. Bohm, Sacramento, CA of Bohm Law Group; Gregory R. Davenport, Stockton, CA of Law Offices of Gregory R. Davenport	\$2,175,030
60	Dell v. Bank of America, N.A.	6/30/2010	San Bernardino County	Intentional Torts: Embezzlement	Suit: Bank's failure to close account led to embezzlement	P: Beverly J. Bickel, Los Angeles, CA of Hornberger & Brewer, L.L.P.; Nicholas W. Hornberger, Los Angeles, CA of Hornberger & Brewer, L.L.P.	\$2,100,000
61	Joaquin v. Los Angeles Police Department	5/20/2010	Los Angeles County	Employment: California's Fair Employment & Housing Act	Suit: Claim against officer was retaliation for harassment complaint	P: Jeffrey A. Lipow, Encino, CA of Lipow & Harris	\$2,100,000
62	De La Cruz v. Cal-Pac Sonoma	8/2/2010	Sonoma County	Employment: Sexual Harassment	Suit: Card dealer fired after reporting sexual harassment	P: Candice Clipner, Santa Rosa, CA; Stephen M. Murphy, San Francisco, CA of Law Offices of Stephen M. Murphy	\$2,015,487
63	Carlock v. Ladd Provisions	10/22/2010	Los Angeles County	Negligence	Scuba diver said group failed to notice when he went missing	P: Scott P. Koepke, Los Angeles, CA of Law Offices of Scott P. Koepke	\$2,000,000
64	Vectren Communications Services Inc. v. City of Alameda	4/14/2010	Federal	Contracts: Breach of Contract	Telecom company sued city over cable-and-Internet deal	P: Robert H. Bunzel, San Francisco, CA of Bartko, Zankel, Tarrant & Miller, APLC; C. Griffith Towle, San Francisco, CA of Bartko, Zankel, Tarrant & Miller, APLC	\$1,900,000
65	Lilburn v. Tu	2/4/2010	San Diego County	Aviation: Helicopter	Man with minor son perished in helicopter crash during filming	P: Thomas E. Marrs, Walnut Creek, CA of Bowles & Verna LLP; Michael P. Verna, Walnut Creek, CA of Bowles & Verna LLP	\$1,786,000
66	Estate of Castaneda v. State of California	11/10/2010	Los Angeles County	Medical Malpractice: Failure to Treat	Suit alleged detainee was denied biopsy, urology consult	P: Conal F. Doyle, Beverly Hills, CA of Willoughby Doyle, L.L.P.	\$1,734,557
67	Ballaz v. City of Los Angeles	7/2/2010	Los Angeles County	Civil Rights: Police as Defendant	Journalist said officers attacked her for filming protest altercation	P: Browne Greene, Santa Monica, CA of Greene Broillet & Wheeler, LLP; Robert D. Jarchi, Santa Monica, CA of Greene Broillet & Wheeler, LLP	\$1,732,452
68	Kinetics Mechanical Services Inc. v. East Side Union High School District	10/22/2010	Santa Clara County	Contracts: Breach of Contract	Plaintiff contended it wasn't paid for unanticipated work	P: Robert A. Huddleston, Walnut Creek, CA of Huddleston & Sipos Law Group, L.L.P.; Richard A. Sipos, Walnut Creek, CA of Huddleston & Sipos Law Group, L.L.P.	\$1,720,000

RANK	CASE	DATE	COURT	TYPE OF ACTION	HEADLINES	COUNSEL	AWARD
69	Chapman v. Tolo	2/4/2010	San Diego County	Motor Vehicle: Multiple Vehicle	One deft driver said the other deft cut him off, caused crash	P: John H. Gomez, San Diego, CA of The Gomez Law Firm; James S. Iagmin, San Diego, CA of The Gomez Law Firm	\$1,711,848
70	O'Connor v. UHS-Corona Inc.	12/17/2010	Riverside County	Employment: Retaliation	Nurse said she was fired due to her push for good work	P: Jeffrey A. Rager, Torrance, CA of The Rager Law Firm; Melanie R. Savarese, Sierra Madre, CA of The Savarese Law Firm	\$1,630,344
71	Chen-Drake v. Larrabee Condominiums Homeowners' Association	4/23/2010	Los Angeles County	Premises Liability: Falling Object	Man alleged L-4 burst fracture from garage gate mishap	P: Steven D. Davis, Santa Monica, CA of Garrard & Davis, LLP	\$1,530,290
72	Jacobs v. Pacific Transportation Services	6/4/2010	Yolo County	Motor Vehicle: Driver Fatigue	Plaintiff said trucker fell asleep at the wheel, caused rear-ender	P: Steven R. Cavalli, Oakland, CA of Gwilliam, Ivary, Chiosso, Cavalli & Brewer	\$1,503,477
73	Casanova v. Estate of Finnigan	7/30/2010	Ventura County	Motor Vehicle: Red Light	Family alleged defendant ran red light, struck their vehicle	P: Jamie Kurtz, Woodland Hills, CA of Grassini & Wrinkle; Donald G. Liddy, Woodland Hills, CA of Grassini & Wrinkle	\$1,500,005
74	Cosby v. AutoZone Inc.	2/12/2010	Federal	Employment: Retaliation	Pltf blamed poor performance on company's poor accommodation	P: Lawrance A. Bohm, Sacramento, CA of Bohm Law Group	\$1,500,000
75	Brandwein v. Certain Underwriters at Lloyd's of London	8/12/2010	San Diego County	Admiralty/Maritime	Yacht owners filed suit after salvors failed to save sinking vessel	P: Lawrence Silver, Los Angeles, CA of Silver & Field	\$1,450,000
76	Yue v. Chordiant Software Inc.	5/14/2010	Santa Clara County	Intellectual Property: Copyrights	Software company accused of copyright infringement	P: Antonio Cortes, San Rafael, CA of Antonio Luis Cortes, Attorney at Law; Peter W. Ross, Los Angeles, CA of Browne Woods George LLP; Peter M. Shimamoto, Los Angeles, CA of Browne Woods George LLP	\$1,426,420
77	Wolford v. Hardin	2/5/2010	Los Angeles County	Motor Vehicle: Broadside	Motorist claimed brain injury, cervical fracture from broadside	P: Gregory R. Vanni, Pasadena, CA of Thon, Beck, Vanni, Callahan & Powell	\$1,410,203
78	Orlando v. Alarm One Inc.	10/26/2010	Fresno County	Employment: Sexual Harassment	Pltf claimed lack of payment after settling harassment lawsuit	P: Lawrence M. Artenian, Fresno, CA of Wagner & Jones, L.L.P.; Nicholas Butch Wagner, Fresno, CA of Wagner & Jones, L.L.P.	\$1,400,000
79	Kell v. AutoZone Inc.	1/21/2010	Sacramento County	Employment: Wrongful Termination	Fired worker alleged company failed to prevent harassment	P: Lawrance A. Bohm, Sacramento, CA of Bohm Law Group	\$1,368,675
80	Faigin v. Fremont Reorganizing Corp.	2/16/2010	Los Angeles County	Employment: Wrongful Termination	Co.'s general counsel said he couldn't be fired without cause	P: Celeste M. Brecht, Manhattan Beach, CA of Kellman   Hoffer LLP; Daniel Hoffer, Manhattan Beach, CA of Kellman   Hoffer LLP; Barry D. Kellman, Manhattan Beach, CA of Kellman   Hoffer LLP	\$1,347,000
81	Azordegan v. Agadjanian	6/21/2010	Los Angeles County	Contracts: Breach of Contract	Buyer: Seller of car wash didn't mention upcoming access issues	P: Mary Der-Parseghian, Los Angeles, CA of Der-Parseghian Law Group; Ali Taheripour, Sherman Oaks, CA of Mgdesyan & Taheripour, P.C.	\$1,310,000
82	3960 Adeline, LLC v. Bonelli Enterprises	4/27/2010	Alameda County	Contracts: Breach of Contract	Subcontractors failed to provide adequate work, plaintiff alleged	P: Alexander Bannon, Oakland, CA of McInerney & Dillon; Neil H. Bui, Oakland, CA of McInerney & Dillon	\$1,289,820
83	Fetzer v. Saferzadeh	3/30/2010	Orange County	Toxic Torts: Mold	Respiratory diseases from mold at rental property, girl asserted	P: William M. Paoli, Newport Beach, CA of Wentworth, Paoli & Purdy LLP; Court B. Purdy, Newport Beach, CA of Wentworth, Paoli & Purdy LLP	\$1,272,395
84	Moreno v. Ostly	8/3/2010	Alameda County	Employment: Sexual Harassment	Attorney: Paralegal's sexual harassment claims are false	D: Shane K. Anderies, San Francisco, CA of Anderies & Gomes LLP; Allan J. Gomes, San Francisco, CA of Anderies & Gomes LLP	\$1,250,000
85	Christopher v. Salmeron	1/15/2010	Los Angeles County	Motor Vehicle: Truck	Construction truck overturned, crashed into plaintiffs' house	P: Pat Harris, Los Angeles, CA of Geragos & Geragos APC; Shelley L. Kaufman, Los Angeles, CA of Geragos & Geragos APC	\$1,235,000
86	JSA Depot Inc. v. Foreverlawn Inc.	3/30/2010	Orange County	Contracts: Breach of Contract	Pltfs said artificial turf supplier breached good faith covenant	P: Daniel G. Brown, San Clemente, CA of Law Offices of Daniel G. Brown	\$1,200,000
87	Arbuckle v. California Board of Chiropractic Examiners	7/26/2010	Sacramento County	Employment: Retaliation	Employee claimed retaliation after reporting expired licenses	P: Daniel A. Horowitz, Lafayette, CA of Law Offices of Daniel Horowitz	\$1,182,500
88	Llamas v. Chung	2/10/2010	San Bernardino County	Motor Vehicle: Motorcycle	Plaintiff claimed impact ejected him 150 feet from motorcycle	P: Rob Gibson, Santa Ana, CA of Gibson & Hughes	\$1,156,640
89	Adler v. RelyNet	2/3/2010	Federal	Intellectual Property: Copyrights	Computer program designer sued colleague for infringement	P: John P. Costello, Sacramento, CA of Costello Law Corporation; Glenn W. Peterson, Roseville, CA of Millstone Peterson & Watts LLP	\$1,110,669
90	Stanton v. Chung	2/25/2010	Alameda County	Motor Vehicle: Bicycle	Bicycle rider fractured tibia in intersection crash with motorist	P: Joseph A. Creitz, San Francisco, CA of Kumin Sommers LLP; Rory Quintana, San Francisco, CA of Kumin Sommers LLP	\$1,085,469
91	Landau v. County of Riverside	2/12/2010	Federal	Employment: Disability Discrimination	County failed to accommodate disabilities, fired plaintiff alleged	P: Richard A. Love, Los Angeles, CA of Law Offices of Richard A. Love	\$1,033,500
92	Drew v. Equifax Information Services, LLC	8/2/2010	Federal	Consumer Protection: Credit Card Fraud	Cancer patient blamed identity theft on credit company	P: John B. Keating, Woodside, CA	\$1,021,327
93	Heller v. Iraheta	2/9/2010	Los Angeles County	Motor Vehicle: Rear-ender	Defense admitted liability, but disputed plaintiff's injury claims	P: Jarod Krissman, Long Beach, CA of Stolpman, Krissman Elber & Silver, LLP; Thomas G. Stolpman, Long Beach, CA of Stolpman, Krissman Elber & Silver, LLP	\$1,009,105
94	Lefkir v. Rancho Los Amigos	6/15/2010	Los Angeles County	Employment: California's Fair Employment & Housing Act	Nurse said he was subjected to harassment, discrimination	P: Pamela M. Teren, Redondo Beach, CA of Teren Law Group, P.C.	\$1,005,403
95	Navarro v. Ecology Auto Parts Inc.	7/8/2010	San Diego County	Negligence	Man fatally crushed in crane incident at scrap yard	P: Adrian Martinez, San Diego, CA of Branton & Wilson, APC; Stephen L. Waldman, San Diego, CA of Branton & Wilson, APC; Robert Hamparyan, San Diego, CA of The Gomez Law Firm; Laura Sasaki, San Diego, CA of The Gomez Law Firm	\$1,003,735
96	Hawkins v. Baja Construction Co. Inc.	4/13/2010	San Francisco County	Construction: Accidents	Worker electrocuted when piece of flashing hit power line	P: James R. Murphy, Jr., Arroyo Grande, CA of James R. Murphy, Jr., a Law Corporation	\$1,000,000
97	Quantum Cooking Concepts Inc. v. LV Associates Inc.	6/25/2010	Los Angeles County	Contracts: Breach of Contract	Plaintiffs sought proceeds from grill, broiler sales	P: Nam C. Nguyen, Los Angeles, CA of The Phan Law Group; Luan K. Phan, Los Angeles, CA of The Phan Law Group	\$1,000,000
98	Michalov v. Syndicate Films International	5/14/2010	Los Angeles County	Fraud	Plaintiffs said film company agreed to take on unpaid debt	P: Marc Smith, Encino, CA of Krane & Smith	\$1,000,000



# BARTKOZANKEL

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**BartkoZankel** is proud to be listed in the Recorder's Top Verdicts for 2010, with two successful federal jury verdicts in 2010, both led by Rob Bunzel: in *Vectren Communications Services, Inc. v. City of Alameda*, we obtained a \$1.9 million plaintiff's verdict in a complex municipal revenue bond dispute; in *Advanced Microtherm v. Norman Wright* we defended an antitrust attempted monopolization trial with broad industry impacts that spanned 7.5 weeks, where the jury deliberated only 3 hours before returning a unanimous defense verdict on liability that eliminated \$34 million in claimed damages.

**Congratulations to BartkoZankel trial attorneys Rob Bunzel, Griff Towle, Michael Abraham, Jack McLean, and Howie Miller — and to trial specialists Dana Marie Sanchez & Lindsay Carson!**



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BartkoZankel is a mid-sized San Francisco, California law firm that has been in business for over 35 years. The firm's practice emphasizes complex business litigation, financial institution litigation, white-collar criminal defense and all aspects of real estate transactions and litigation. Other practice areas include intellectual property litigation, franchise & distribution transactions and litigation, as well as corporate & business formation.



## MAXIMIZING RECOVERIES FOR CLIENTS



Stephen Estey, founding partner of Estey Bomberger, secured the largest negligent supervision verdict in 2010, as well as one of the largest single plaintiff sexual abuse verdicts in history, with his \$30 million verdict in *John Doe v. Eastfield Ming Quong, Inc.* The verdict made front page headlines of the *San Jose Mercury News* on August 6, 2010.

The lawyers at Estey Bomberger represent victims of serious injury and wrongful death due to the negligence or willful misconduct of others. The attorneys have successfully handled many complex and challenging cases against individuals, corporations, and governmental agencies, including cases that have expanded the rights of consumers in California. Estey Bomberger attorneys have been selected to *Super Lawyers* for four consecutive years. In 2010, Stephen Estey was selected to the American Trial Lawyers Association's *Top 100 Attorneys*. The firm is also AV-rated by Martindale Hubbell.

The extraordinary results the firm has obtained in the past two decades are the product of careful preparation and exhaustive work-up. With the resources, skills and experience to litigate complex and challenging cases, Estey Bomberger is a top choice for other attorneys looking to refer personal injury cases. Whether in the initial stages of a case or on the eve of trial, Estey Bomberger is available to help you maximize your client's recovery.

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