

Damages in Accident Not due to Defendant

Christopher Wesierski (Senior Partner/Irvine Office) — On December 7, 2012, an Orange County jury returned a defense verdict in a brain injury case involving a claim for \$27.6 million. Defendant Kevin Chang was represented by Christopher P. Wesierski and Andrew Brown of Wesierski & Zurek LLP. Plaintiff Marilyn Hinman was represented by Nicholas Rowley of Carpenter, Zuckerman & Rowley LLP and Daniel Ambrose from Michigan.

During the two-week trial, the defendant admitted that he ran a red light and collided with Ms. Hinman's vehicle in 2009. However, defense counsel disputed the actual cause and severity of Ms. Hinman's injuries, which included traumatic brain damage, shoulder injuries, a neck injury, and posterior vitreous detachment to the right eye. Mr. Rowley argued to the jury that the defendant admitted liability and was therefore responsible for Ms. Hinman's injuries. He asked the jury to award Ms. Hinman \$500,000 to \$1 million per year because her life had completely changed and she would need future care and damages for the rest of her life. Ms. Hinman took the stand and testified that the accident caused her personality to change, problems with memory and organization, depression, and other further life changes.

A packed courtroom of members of the bench and bar viewed the closing arguments. Mr. Rowley had previously successfully recovered multi-million dollar verdicts in cases in Orange County and other venues with similar facts involving traumatic brain injury claims.

After half a day of deliberations, the defendant was given a defense verdict. The jury found that none of Ms. Hinman's claimed damages were due to the defendant.