

# **Plaintiff Asking for \$500,000 receives only \$11,500**

April 2007 Ron Zurek (Senior Partner/Los Angeles Office) recently tried a personal injury case where liability was admitted. Ron's clients, driving a truck which was pulling a trailer that was carrying a bulldozer and a pallet of cement bags [later described as being much heavier than a Sherman tank!] rear ended a pickup truck driven and occupied by the two plaintiffs. The driver was a man who, despite a lengthy history of back problems, had been doing hard physical work as an irrigation/plumbing worker for many years. He documented work and \$55,000 of annual earnings for at least the last three years leading right up until the moment of the accident, at which point he stopped working forever more. The claim was that this accident literally crushed his "eggshell" back condition and thereby ended his working career. He sought roughly half a million dollars in economic and non-economic damages.

For the defendants, Ron contended that the collision was not a serious one, "Tank" allegations notwithstanding. It was argued that only minor injuries were likely sustained, and that any ongoing disability was fully attributable to the plaintiff's prior back condition which was not fundamentally changed by the subject accident. The credibility of plaintiff's disability doctors, and his \$18,000 of medical treatment, was very directly and successfully attacked. The jury awarded plaintiff \$11,500.

As the defendants had formally offered \$20,000, they will now be entitled to recover costs and expert witness fees. These will amount to more than the amount of the verdict, thus the plaintiff will end up owing the defendants money. This is the fourth time in Ron's last six trials where the plaintiffs, to whom affirmative offers had been made, will end up having to pay the defendants.