

Plaintiff Awarded Fraction and No Punitive Damages

Ronald Zurek (Senior Partner/Los Angeles). In his most recent trial Ron represented a young man who crashed his car into a freeway center divider late at night after he had been drinking. It was the man's third alcohol related driving offense. Sitting in the dark on the freeway and blocking most of the first lane, his car was struck by the next car that came along. It was being driven by the 30 year old plaintiff who was in the course of her job working for the County Coroner. She injured her back in the accident and went off of work, never to return because her job had heavy physical duty requirements. This generated a claim for a lifetime of lost earnings which, because of lucrative benefits and her age, amounted to almost two million dollars alone. On the basis of defendant's past drinking problems, plaintiff also sought to recover punitive damages from Ron's client.

The defense was that the plaintiff should share some blame for the accident because she should have avoided the accident despite defendant's primary blame and further, that her injuries were simply not as bad as she claimed. Through effective cross examination of the plaintiff and her doctor, Ron convinced the jury of his position and the result was a verdict that the plaintiff was deemed half responsible for the accident herself, she was awarded only a fraction of the medical expenses she claimed, she was awarded very little lost income and absolutely no future loss, plus the jury chose to award her literally no money for pain and suffering. The claim for punitive damages was also completely rejected, and the jury was unanimous in their findings. In the end, the plaintiff was awarded only \$11,500 which, because of a prior small settlement with the car's owner, will not even have to be paid.