In November of 1993, seven civil cases were sent to jury verdict. Of those seven, defendants prevailed in five and plaintiffs in two. In December of 1993, nine civil cases were sent to jury verdict. Plaintiffs prevailed in six and defendants in three. Preliminary figures do show that our civil jury returns verdicts which are pretty evenly divided between plaintiffs and defendants. Now on to our case reporting.

GALEN V. MCLAUGHLIN

On September 10, 1993, a verdict was reached in the case of Galen v. McLaughlin, number 271-03/33. The case was heard before the Honorable Sam Menisick on assignment from the Bay Judicial District. The plaintiffs were represented by Thomas Trapani of Oakland, M.D., in a professional liability action against plaintiffs' benefit plan consultant for negligently administering Dr. Galen's defined benefit pension plan. In a 12-0 verdict, the jury awarded $100,000 to plaintiff Donald J. Galen, M.D., Inc.

WIEDEMANN V. JOHN MUIR MEDICAL CENTER, ET AL.

On November 3, 1993, a verdict was returned in the case of WieDEMANN v. John Muir Medical Center, et al., case number C93-0435S. The case was of particular note for several reasons. E. Bob Wallach of San Francisco, together with Bruce Kord represented the plaintiff, Robert Lawrence, Ralph L. Smith and Richard Dodge represented the various defendants. The case was heard before the Honorable David Dolgin. Plaintiff was severely injured at approximately 6:45 a.m. on September 18, 1993, when her bicycle collided with an automobile near her apartment in Richmond. She suffered severe head and facial injuries in the accident, including a depressed skull fracture. Plaintiff was transported via ambulance to John Muir Medical Center, the designated trauma center for the County of Contra Costa. The trauma team, which included trauma surgeon Howard Taekman, M.D., emergency physician Robert Mueller, M.D., and trauma nurses, respiratory therapist, x-ray technicians and related personnel, was assembled and waiting for plaintiff when she arrived at the hospital at 9:30 a.m. After stabilizing plaintiff's airway, diagnostic procedures including x-rays of the neck and CT scan of the head and face were undertaken, and Dr. Caven Robert was called in for neurological consultation. Following completion of the CT scan, plaintiff was taken directly to the operating room where she underwent more than 11 hours of surgery to repair her severe head and facial injuries. Shortly after plaintiff came out of surgery on September 18, 1993, her nurses discovered that she had fainted paralysis below the level of T-5. Further diagnostic work-up performed that day determined that plaintiff had a dissected thoracic spinal fracture at T-5/T-6 which had severed plaintiff's spinal cord. Plaintiff remained a permanent paraplegic with neither motor/sensory sensation below the level of the fracture, nor bladder or bowel control. Plaintiff contended that the fracture dislocation which caused her spinal cord severance did not occur until after she had arrived at the hospital. She further contended that the defendants negligently failed to properly diagnose, evaluate, and treat her spinal injuries, thereby causing the cord severance. Specifically, plaintiff contends that the defendants negligently failed to order thoracic spine x-rays and/or a CT scan, and failed to properly immobilize plaintiff's spine in the hospital. Defendants contended that they complied with the applicable standard of care with respect to their diagnosis, evaluation and treatment of plaintiff's life-threatening injuries. Specifically, defendants contend that thoracic radiography was not indicated based on the presentation, findings, and mechanism of injury, and that plaintiff was kept in appropriate spine precautions throughout her hospital course. Finally, defendants contended that plaintiff's spinal cord severance occurred at the scene of the auto/bicycle accident, and was already complete by the time plaintiff arrived at John Muir Medical Center.

Prior to trial, plaintiff's attorneys demanded $1,000,000 from John Muir and one of the defendant doctors, and $950,000 each from the two other defendants. Defendant's offer was $750,000 on behalf of John Muir. No offer was made by the doctors. After a seven-week trial, the jury returned with defense verdicts.

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