

SPECIAL REPORT

10-YEAR VERDICT REPORT -- 2007-2016 FOR PERSONAL INSURANCE CLIENTS

LARGEST MICHIGAN JURY VERDICTS AND SETTLEMENTS ABOVE \$1,000,000 (As Well As Other Cases of Interest)

(Updated 07/22/2016)

This Special Report was written by Kenneth R. Hale, J.D., CPCU, AAI, LIC. of Marsh & McLennan Agency LLC company.
Mr. Ken Hale can be contacted at 734-525-2412 or khale@mma-mi.com. More Special Reports are available at www.mma-mi.com.

How To Review This Report: By Year and Type of Claim

- Pages 2-7 include a quick overview documenting only 2007-2016 Automobile and Personal Liability cases in Michigan.
- Pages 8-47 give a detailed description of these claims and other cases of interest.

(For a complete 1998-2016 Verdict Report contact Ken Hale at khale@mma-mi.com)

2016 MICHIGAN AUTO LIABILITY CASES (6 Cases Over \$1,000,000)						2016 OTHER THAN AUTO (+ 1 Other Case of Interest)	
\$6,200,000 Motorcyclist & commercial motor vehicle	\$1,150,000 U-turn crash injured back and knee						
\$5,000,000 SMART bus killed pedestrian while turning a corner	\$1,000,000 Jaywalker hit by pickup that fled scene; brain injuries						
\$2,000,000 6 yr-old struck & killed on bike path							
\$1,603,000 2 hit at red light; cell phone distraction							
\$1,250,000 Bicyclist killed by passing motorist							

2015 MICHIGAN AUTO LIABILITY CASES (23 Cases Over \$1,000,000)						2015 OTHER THAN AUTO (+ 4 Other Cases of Interest)	
\$16,000,000 Tread separated on tire; rollover, quadriplegic	\$7,000,000 Fatality; settlement exceeded policy limits	\$1,900,000 Motorcyclist hit; traumatic brain injury; 18 surgeries	\$1,272,500 Transportation van rear-ended bus	\$1,000,000 2 trucks, T-boned, can no longer work		\$100,000,000 Mauled & killed by 12 pit bulls	
\$14,450,683 Fatality from new CDL-licensed garbage truck driver	\$6,872,931 3-car accident ran out of gas, hit from behind	\$1,750,000 Pickup truck failed to stop at sign; fractured ribs, etc.	\$1,265,364 15-yr. old slid into ditch; catastrophic injuries	\$1,000,000 Hit & killed while changing tire at roadside		\$5,080,000 Assisted-Living resident ingested detergent; died	
\$11,900,000 Speeding semi-truck overturned onto car, killing 3	\$4,500,000 Septic truck backs up, killing pedestrian	\$1,650,000 No traffic regulator at construction intersection; broadsided	\$1,260,000 Minor turned left into motorcyclist; multiple injuries	\$1,000,000 Semi-truck hit pedestrian; serious injuries		\$4,616,000 Chair on high shelf at CVS fell on head	
\$8,000,000 Semi-truck/mini-van collision; traumatic brain injury & more	\$3,825,000 Pedestrian killed, dragged by truck at intersection	\$1,625,000 Collision fatality	\$1,250,000 SUV hit pedestrian, thrown 85', brain trauma	\$900,000 Fatality while trying to pass on icy road		\$462,500 Aerosol can in campfire exploded; lost eye	
\$7,700,000 Police chase, 1 killed, 1 with brain injury & fractures	\$2,325,000 Propane tanker hit pickup; multiple surgeries	\$1,345,000 Fatality; speeding in pick-up truck while intoxicated	\$1,200,000 Ran across I-75, severe brain injury;No-Fault	\$507,333 Nanny hit by 16-yr-old driver; brain trauma			
2014 MICHIGAN AUTO LIABILITY CASES (21 Cases Over \$1,000,000)						2014 OTHER THAN AUTO (+ 5 Other Cases of Interest)	
\$42,000,000 Dump truck cut in front; extensive brain trauma to 2 passengers	\$2,843,355 Bus driver ran red light & crashed; passenger thrown.	\$2,000,000 I-75 fatality; front wheel came off, striking windshield	\$1,500,000 Rear-ended at stop light; alcohol and drugs	\$1,300,000 Highway traffic jam; rear-ended; neck-back strain	\$1,100,000 Head-on tractor-trailer collision	\$3,500,000 Carbon monoxide poisoning, hypoxic encephalopathy	\$150,000 3-yr old bitten in face by grandparents' dog
\$34,000,000 Third-party negligence; <i>Ohio case of interest</i>	\$2,825,881 Driver killed; struck vehicle with improper lights	\$1,946,304 Ins. Co. stopped attendant care benefits	\$1,500,000 Accident due to broken axle from improper welding	\$1,250,000 Motorcycle death, intoxicated, no helmet	\$950,000 Head-on collision fatality	\$3,000,000 Wrongfully accused of sexual abuse	
\$17,810,434 Cement truck collision; unable to work	\$2,657,952 Auto-pedestrian; Quadriplegic, attendant care	\$1,893,352 Increased attendant care benefits	\$1,375,000 2 fatalities in auto/tractor-trailer collision	\$1,200,000 Negligent motorcycle driver; passenger hurt		\$1,650,000 Fell into unguarded pit at oil change facility	
\$11,500,000 5-yr old, life-long brain injury, 24-hr. attendant care	\$2,440,000 Rear-ended, severe abdomen & head injuries affect life	\$1,500,557 Automobile-pedestrian accident	\$1,327,040 No-Fault Ins. pymts reinstated; brain injury	\$1,121,400 Attendant care continued		\$950,000 Died while rescuing boys from overturned canoe	

2013 MICHIGAN AUTO LIABILITY CASES (17 Cases Over \$1,000,000)				
\$90,000,000 Teen killed crossing street at school bus stop	\$3,533,491 Closed head injury	\$1,825,000 Struck while assisting disabled motorist in ravine	\$1,100,000 Speeding officer hit driver on marijuana	
\$7,000,000 Truck sideswiped parked truck, explosion, 85% burns	\$3,000,000 Driver hits stopped tractor-trailer; below knee amputation	\$1,350,000 Failure to stop; car fire; died	\$1,000,000 College senior hit crossing on green at crosswalk	
\$4,550,000 Car crushed between 2 trucks when traffic stopped on I-94	\$2,500,000 SUV & semi-truck accident; 2 spinal surgeries	\$1,300,000 Diabetic seizure; motorcycle death	\$975,000 Rear-ended at light. Spinal, brain, & knee injuries	
\$4,000,000 Trucker/bicyclist collision; permanent brain injury	\$2,250,000 Motorcyclist hit; ankle & brain injuries	\$ 1,143,795 20-year-old ran red light while texting	\$925,000 Head-on collision; leg amputated & hip replacement	
\$3,717,948 Fatal collision; traumatic brain injury	\$2,250,000 Rear-ended by barrel truck; ankle & brain injuries	\$1,132,119 Motorcyclist hit, traumatic brain injury	\$764,900 Head-on collision due to dust from passing vehicle	

2013 OTHER THAN AUTO (+ 9 Other Cases of Interest)	
\$9,500,000 Neighbor drowns saving 7-yr old in excavation pit	\$1,000,000 Lighting citronella fire pot, 21% body burned
\$5,147,500 Class action suit; sewage flooded basements	\$750,000 Fell through attic floor; fractured pelvis & wrist
\$3,000,000 Natural gas explosion, 40% body burned	\$750,000 Hit over-turned sign on freeway; sign leg impaled chest
\$1,550,400 House fire, claim denied; sued	\$200,000 Babysitter's dog bit 6-yr. old girl; scars and hair loss
\$1,050,000 Parked car in driveway rolled into river; drowned	

2012 MICHIGAN AUTO LIABILITY CASES (21 Cases Over \$1,000,000)				
\$6,100,000 Fatal collision, failing to slow down at crash site	\$2,707,430 Truck/cycle paraplegia, blindness	\$2,500,000 Wheelchair confinement	\$1,250,000 Pedestrian struck by car (brain injury)	\$1,000,000 Motorcyclist hit in pkg lot, brain injury
\$4,340,000 School bus/auto unable to work	\$2,579,320 Traumatic brain injury	\$1,750,000 Turning left, killed cyclist	\$1,200,000 Truck catapulted motorcyclist	
\$3,450,000 Speeder flipped car; perm. disabled	\$2,550,000 Crossing intersection, truck killed bicyclist	\$1,731,361 Auto hit pedestrian, perm. brain injury	\$1,067,624 ATV driver ejected, spinal cord injury	
\$3,000,000 Rear-ended by truck, trauma brain injury	\$2,536,454 Crash, severe head injury	\$1,675,000 Lost control in snow, killed driver, injured son	\$1,025,000 Driving wrong way, 3 seriously injured	
\$2,933,069 Accident, quadriplegic	\$2,500,000 Rear-ended, arm + cervical laminectomy	\$1,485,000 Rear-ended, lower back injury	\$1,000,000 Fatally broadsided by speeding vehicle	

2012 OTHER THAN AUTO	(+ 9 Other Cases of Interest)
\$7,500,000 Fatalities; boat hit abandoned canal barge	\$326,151 Dog attacked tchr, bites & dog phobia
\$3,260,000 Train sparks cause wildfire, destroy game club area	\$300,000 Kicked by soccer ball; severe leg injury
\$1,321,574 Tripped on Cable; spinal surgery	\$225,000 4-yr. old girl; dog attack
\$1,000,000 Child fell off hayride; brain injury	\$163,229 Teen attacked by unprovoked dog
\$575,000 Bonfire explodes, brain/burn injuries	

2011 MICHIGAN AUTO LIABILITY CASES (15 Cases Over \$1,000,000)				
\$3,420,000 Motorcycle/truck accident	\$2,750,000 Truck collided with semi backing up	\$2,056,998 Struck by police car, unable to return to work	\$1,884,600 Tractor hit motorcyclist, lost job	\$1,300,000 Hit by bus, leg amputated; wheelchair confined
\$3,250,000 Ran stop sign, father & daughter killed	\$2,100,000 Truck struck auto, brain injury	\$2,048,000 Car hit motorcyclist, amputated leg	\$1,450,000 Load fell off truck, multiple surgeries	\$1,110,000 Truck collided with backing up tractor
\$3,075,000 Semi hit man working in bucket at light; 5 surgeries	\$2,100,000 Lost neurological func. of lower extremities	\$1,980,000 Asleep, truck hit SUV, life-time limitations	\$1,395,852 Hit by salt truck; 4 shoulder injuries	\$1,000,000 Hit by trash truck; closed-head injury; surgeries

2011 OTHER THAN AUTO (+ 3 Other Cases of Interest)
\$500,000 Child blinded by Grandma's dog
\$500,000 Kayak / Sailboat collision
\$400,000 Letter Carrier attacked by pit bull

2010 MICHIGAN <u>AUTO</u> LIABILITY CASES (17) Cases Over \$1,000,000)				
\$6,291,666 Lost control in snow, multiple surgeries	\$2,650,000 Improper U-turn, 1 death, 2 seriously injured	\$1,800,000 2 trucks rear-ended, lumbar spine aggravated	\$1,400,000 Rear-ended, disc herniation	\$1,003,500 Hit turning left, disc herniation, etc.
\$6,000,000 Auto hit motorcyclist, Wheelchair confined	\$2,350,000 Broad-sided by pickup with driving record	\$1,586,000 Killed by drunk driver	\$1,250,000 Truck driver on marijuana smashed SUV between 2 trucks	
\$3,500,000 Hit in rear, brain injury, depression, uses cane	\$2,075,000 Rear-ended 10-yr old passenger, brain injury	\$1,557,500 Ran stop sign, killed drivers of 2 cars	\$1,250,000 Rear-ended, back & neck injuries & impaired body functions	
\$2,720,000 Rear-ended, high speed, disabled	\$2,000,000 Lerner's permit driver hit car head-on	\$1,490,000 Motorcycle struck car, closed-head injury	\$1,050,000 Parking lot pedestrian hit; mult. injuries	

2010 OTHER THAN AUTO (+ 3 Other Cases of Interest)
\$3,225,000 Drunk teen entered a home, spinal cord injury, loss of functions
\$2,835,000 Assaulted by intoxicated teen
\$1,412,129 Homeowner started forest fire, many homes destroyed or damaged

2009 MICHIGAN <u>AUTO</u> LIABILITY CASES (13) Cases Over \$1,000,000)				
\$3,000,000 Motorcycle collision (alleged intoxication)	\$2,000,000 15-yr-old struck while crossing 3 lanes to school bus stop	\$1,490,000 Low-speed, rear-end collision; neck injury	\$1,150,000 Passing a truck, tractor-trailer hit by truck's detached crane arm	\$795,000 Rear-ended by test driver who struck 3 vehicles
\$2,261,486 Drunk driver caused fatality	\$2,000,000 Running red light, caused fatality	\$1,359,085 Bicyclist hit by hit-and-run driver; brain injury	\$1,000,000 Drunk driver killed; passenger= quadriplegic; died	\$650,000 Employed drunk driver smashed into pastor's car
\$2,125,000 Heavy wind blew road sign through windshield, skull fracture	\$1,800,000 Motorcyclist hit turning box truck; arm & brain injuries	\$1,250,000 Bicyclist hit by truck crossing shoulder line; brain/spine injuries	\$825,000 Motorcyclist hit by p/u truck; multiple serious injuries	
\$2,091,500 Passing on shoulder, lost control, car flipped, Jaws of Life	\$1,500,000 Passenger hit when t-boned by vehicle; brain injury/blindness			

2009 OTHER THAN AUTO (+ 1 Other Case of Interest)
\$700,000 Drunk; drove friend's ATV for first time, hit fence; tracheostomy /breathing apparatus

2008 MICHIGAN <u>AUTO</u> LIABILITY CASES (5 Cases Over \$1,000,000)				
\$5,650,000 Stepped on accelerator instead of brake, hit and dragged plaintiff	\$3,900,000 Gravel truck tire blew, collided with car, killing driver	\$2,096,000 Farmer killed driving tractor, struck by tractor-trailer	\$1,600,000 Truck driver rear-ended by semi-trailer; neck, arm, leg, back injuries	\$1,350,000 80-yr-old ran stop sign, killing both drivers, including motorcyclist

2008 OTHER THAN AUTO (+ 3 Other Cases of Interest)
\$21,000,000 Children died in resort cabin explosion
\$4,500,000 U.S. A.F. grad, on leave, killed by drunk driver/friend
\$2,500,000 Painter struck by masonry wall support

2007 MICHIGAN <u>AUTO</u> LIABILITY CASES (11 Cases Over \$1,000,000)				
\$3,100,000 Employee-owned vehicle hit motor home; perm. injuries	\$1,700,000 Backed up on freeway shoulder. Collided; killed.	\$1,500,000 Hit & killed on shoulder of I-94 while looking for lost tire	\$1,200,000 Snowplow truck rear-ended; multiple injuries	
\$3,000,000 Truck made illegal left turn, brain-injured 16-yr-old	\$1,600,000 Disabled car struck in left lane	\$1,500,000 Passenger killed when other failed to yield; collision	\$1,003,500 Hit while turning left at intersection; back surgery	
\$1,900,000 Drunk driver collided, killing 2	\$1,500,000 Car skidded at snowy intersection, killed other driver	\$1,350,000 Road construction worker struck; pelvic/brain injuries		

2007 OTHER THAN AUTO (+ 2 Other Cases of Interest)
\$3,800,000 ATV hit hidden drainage ditch; thrown and disabled
\$3,200,000 Golf cart collided with pedestrian; broken back

See Pages 8-47 for a detailed description of the 2007-2016 Michigan claims and other cases of interest.

2016

03/10/2016	\$ 1,150,000	<u>Perkins v Rapp (Auto)</u> 39-year-old plaintiff sought noneconomic damages caused when the defendant driver did an improper U-turn in front of plaintiff's vehicle. Defendant was employed with Catholic Social Services of Wayne County and was driving a company passenger van at the time of the crash. Negligence was disputed. Defendant denied that he was doing a U-turn at the time of the collision and testified he was merging into the center turn lane. Defense argued that the plaintiff caused the crash because she was driving too fast and not paying attention. Plaintiff's counsel focused on photographs taken at the scene of the crash, which showed that the defendant's story was not true and that he was doing a U-turn at the time of the crash. The jury relied heavily on the photographs. Plaintiff claimed injuries primarily to her lower back and right knee. MRI testing established an L5-S1 herniation. She had a fusion surgery on her lower back. The surgery was successful and reduced her pain level to where it was minimal pain at the time of trial. However, plaintiff's doctor testified that she needed to watch what physical activities she did in the future to protect the surgical hardware. Non-treating experts were hired by the defense to refute plaintiff's claims. These experts testified that the plaintiff did not have a disc herniation and did not suffer any injury in the car crash. They also argued that plaintiff did not suffer a serious impairment of body function because she was working full time on the line at Faygo at the time of trial and had only missed a few months of work. Plaintiff testified she was able to work but her family and recreational life had been affected.
03/10/2016	\$ 1,000,000	<u>Confidential (Auto)</u> Defendant truck driver fled the scene in his pickup truck after hitting a 19-year-old female in November 2011 while crossing 15 Mile Road in Clinton Township. She sustained numerous life-threatening injuries, including traumatic brain injury and spine fractures, among others. The eyewitness who was driving behind the defendant began to realize that the defendant was not stopping, so she decided to follow him and got the defendant's license plate number and gave it to authorities, who were able to identify and locate him. Defendant pleaded guilty to reckless driving and a moving violation causing serious injuries. Defendant's no-fault insurance company refused to resolve the case for the policy limits of \$2M, so a suit was filed against defendant, seeking economic and noneconomic damages. Because defendant had a poor driving record, including several traffic offenses and speeding violations, as well as a DWI charge that had resulted in a suspended license, a negligent entrustment claim was also filed against the defendant's business which owned the truck. It was alleged that the severity of plaintiff's brain injuries and other injuries had, and would continue to have, a major impact on her life. Defendant testified he was traveling 30 mph in the 40 mph zone and that he applied his brakes upon impact. He didn't stop after he struck plaintiff because he thought he hit a garbage can. An eyewitness contradicted defendant's testimony by explaining that she was traveling about 50 mph and was not gaining ground on defendant's truck, but keeping up with it. She also testified that defendant did not apply his brakes when he hit plaintiff. Plaintiff's counsel noted that plaintiff was jaywalking when she was hit.
04/08/2016	\$ 6,200,000	<u>Confidential (Auto / Motorcycle Fatality)</u> In a contested liability, out-of-state wrongful death involving a motorcyclist and a case for a commercial motor vehicle, the case settled for \$6.2M two weeks before trial.
05/06/2016	\$ 1,603,595	<u>Andreson v Progressive Michigan Insurance Co. (Auto)</u> As one of the largest underinsured motorist claims in Michigan, plaintiffs' vehicle was hit from behind while stopped

at a traffic light by a driver traveling at a speed of 60-70 mph while on Saginaw Highway in Eaton County at the intersection of Nixon Highway in October 2013. The at-fault driver failed to brake because she was distracted by her cell phone. The force was so great that the backs of plaintiffs' vehicle seats were broken. Plaintiffs were treated for back, neck, and shoulder injuries. The jury awarded \$1,374,113 for Debra and \$229,482 for David Andreson. The plaintiffs' treating physician played an important part in obtaining such a substantial verdict. Having two doctors live at the trial had much more of a controlling presence than if the transcript was simply read. Also, anatomical models of the shoulder and spine and foam core boards were instrumental in explaining the intricacies of the plaintiffs' injuries, rather than using a PowerPoint presentation.

05/09/2016 \$ 1,250,000

Confidential (Auto / Bicyclist Fatality)

While 64-year-old married male and former local police officer was riding his bicycle in August 2015 on a two-lane rural road in Otsego County, he was struck and killed by an auto from behind by an 18-year-old woman who was on her way to her summer employment, operating an auto owned by her parents. There was no evidence of cellphone use or texting. Weather was fair with the road being straight and without visual obstructions. The driver admitted seeing plaintiff's decedent and stated she thought she had given him adequate room as she tried to pass. Plaintiff was nonresponsive at the scene and pronounced dead at the hospital. Issues in the case included lack of cycling helmet, comparative negligence, immediate death/pain and suffering, age of claimant, lost future wages and extent of surviving family members beyond spouse. The insurer tendered policy limits of \$250,000 plus an umbrella of \$1M.

05/12/2016 \$ 2,000,000

Goodwin v Northwestern Michigan Fair (Auto)

6-year-old was participating in the Northwestern Michigan Fair as a 4-H camper. While riding his bike on the bike path between the camping area and the animal barn, he was going to show his pet horse on Special Kids Day. At the same time, a non-camper driver was driving his pickup truck into the fairgrounds and down the bike path, while on a private errand, and passed the boy. Forgetting that the boy was behind him, he suddenly stopped and backed up about 30 feet. The boy froze in his tracks and was run over and was pinned under the vehicle and died instantly. Plaintiff sued on a theory of premises negligence, driver negligence, business liability, and bystander liability claim on behalf of the boy's father who arrived within minutes at the scene. Before trial, plaintiff settled, confidentially, with the driver and his business, as well as the bystander claim. At trial, however, the sole defendant was the Fair. Important evidence during the 6-day trial was the scanned graphics that clearly showed the layout and landmarks of the fairground premises, the sequence of events, and the feasible alternative safety measures not implemented by the fair. Evidence was presented that showed the Fair permitted vehicular traffic to use the children's bike path, did not implement feasible alternatives to alleviate risk, and removed barriers set up by "do-gooders" across the bike path. The trial resulted in \$500,000 for the boy's fright and \$1.5M to plaintiff's estate for loss of society and companionship. The jury allocated 50% nonparty fault to the driver.

05/13/2016 \$ 5,000,000

LaMay v Smart (Auto / Bus)

Walking home from a store at the intersection of Maplelawn and Crooks Roads in Troy, in November 2014, 37-year-old mother of two was walking on a green light, within the crosswalk, when a SMART bus, making a left-hand turn, ran her over. A video showed the plaintiff attempting to run away from the bus as it ran her down while turning on a flashing yellow light. The video showed that she realized the bus was not going to stop. Experts estimated she experienced between two and five seconds of conscious pain and suffering, which was the amount of time it took before the entire length of the bus went over her, prior to the time in which the bus rolled over her head.

2015

01/06/2015	\$ 7,000,000	<p><u>Confidential</u> (Auto) This settlement, which resulted in the death of an adult male in a third-party car accident case in Oakland County, was in excess of policy limits. The settlement was made on behalf of the parents as the estate. The case settled for an amount significantly higher than the insurance policy limits for the defendant and included a \$3M contribution from the defendant over the policy limits.</p>
01/21/2015	\$ 1,260,000	<p><u>Johnson v Schopmeyer</u> (Auto) A minor failed to see plaintiff on his motorcycle and made a left turn directly into his path. The crash caused significant orthopedic injuries to plaintiff, who was a skilled tradesman, in outstanding physical shape, and highly motivated to return to work. Injuries included fractures of the right humerus, ulna and radius; fractures of the left radius ulna, and 2nd metacarpal; fracture of the right hip and right public ramus; and fracture of the S1 vertebra. Although liability was admitted, the dispute was with regard to future economic impact of plaintiff's injuries. Medical evidence to a future wage loss analysis determined the resolution of the case.</p>
01/26/2015	\$ 900,000	<p><u>Mastaw v Nickerson</u> (Auto) Plaintiff's decedent was a front seat passenger in defendant's car when, despite poor visibility from blowing snow and icy roads, defendant tried to pass, striking an oncoming car, killing passenger and injuring two others. The extent of the surviving husband's loss was questioned as they were separated and living apart at the time of the accident.</p>
02/04/2015	\$ 507,333	<p><u>Poprasky v Wolf</u> (Auto: Third-Party Negligence) While driving her Saturn through a green light at an intersection in Oak Park, plaintiff was rammed into twice by a 16-year-old driver who ran a red light. The young girl and her mother, who owned the vehicle, contested the liability claiming she did not run a red light. Witness testimony rebutted this contention. Evidence showed that defendant was violating restrictions on her graduated driver's license whereby she could not drive with more than one passenger who is less than 21 years of age, although there were exceptions to this rule. Driving with an illegal number of underage passengers in her car (2), they were driving back from a shoe store. Three other minors were with her in the vehicle at the time of the accident; however, she was not violating the license restriction because she was dropping off one of the minor girls to a school event. Traumatic brain injury to the plaintiff restricted her nanny responsibilities for a family, although she continued working after the accident. Her abilities and her earnings potential has been drastically reduced as a result of the accident. She was eventually relieved of her duties with the family and is completely incapable of working at the level in which she used to perform for her new employer.</p>
02/11/2015	\$ 1,345,000	<p><u>Doe v Roe</u> (Auto Fatality) In a third-party automobile claim for economic and non-economic damages pursuant to the state's wrongful death statute, plaintiff's vehicle was struck causing her death as a result of a distracted, intoxicated and speeding insurance agent crossing the center line. The decedent had left her boyfriend's home and was driving home around 9pm. Her 2007 Ford Fusion was struck by defendant Roe's 2013 Ford F150 pickup. Roe crossed the center line after he had looked down to pick up his cellular phone, and hit Doe's car, head-on. Doe died on the scene; defendant Roe was taken to the hospital with non-life-threatening injuries. Crash data retrieval information revealed that Doe was travelling 45mph without a seatbelt on; and defendant, 65mph in a 55mph zone. Defendant said he had attended a 2pm golf outing and dinner that afternoon, finishing approximately 6:30pm, at which time he had no</p>

		<p>further drinks. Upon further investigation, it was revealed that the defendant and his golfing associates had purchased a number of beers. The blood draw at the hospital at 11:27pm was 0.125.</p>
03/26/2015	\$ 1,200,000	<p><u>Maxwell v American Casualty Co.</u> (Auto / First-party No-Fault Benefits) A 12-year-old pedestrian ran across I-75 in 2007 and was struck by a car, receiving severe brain injury. He was 18½ years old when counsel was retained due to reduction in attendant-care rates. Although the No-Fault insurer, American Casualty Co. had assessed the home for necessary modification five years earlier, funding had never been provided. His hospital bed was in the kitchen, unable to fully recline due to limited space; the lift to transfer him in and out of bed could only fit on the porch; and the family could not get him to the bath because hallways weren't wide enough. After uncovering the home modification conflict, a day-in-the-life video was produced prior to the suit being filed. In this way, the American Casualty's Florida-based adjuster could be shown that the boy and his family could not cope with their unmodified living space. When it finally became clear that Michigan Catastrophic Claims Association (MCCA) was hindering settlement discussions with American Casualty, the court ordered facilitations for MCCA to appear. After two years of litigation, the case finally settled which included money for a newly built home to accommodate the injured boy and his family. The attendant-care rate was increased to \$18 and included a respite care provision, allowing for an agency to relieve the family for 28 hours each week.</p>
03/27/2015	\$14,450,683	<p><u>Blahnik v Republic Services</u> (Auto) In 2011 an inexperienced garbage truck driver with a new CL license who had not been oriented or sufficiently trained to be operating the vehicle on that day, was driving on an unfamiliar route, ran a stop sign and smashed into plaintiff decedent's red Chevy Silverado pickup truck. Though he did not die at the scene, his injuries included a penetrating skull fracture that allowed his brain to swell and for him to remain conscious for 12-15 minutes while trapped upside down in his mangled truck. He eventually lost consciousness and died approximately 36 hours later. Conscious pain and suffering as well as economic and noneconomic damages were awarded in this wrongful death case. The court entered the sanction of default against all defendants including defendant driver, Republic Services Inc., and its subsidiary, City Star Services Inc.</p>
04/27/2015	\$ 8,000,000	<p><u>Confidential</u> (Auto) A semi-truck/minivan collision resulted in a severe traumatic brain injury to a 76-year-old retired steel worker and numerous significant, but less serious, injuries to his wife of 56 years. Other injuries included multiple facial fractures, L4 vertebral fracture, rib fracture (male), bilateral thigh hematomas, tears of medial and lateral meniscus of left knee requiring arthroscopic surgery, three fractured ribs, avulsion fracture of right ankle, closed-head injury, multiple fractured teeth and broken dental bridge, nerve damage in left thigh, traumatic lipoma of left thigh, depression, loss of consortium (female). During voluntary mediation, the parties successfully settled the claims. At mediation, the defense did not contest liability. The focus of the mediation sessions involved the nature and extent of plaintiffs' injuries, causation, and damages. Most significant were issues relating to prognosis and life expectancy. Plaintiffs' counsel believed that the keys to the resolution of this claim were meticulous preparation and documentation regarding damages, including a professionally produced video that included a documentary of plaintiffs' lives prior to the collision and day-in-the-life footage taken after the collision.</p>
05/19/2015	\$100,000,000	<p><u>Constantine v Felton</u> (Premises / Operations: Dog Mauling) While walking down a Pennsylvania Avenue sidewalk on Detroit's East Side about 9pm in October 2014, plaintiff observed defendant on the porch of an abandoned home on Pennsylvania Avenue. Defendant was opening a bag of dog food and plaintiff asked to help. As he started opening the bag, about 12 pit bulls attacked and began to eat him alive. The dog owner failed to call off his dogs and went into his house and shut the door. A neighbor called to report hearing several dogs barking and a man yelling for help. Paramedics arrived but were helpless to stop the mauling</p>

		until police arrived and fired shots for protection against the pit bulls, killing one dog. The rest were seized and euthanized. Plaintiff was almost naked and clinging to life. Plaintiff underwent more than 22 surgeries and spent months of hospitalization and rehabilitation. He lost his left arm, left leg, and left ear; he has lost functional use of his right arm and leg and he suffers from recurring nightmares. Defendant was found to be on disability, had no malicious intent, was ticketed by animal control, and received 5 citations for harboring his pit bulls and pit bull mixed dogs without a license, failing to provide proof of a rabies vaccination, harboring more than 4 dogs, harboring vicious dogs, and failing to properly leash or restrain dogs at his home. A lawsuit was filed against Felton and his mother who owns the home.
06/01/2015	\$ 1,650,000	<u>Woroniak v C&D Hughes Inc.</u> (Auto) During an early evening rush hour in August of 2013, a road construction company blocked and backed up northbound traffic on US 31, congesting the nearby intersection of a cross street obscuring presence and movements of vehicles in the southbound lane as well as for motorists traveling west on the cross street. The construction company did not put a traffic regulator or employ other measures to coordinate or direct safe vehicle travel through the junction. With views obstructed, a 16-year-old driver waited 10-15 minutes for her turn to safely cross at the intersection, eventually following the vehicle in front of her into the intersection. At the same time, a southbound automobile broadsided her car at 45 mph as it crossed US 31. She sustained severe and permanently disabling injuries. Key evidence and testimonies from accident witnesses were gathered and presented at a case evaluation hearing in May 2015. Plaintiff's counsel used digital video and computer animations to recreate the danger and accident to show the case evaluation panel. It was determined that C&D Hughes was at fault.
06/17/2015	\$ 3,825,000	<u>Confidential</u> (Auto / Pedestrian Fatality) 60-year-old plaintiff pedestrian was crossing an intersection when she was struck by a defendant truck driver while he was working for defendant trucking company. Testimony suggests that plaintiff was alive for a brief period of time while being pulled under the truck and dragged for a short distance. Defendant admitted liability for the accident, putting the settlement negotiation focus on the degree of conscious pain and suffering and loss of society and companionship.
06/26/2015	\$ 1,750,000	<u>Confidential</u> (Auto) Defendant driving a pickup truck failed to stop at a posted stop sign and turned left into oncoming traffic, broadsiding plaintiff's vehicle. Plaintiff was a front seat passenger who suffered fractured ribs, fractured C-6 vertebrae, upper extremity wounds, and right arm laceration. The case settled at facilitation.
07/24/2015	\$ 1,265,364	<u>Monaco v Home-Owners Insurance Co.</u> (Auto) Contrary to Michigan law, 15-year-old plaintiff was driving without a parent in the car on July 23, 2012. She lost control of her vehicle and slid sideways and entered a south-side ditch. The vehicle struck the corner of the ditch bank. The Jaws of Life were used to free Monaco who was then air lifted to a Saginaw hospital due to the severity of her catastrophic injuries which included closed-head injury with multiple orthopedic injuries. Monaco testified that she had her parent's permission to regularly take and use the car before and on the date of the accident. The key for the case was in establishing a pattern of use of the vehicle by Alison. Witnesses saw her repeatedly driving the car, by herself, to work, school and softball practice over the past month. If she had taken the vehicle without permission, she would be barred from no-fault benefits under MCL 500.3113(a). The mother and father said that Alison did not have permission. Monaco lived an active lifestyle which continued into high school where she played basketball, volleyball, softball, and was a member of the National Honor Society. She had wanted to become a surgeon. Since the accident, however, she relearned how to walk, talk and swallow before going back to school as a senior. She died January 13, 2015 after being trapped by a fire in her home. Her mother was at work at the time. Her father, just

		returning home from picking up their son, attempted to enter the house which was full of smoke and was able to get Monaco out, but she had succumbed to smoke inhalation. The family lost everything. The plaintiff's estate, intervening plaintiffs Covenant Medical Center and Mary Free Bed Rehabilitation Hospital were awarded monies.
07/30/2015	\$ 6,872,931	<u>Silas v Secura Insurance Companies</u> (Auto) In December 2012, Hall, a 17-year-old, was looking to buy his first car and was given a Chrysler 300 to test drive at a used-car dealership. His plaintiff mother was a front seat passenger. Hall turned on his hazard lights and began to slow down when he noticed the car had run out of gas before he could make it back to the dealership. The car behind him noticed this; however, the car behind it, slammed into the rear of the car behind the plaintiff, pushing that vehicle into the Chrysler 300, creating a 3-car auto accident. Plaintiff Silas alleged she sustained post-concussive syndrome, bilateral shoulder rotator cuff tears involving cervical disc herniation which required disc fusion surgery, and lumbar disc bulges.
08/04/2015	\$ 1,250,000	<u>Rodgers v Beal</u> (Auto / Pedestrian) In the early evening in December 2014, a 20-year-old woman driving an SUV struck a 16-year-old male pedestrian crossing the street in a marked, well-lit crosswalk. The driver never saw the boy before the left front SUV bumper hit and launched the teen 85 feet away into the oncoming lane. The boy regularly used this crosswalk going to and from school, at least twice a day, and this time was walking home from a friend's house. The teen sustained a traumatic disabling brain injury in the crash, putting him into a coma for months. He has continued intensive recovery as an inpatient at Mary Free Bed Rehabilitation Hospital in Grand Rapids. The Grand Rapids Police declined to ticket the driver and the Kent County Prosecutor's Office declined to pursue the matter. Counsel was able to show the driver's insurance company proof that she was at fault for the accident, including that the driver should have seen the teen and had plenty of time to stop before striking him in the crosswalk. The matter settled for \$1.25M, the limits of defendant's two insurance policies.
08/07/2015	\$ 1,900,000	<u>Marek v Tieman</u> (Auto/Motorcycle) In Grand Traverse County, plaintiff was driving a 2003 Honda CBR motorcycle while, at about the same time and place, defendant, driving a 2000 Ford Excursion, was waiting to turn left. Plaintiff had the right of way; however, defendant turned left in front of plaintiff, causing plaintiff to crash into defendant's vehicle. Defendant claimed plaintiff was speeding and was at fault for the accident. Plaintiff sustained life-altering injuries including a traumatic brain injury, more than 10 bone fractures and 18 surgeries. He spent 57 days in the hospital.
08/11/2015	\$ 4,500,000	<u>Kinouna v Szymanski</u> (Auto / Truck-Pedestrian Fatality) Defendant Szymanski was pumping out outhouses in a subdivision with Brendel's Septic Tank Service LLC's tank-like septic truck and was ready to move on to the next outhouse which was more than 400 feet behind him. Instead of turning around via a driveway, he decided he could save time by putting the truck in reverse and driving backward for 130 yards. What he didn't know was that plaintiff Yousif, a 23-year-old male, was walking down his street with earbuds connected to his iPhone while cradling a basketball in his right arm. While the truck was moving backward, Yousif walked directly behind the truck with his back to it and never heard or saw the approaching truck. The back end of the truck smashed into the back of Yousif's head, fracturing his skull and causing him to fall forward on the pavement. The truck then "steamrolled" over the back of his right leg, then over and across his back. Szymanski thought he might have felt something like a bump while backing up, prompting him to eventually stop the truck. Upon exiting the vehicle, he noticed Yousif on the street, just underneath the front driver's side door.
08/17/2015	\$ 1,272,500	<u>Silas v Secura Insurance Companies</u> (Auto) In December 2012, Hall, a 17-year-old, was looking to buy his first car and was given a Chrysler 300 to test drive at a used-car dealership. His plaintiff mother was a front seat passenger. Hall turned on his hazard lights and began to

		slow down when he noticed the car had run out of gas before he could make it back to the dealership. The car behind him noticed this; however, the car behind it, slammed into the rear of the car behind the plaintiff, pushing that vehicle into the Chrysler 300, creating a 3-car auto accident. Plaintiff Silas alleged she sustained post-concussive syndrome, bilateral shoulder rotator cuff tears involving cervical disc herniation which required disc fusion surgery, and lumbar disc bulges.
09/01/2015	\$ 1,000,000	<u>Confidential</u> (Auto Fatality) Plaintiff's decedent was traveling eastbound on I-96 near Beck Road in Novi during the morning rush hour. He sustained a flat tire to the left front tire of his van, which forced him to pull onto the shoulder of the roadway to repair the tire. Traffic was heavy but several cars driving in the right lane saw him and his van and moved away from him, driving slightly left to be safe. However, though it was daylight and he was in plain sight, defendant drove his semi-tractor into him, throwing him 10 feet forward and to the right shoulder of the road. Plaintiff's decedent sustained multiple injuries and complications and died after multiple failed attempts to revive him in the emergency room. He left behind a wife and minor child. Although defendant argued that the sole fault for the accident belonged to plaintiff's decedent because he had ventured out into the roadway and was responsible for his own death, defendant driver also testified that he saw plaintiff's decedent's van from approximately 150 yards, establishing that defendant had the ability to see plaintiff's decedent for 15 seconds. Evidence further demonstrated that defendant drove for another 600 feet before finally bringing his rig to a stop on the side of the road. Plaintiff's counsel used this evidence to establish that defendant driver never saw plaintiff's decedent and did not even know he hit a person. Several other witnesses testified that they could clearly see plaintiff's decedent and took reasonable steps to steer clear of him, which helped to establish defendant's considerable fault in the accident.
09/02/2015	\$11,900,000	<u>Confidential</u> (Auto / Triple Fatality) A semi-truck driver was traveling 60 mph in a 30 mph traffic zone and ignored a red light. He tried to swerve to avoid oncoming traffic, but his reckless driving caused his trailer to turn over onto a car driven by plaintiffs' decedent. The 39,000-pound semi-trailer crushed and suffocated the driver (a mother) and her two passengers (the mother's adult children). A surveillance video from a nearby gas station caught the entire accident on camera. The passengers died a slow, agonizing death due to asphyxiation.
09/03/2015	\$ 4,616,000	<u>Thomas v Woodward Detroit CVS LLC, d/b/a CVS Pharmacy #8031</u> (Premises) Plaintiff, a 58-year-old Oak Park woman, sustained a hand and head injury at Livonia CVS when an employee caused metal lawn chairs from an upper shelf to fall on top of her, when plaintiff asked the CVS employee to help price a chair that she couldn't reach. Plaintiff will not be able to work again as a senior building analyst at DTE because of her serious cognitive limitations and disabling headaches. The mother of 5 and grandmother of 6 also has been extremely limited in her ability to interact with her family. Plaintiff argued that a safety manual disbursed by the store required employees to stack chairs on a lower shelf and use safety clips to secure the metal bins containing the chairs to the shelf. CVS could not produce any evidence showing the safety clips were used on the bins. The store refused to take responsibility for plaintiff's injuries, claiming the chairs did not fall on plaintiff, but leaned on her. Defense brought in medical experts who never examined plaintiff but claimed she wasn't seriously injured. An MRI showed no signs of neurological injuries. They contended that security footage of the incident did not exist despite the presence of 6 surveillance cameras located throughout the store. Credibility was found with the plaintiff because she tried to improve by going through treatments for 3 years, she tried to go back to work for a month but there were cognitive problems and daily headaches, and she had to leave herself sticky-note instructions throughout the house, after her memory deficit caused her to start a stove fire. The defendant's testimony, however, was inconsistent, which aggravated the jury.

09/21/2015 \$ 7,700,000	<p><u>Nichols v Fagin</u> (Auto)</p> <p>Three people were driving in a 2006 Chevy HHR in Flint, just two blocks from front-seat passenger Nichols' home. Driver Cochran's daughter, Robbie was in the back seat. The car was suddenly hit and tossed onto its side through an intersection and onto private property by a car being pursued by defendant state trooper Fagin who was driving his patrol car with his father, as passenger, to pursue a driver not wearing his seatbelt. Nichols and Robbie were transported via ambulance; however, after several attempts were made to revive Nichols, she was pronounced dead from multiple blunt force injuries. Robbie had a neck fracture and fractures of two ribs. Four pins were placed around her head along with the halo vest to hold it together. Eventually, she underwent a posterior fusion at 6 points. A neuropsychological examination displayed problems with Cochran's fine motor skills. She had a traumatic brain injury but was making steady progress. During accident reconstruction, the State Police determined that Fagin failed to properly clear the intersection before entering it while a red signal was flashing and that he was traveling at 54 mph in a 30mph zone. The police in-car video showed he also sped through multiple stop signs without any attempts to yield. Additionally, Michigan State Police Official Order No. 10 also states that if non-department personnel are passengers, a pursuit shall not be initiated except in those instances where the passenger has signed a waiver of liability or in extreme cases. This waiver was never signed, nor was permission granted from the district commander for the ride-along. Plaintiff argued that defendant was grossly negligent in the operation of his vehicle. Defendant argued that a trooper can exceed the speed limit and disregard traffic signals pursuant to MCL 257.603 as long as his lights and sirens were activated. Defendant also alleged that several other nonparties were as fault for this accident including the driver of the fleeing vehicle, driver Cochran, as well as the City of Flint for failing to maintain the intersection. The matter settled for \$3,675,000 for Nichols' estate and \$4M for daughter Robbie.</p>
10/05/2015 \$16,000,000	<p><u>Patel v Goodyear Tire & Rubber Co.</u> (Auto / Products Liability)</p> <p>58-year-old plaintiff was rendered an incomplete quadriplegic after a rollover accident in 2012. The tread separated on his Goodyear Pathfinder tire while he was traveling northbound on U.S. 31 near Berrien Springs, causing loss of control. In a two-week trial, 8 jurors heard testimony from former tire factory workers about the intricacies of making tires and from experts about possible causes of the failure. Plaintiff argued that the tire had four different manufacturing defects and did not have a nylon cap ply, the sole purpose of which is to prevent tread separations. Plaintiff asserted that defendant Goodyear Tire & Rubber Co. made a conscious decision not to include a nylon cap ply on this tire, even though it had proven effective in reducing the occurrence of tread separations in other tires. There was substantial testimonial evidence of poor manufacturing practices. Defendant's theory was that the tire impacted on object on the road 1,000 miles before the tread separated and that plaintiff was negligent in responding to the tread separation in his handling of the vehicle. Plaintiff's tire expert testified extensively about his testing, which showed impacts do not cause tread separations. Plaintiff's expert had performed testing that was published by the Society of Automotive Engineers and showed that impacts do not cause tread separations.</p>
10/08/2015 \$ 1,625,000	<p><u>Confidential</u> (Auto Fatality)</p> <p>Plaintiff sustained neck injuries in a collision and died following surgery. Defendant argued that plaintiff's injuries were degenerative in nature and pre-existed the collision, and/or that surgery was not warranted.</p>
10/14/2015 \$ 1,000,000	<p><u>Williams v Barber</u> (Auto)</p> <p>Plaintiff truck driver was involved in a T-bone accident caused by defendant who was driving a cube truck filled with windows. Plaintiff waited a few days as pain progressed, then sought care at urgent care. Follow-up for back pain led to injections, physical therapy and additional testing. An MRI revealed a herniated lumbar disc. He underwent a lumbar fusion. Plaintiff claimed permanent loss of employment from his sprinkler business on the side, and was basically unemployable because he only had a 10th-grade education. Defense showed that early imaging studies</p>

		demonstrated degenerative disease that predated the accident, that there was no evidence of permanent disability, and that his smoking caused him to not have a good result from his lumbar fusion. Social security disability was denied.
10/21/2015	\$ 5,080,000	<u>Henderson v Watermark Retirement Communities</u> (Premises / Assisted Living Fatality) In a wrongful death and negligence case, a 90-year-old resident had been moved to the memory care unit of an assisted living facility just 5 weeks prior because of her dementia and need for supervision. In 2012, the unsupervised decedent entered the accessible kitchen, gained access into a cabinet beneath the sink and ingested a caustic dishwashing detergent. After seriously damaging her mouth, throat, esophagus and stomach, with no option for surgery and unable to eat or drink, she died 13 days later in a hospital's hospice unit. Case details: At the time of the incident, one of the two caregivers was on an extended meal break, without a substitute to supervise the residents. The other caregiver was supervising and dispensing medication to 17 residents by herself. As for the kitchen cabinet, there was a plastic child magnetic lock on one door, while the other had a makeshift wood stick-closing mechanism designed by the maintenance staff. Proving negligence was a challenge because often facilities are very poor at documenting treatment and important events. There was lack of written procedures, inspection records and safety policies. Statements from employees were inconsistent. Three experts testified; i.e. if the hinge of the cabinet was already broken, there should have been abrasions on decedent's fingers or fingernails if she forcibly tore the hinge out because there were no tools or utensils in the area. No one else was there. The container was actually open, also, as a spigot was connected from the detergent to the dishwasher. The probable scenario was that the doors were not locked or secured, and that "fatal-if-swallowed chemicals" should have been secured with appropriate locking mechanisms and secondary prevention measures or, at least, have had a childproof cap on the detergent. It was also determined that the decedent's son visited his mother 5-6 times a week and suffered a loss of society and companionship, just as if she was a younger woman. Pain-scale assessments were also taken as to her pain and suffering, as well as medical and funeral expenses.
11/2015	\$ 1,000,000	<u>Confidential</u> (Auto) Plaintiff was crossing in the pedestrian crosswalk at an intersection in the city of Marshall, when he was run over by defendant's semi-truck. Defendant driver maintained that he was waiting to turn left in the center lane of the intersection and started to move his truck when someone stopped and told him that he had hit someone. Video obtained after the accident demonstrated that defendant was in the center lane and travelled straight through the intersection at a high rate of speed, contradicting defendant's version of the crash. Moreover, physical evidence demonstrated that the defendant's seat was in a semi-reclined position, which would create a visual obstruction. Plaintiff incurred traumatic brain injury, amputation of the right leg above the knee at the hip, fractured left knee and leg, fractured pelvis, neck and back injuries, fractured ribs, shoulder injuries with decreased range of motion, and ruptured spleen.
12/01/2015	\$ 462,500	<u>Confidential</u> (Premises) While four friends were on a camping trip and sitting around the campfire, defendant tossed an empty aerosol bug spray can into the campfire. Moments later, there was a large flame, then a large explosion which projected a piece of debris out of the fire and directly into the eye of the plaintiff. The impact severely injured the eye. Physicians were not able to salvage the eye as the damage was too great. Plaintiff lost all vision in the right eye and will, ultimately, have a prosthetic eye implanted.
12/10/2015	\$ 2,325,000	<u>Milliron v Ferrellgas LP</u> (Auto) In September 2014, semi-truck driver Allison was driving an empty Ferrellgas propane tanker in the rain through a curve on M-37 near Center Road when he lost control of the wheel to avoid a head-on collision with a "phantom"

vehicle and crossed the center line. It also jackknifed and overturned, causing a road closure. The tanker collided with the Millirons' pickup truck, leaving them with serious injuries including plaintiff husband having bad pelvic and right foot fractures requiring multiple surgeries including a hip replacement. Plaintiff wife suffered a mild traumatic brain injury for which she received cognitive therapy. Both have neurological injuries and have sights and experiences that continue to haunt them. Both plaintiffs were in their late fifties and had recently retired. No economic damages were sought. The Millirons sued the Kansas City-based propane supplier and semi driver Allison for damages. Their filing prompted a back-and-forth by attorneys before a settlement conference in which they were offered far less than the ultimate verdict. The offer was rejected due to a fundamental disagreement as to what the value of health and safety are. The defendants ultimately admitted negligence, that Garold Milliron suffered a serious impairment of body function, and that the couple had no fault in the crash. The jury determined the value of the loss of their health, welfare and future retirement plans to be worth \$2.3 Million. The couple had worked very hard all their life to try and retire just a little bit early so that they could enjoy their golden years together and about a year or so into it, this preventable crash happened which changed their lives forever. Garold Milliron enjoyed the outdoors and had hoped to spend time with his grandchildren. The Millirons are doing well but will face lifelong recovery issues and difficulty walking. The truck driver involved in the crash is still a truck driver. This is believed to be the largest verdict ever returned in Grand Traverse county and certainly in the last 25 years.

2014

01/14/2014	\$ 2,000,000	<p><u>Harris v Gower Corp.</u> (Auto) 49-year-old decedent was driving home in his 1998 Buick LeSabre on southbound I-75 in Springfield Township, leaving from work at General Motors in Grand Blanc. At the same time, while travelling northbound on I-75 in a company-owned pickup truck, defendant employee of Gower Corp. attempted to pass a vehicle in the far right lane when his left front wheel came off the truck. The wheel assembly rolled and bounced into the air ahead of him down the freeway and across the median, crashing into the front windshield of decedent. EMS, arriving at the scene, pronounced him dead as a result of multiple severe traumatic injuries. Decedent was speaking to his wife on his cell at the time of the occurrence and she heard the horrendous crash. While still driving, defendant decided to continue north and exit into a gas station. Police estimate he drove 0.7 miles during the wheel separation. Initially, defendant believed this was a \$0 liability case because they had no control over the wheel that came off the vehicle. Detailed discoveries were served upon the defendants; however, prior to the defendants' answers to discovery becoming due, defendants' carrier elected to offer the policy limits of \$2M.</p>
01/21/2014	\$ 2,825,881	<p><u>Grouix v Muma Logging Inc., et al.</u> (Auto) In early morning, decedent was driving in Garfield Twp. when he struck a John Deere logging vehicle that was going 15 mph, but did not have the required lights needed in order to be seen. Defendants contended plaintiff was not properly alert at the time of the collision, possibly due to lack of sleep, speeding or using a cellphone. Plaintiff's estate was awarded \$45,881 in past economic damages, \$30,000 in future economic damages, \$2,000,000 in past noneconomic damages and \$750,000 in future noneconomic damages.</p>
01/29/2014	\$ 2,843,355	<p><u>Smith v People's Transit Ltd., et al.</u> (Auto) Plaintiff millwright and other tradesmen were being driven on a bus from a commuter lot in Dearborn to a nearby steel plant when, at approximately 6am, the bus driver disregarded a red light and ran into an intersection, hitting a 2000 Jimmy. The bus was pushed into the median on Miller Road. Seated behind the driver, plaintiff was thrown</p>

around the inside of the bus, suffering herniated discs that necessitated a lumbar fusion procedure and pain injections. Defendant admitted liability for the accident but argued proximate cause and said that any injuries plaintiff sustained came from prior injuries. Plaintiff had undergone a neck fusion in 2008 and had had back problems. Defendants' expert, a radiologist, testified she could not find any differences in plaintiff's pre-accident MRIs and post-accident MRIs. However, plaintiff's experts testified that they did see differences which corresponded with plaintiff's physical complaints and results from physical exams. The jury determined that defendants' negligence was a proximate cause of plaintiff's injuries and that plaintiff had suffered serious impairment of body function and awarded \$801,689 in future economic damages, \$1,291,666 in past noneconomic damages, and \$750,000 in future noneconomic damages.

04/10/2014 \$ 817,648

Grandowicz v Doe (Auto / No-Fault PIP)

After being rear-ended by a hit-and-run driver, 53-year-old plaintiff sought no-fault personal injury protection benefits and uninsured motorist benefits from her insurance carrier. Plaintiff claimed injuries primarily to her lower back, neck and right shoulder from the March 5, 2011 accident. A right shoulder MRI revealed a rotator cuff tear that was repaired via an outpatient arthroscopic surgery. At the time of trial, plaintiff's shoulder had improved by 95%. The surgeon, however, testified that she had a pre-existing shoulder tear that was worsened in the accident. Plaintiff also underwent a back surgery which helped her symptoms, somewhat. She also had had a prior back surgery recommended, but never had the surgery until after the accident. Plaintiff's lengthy medical history also included her undergoing a prior neck fusion surgery and two prior knee replacement surgeries. She walked with a cane before the accident and had been disabled since 1998 because of her prior injuries. Defendant argued that all injuries were pre-existing and degenerative and that the plaintiff did not sustain a threshold injury. Treating doctors testified that her prior medical conditions had stabilized until the accident. Although the total damage done to the plaintiff's car was only \$591.86, defense retained an accident reconstructionist and a biomechanical engineer to aid the argument that a person could not be hurt in such a minor crash. Treating doctors testified that the plaintiff was more susceptible to injury than a normal person; thus, could be hurt in this kind of minor accident.

04/25/2014 \$ 2,657,952

Bonkowski v Allstate Insurance Co. (Auto)

In a 2001 automobile/pedestrian accident, plaintiff suffered a diffuse brain injury and a spinal cord injury which rendered him a high-level quadriplegic. Attendant care benefits had been litigated three times previously with multiple different jury awards and multiple appeals to the Michigan Court of Appeals and the 6th U.S. Circuit Court of Appeals. This case represented the fourth lawsuit between the parties concerning attendant care benefits. The Judge said the case had the potential of being re-litigated for the rest of the plaintiff's life. Accordingly, the parties agreed to an 8-year contract for future attendant care benefits at a rate that would be determined by an arbitration panel, with the specific understanding that all other no-fault benefits are preserved. Additionally, defendant Allstate would have to bring up prior payments for attendant care pending in this litigation to the rate established by the arbitrators. The arbitration panel determined an hourly rate of \$32/hour for 24 hrs/day.

05/15/2014 \$ 1,327,040

Patton v Titan Insurance Co. (Auto – No Fault Insurance)

In his third lawsuit against his automobile no-fault insurer, plaintiff favorably will receive a higher daily rate for attendant care than was previously agreed to, a longer-term contract (6 years), and a provision for an annual cost-of-living adjustment increase in the daily attendant care rate. Plaintiff had suffered a traumatic brain injury in a May 2000 motor vehicle accident. The second lawsuit had resolved with a contract to pay future family-provided attendant care benefits, but the insurance adjuster decided to stop payments prematurely, necessitating this third lawsuit. The most helpful witnesses were the insurance adjuster and defendant's retained nurse expert.

05/21/2014	\$ 150,000	<u>Confidential</u> (Personal / Dog Bite) (<i>Case of Interest</i>) A 3-year-old boy was bitten in the face by his grandparents' dog. The scarring healed very well, causing damages issues to the case. Plaintiffs used an expert to perform a psychological evaluation on the child, which was helpful in proving emotional distress.
05/23/2014	\$ 2,440,000	<u>Cilli v Motorists Mutual Insurance Co.</u> (Auto) In Jan. 2012, plaintiff, 60, in the course and scope of his employment with A & Jay Automotive, was struck from behind by defendant Washington while both were traveling west on East Nine Mile Road in Ferndale. Plaintiff had stopped to allow vehicle in front of him to turn left from Nine Mile onto Wanda Street; however, defendant looked away from traffic in front of him and struck plaintiff. Plaintiff sustained a head injury after striking his head upon impact. Defendant was uninsured, so plaintiff relied upon his employer's uninsured policy with defendant Motorist Mutual Insurance and his own uninsured automobile insurance with defendant Home-Owners Insurance Co. Plaintiff initially refused medical treatment at the accident scene but was referred to Concentra by his employer and seen over the course of the next two days. Four days after the accident, plaintiff was taken to Henry Ford Macomb Warren exhibiting signs of erratic behavior and demonstrating hallucinations. A workup in the emergency room revealed that he was bleeding profusely in his abdomen. He required an emergent laparotomy and was transferred to the surgical intensive care unit. Because of the trauma sustained in the accident, his medical stability declined, he went into respiratory failure and became ventilator dependent. His body began to shut down and he required several surgeries and remained hospitalized for almost four months. He was discharged to an extended care facility before finally being allowed to return home. Plaintiff argued that his injuries seriously and negatively impacted his ability to lead his normal life from the date of the accident through the present time and for the rest of his life.
05/23/2014	\$ 1,250,000	<u>Confidential</u> (Auto) In this motorcycle death case, defendants disputed liability and damages. Defense arguments included comparative negligence, intoxication, failure to wear a helmet and minimal damages because plaintiff's decedent was unmarried and without dependents. Plaintiff vigorously attacked these defenses with strong expert and family testimony, along with well-prepared demonstrative aids. An arbitration panel awarded plaintiff \$1.25 million.
06/03/2014	\$ 1,300,000	<u>Confidential</u> (Auto) Due to a circus vehicle stopping traffic on the highway, there was a sudden traffic jam and a semi-truck driver in his mid-50's was rear-ended by another semi-truck. Plaintiff was diagnosed with neck and back strain and headaches. He ultimately underwent a cervical neck fusion and then a lumbar discectomy. He returned to work doing light duty for approximately one year before being discharged by his employer. Plaintiff alleged he could not return to work as a semi-truck driver, but defendants' experts argued he could return to other forms of employment. They also argued that his current pain and limitations were caused by his diabetes, as suggested by one of plaintiff's own treating physicians.
06/10/2014	\$ 950,000	<u>Killingbeck v Knox Presbyterian Church</u> (Premises) In 2011 plaintiff's decedent died while attempting to rescue two individuals who were canoeing alongside the Kensington Metro park canoe route without supervision. The two young men were on an unsupervised camping trip and had rented canoes without any supervision from either the church group, defendant Knox Presbyterian Church, or the canoe rental facility. The two men began struggling with the current and the undertow from the dam on the river, and the canoe tipped. Plaintiff's decedent attempted to rescue both boys and was able to save one before drowning along with the other canoeist. Plaintiff's estate filed a wrongful death complaint against the estate of the deceased individual (after a nonparty at fault was filed, naming the estate), the canoe rental facility and the church group, along with the national church group. Defendants argued the rescue doctrine, the livery statute and no

		duty/breach of duty. Settlement was obtained following facilitation and settlement negotiations between the parties.
06/05/2014	\$ 950,000	<u>Baldwin v Ohanian</u> (Auto) 70-year-old retired male plaintiff was run over by defendant, an elderly driver, while walking through a grocery store parking lot. The driver wasn't aware that she had run over plaintiff and subsequently backed up over him. After realizing she had struck someone, she panicked and attempted to drive forward again, but the vehicle became lodged on top of plaintiff. Plaintiff was pinned beneath the vehicle for approximately 30 minutes before the fire and rescue personnel were able to lift the car and extricate him. As a result, plaintiff suffered traumatic brain injury and multiple fractures to the skull, jaw, nose, sinuses, eye orbits, ribs, left leg, lung and chest. Plaintiff spent weeks in the hospital, underwent multiple surgeries, endured years of therapy, and is left with permanent residual problems including, but not limited to, the total and partial loss of his smell, taste, sight and hearing.
06/11/2014	\$17,800,434	<u>Dorado v McCoig Concrete Co.</u> (Auto) In September 2010, 36-year old female plaintiff was coming home late at night from her job at a security system company. She was driving on Telegraph Road in Brownstown Twp. in a Volkswagen Jetta and was preparing to turn into her neighborhood, when she was rear-ended by a cement truck owned by defendant McCoig Concrete Co. The truck driver was distracted, reading paperwork while driving 50 mph, tried to swerve to the right and ended up colliding from the rear, propelling Dorado's car approx. 100 feet into a utility pole. Defendants admitted liability. Plaintiff suffered 3 spinal fusion back surgeries, a hip fusion, shoulder surgery and suffered significant traumatic brain injury (RBI). She has a collection of screws and plates in her spine that causes her constant pain. As a result, she is no longer able to work or live independently. Defendants' expert radiologist testified that plaintiff's MRIs did not reflect injuries from the accident and that plaintiff's conditions were degenerative. He did not believe plaintiff had an ongoing brain injury but that she did have migraines from the accident. Plaintiff contended she never had neck, back, hip or shoulder pains until after the accident. Photographs of her life before the accident were absolutely essential to telling her story, as well as lay witnesses describing her lessening skills and other changes as a result of the accident. Plaintiff's attorney made a list of every harm, every injury, and every damage – from her surgeries to loss of social enjoyment, career loss, and her new lifetime of dependence. He put a suggested value on each injury, suggesting figures for past and future. "The theory is, every harm must be compensated. That's the law." The jury awarded plaintiff virtually everything the attorney asked for. A Wayne County jury awarded plaintiff \$1,508,434 in economic damages and \$16,302,000 in noneconomic damages.
07/07/2014	\$11,500,000	<u>Confidential</u> (Auto) In an auto accident, 5-year-old plaintiff sustained an ongoing traumatic brain injury which required 24-hour attendant care. The no-fault insurer sought to negotiate a total buyout of plaintiff's benefits, including monthly payment of lifetime benefits that are consistent with the existing payments. Raises for plaintiff's anticipated medical needs as well as for the plaintiff's service providers will occur each and every year for the remainder of his life. The payments will increase each and every year pursuant to a payment schedule. The escalating benefits are guaranteed for the life of the plaintiff.
07/17/2014	\$ 1,500,000	<u>Thomas v Sloan Petroleum Transportation</u> (Auto) Defendant Sloan Petroleum's tank was going southbound on Southfield Freeway, approaching Outer Drive in Wayne County, when a dual assembly broke off the axle, traveled down the freeway and bounced over the median. It then fatally struck the car roof of plaintiff's decedent. It was discovered that the four axles of the defendant's tanker had been improperly welded by being butt welded at the spindles. This had significantly reduced the integrity of the axle, a fact which both the defendant and the plaintiff agreed upon, though the former asserted that this was not known to him. Regardless, plaintiff argued that this was a violation of the Federal Motor Carrier Safety

		Regulations because the motor carrier has a duty to insure the safety of the trailer by, among other things, inspecting all the parts, axles included. The settlement was reached before trial at the sum of \$1,500,000.
07/24/2014	\$ 1,100,000	<u>Confidential</u> (Auto) A tractor-trailer driven by the defendant, an employee of a large, privately held transportation company, turned his vehicle into 44 year-old female plaintiff's lane of traffic, colliding head-on with her car at 45 mph while she was on her way to work at 7:15 a.m. Defendant had been a truck driver for just two years and was carrying an oversized load with a piece of farm equipment on the back of the flatbed truck. Plaintiff had the right of way and was properly proceeding under a green light. There was nothing she could do to avoid the crash. Additionally, there were no obstructions or reductions in visibility that morning and there were no curves at the site of the accident. The headlights on plaintiff's automobile were functioning properly and on at the time. Plaintiff smashed both of her knees into the dashboard of her car, fractured her wrist and sustained a closed head injury. Up until the end of 2014, she had undergone 8 separate surgeries, including replacements of both knees. She is expected to need additional procedures and ongoing treatment and rehabilitation. At the time of the accident, she was gainfully employed by a government agency and routinely received commendations from superiors. She recently passed a job-related exam that would have increased her income. Her permanent injuries now prevent her from performing her necessary duties and tasks; thus, foreclosing a promising career.
08/19/2014	\$ 1,200,000	<u>Olson v Alexander</u> (Auto/Motorcycle) A 65-year old retired registered nurse was a passenger on a motorcycle when, due to the negligent operation of the motorcycle, she was involved in a crash sustaining partial loss of use of her left arm, including nonunion of her left humerus with ulnar neuropathy and brachial plexus injury following the surgery, as well as fractured sternum with scarring. The insurance carrier had paid the majority of the medical bills leaving very little in "specials." Plaintiff had legal hurdles to overcome including the very little amount of "economic specials" as well as her limited life expectancy. The key to this \$1.2M settlement was the trial theme of partial loss of use of her left arm as well as the judge's fast track and plaintiff's bad faith letter.
08/25/2014	\$ 950,000	<u>Boverhof v Harrell</u> (Auto) On August 16, 2012, defendant Todd Harrell was driving too fast for the weather conditions in southern Kent County at the time, lost control of his vehicle and crossed the center line. He then crashed in a head-on collision with another car being lawfully driven by Daniel VanDommelen. He died due to extensive blunt force injuries, leaving behind three adult sons, two sisters and his father. The car of the defendant had illegal rear tires, which locked when the defendant jammed on his brakes and caused the hydroplaning that led to the accident. The defendant asserted the sudden emergency doctrine and argued the loss of control and subsequent collision was due to his being confronted by a sudden emergency and not due to his own misconduct. He went on to name his mechanic and Kent County Road Commission as nonparties at fault due to the negligence of rotating worn tires to the back of the vehicle and for the poor condition of the road causing excess standing water – which he argued led to the collision – in the various ruts, respectively. The plaintiff motioned to both strike the defendant's affirmative defense of a sudden emergency and to dismiss the road commission as a nonparty at fault. Both motions were pending at the time a \$950,000 settlement was reached, the amount reflecting VanDommelen's lack of financial dependents and his family's loss of society and companionship claims.
08/28/2014	\$ 1,500,000	<u>Schumacher v Harmon</u> (Auto) While stopped at a red traffic signal waiting to turn left onto U.S. 131, a divided highway, plaintiff and his driver wife were rear-ended by defendant. After the impact, defendant backed up and drove around the plaintiff's vehicle, then sped away at a high rate of speed onto U.S. 131. Plaintiff's wife followed the at-fault driver and was able to

catch up to him when the defendant became trapped behind two side-by-side semi-trucks on the freeway. Plaintiff called 911 and the police were dispatched to pursue the fleeing driver. Eventually, defendant was pulled over and arrested for driving under the influence of alcohol and narcotics. He pleaded guilty to operating his vehicle while impaired by alcohol and controlled substances, first offense. When plaintiff and his wife were allowed to leave the scene after defendant's arrest, plaintiff began feeling extremely nauseated and complained of neck pain. His wife drove directly to the hospital emergency department where he was diagnosed with a cervical strain from a flexion-extension injury to his head and neck. He followed up with his family physician. Over the next several months, his symptoms became worse. He developed severe headaches and neck pain, as well as burning pain in his shoulders. Over time, plaintiff experienced increasing difficulty with concentration, word recall and memory. Physical therapy and epidural injections were unsuccessful. When referred to the Michigan Head-Pain and Neurological Institute, symptoms improved but continued to persist. Plaintiff currently treats with medication, injections and rhizotomies. Prior to this collision, plaintiff was the owner and operator of a farm semi-trucking business, performing all of the heavy mechanical work on the trucks and was actively involved in the day-to-day running of the business. After the crash, however, plaintiff was unable to continue working in his business. The at-fault driver's insurance company, State Farm, offered \$60,000 prior to trial. Plaintiff's carrier, Auto-Owners, refused to offer any amount in settlement.

10/01/2014	\$42,000,000	<p><u>Kiara Torres and Joshua Rojas v Concrete Designs Inc., Brian M. English and Jovanny Martinez</u> (Auto) (Ohio case of interest): In November 2010, driver Martinez, 24, was driving his 1992 Honda on a bridge in Cleveland with three other school friends on their way to Taco Bell when dump truck driver, English, driving for Concrete Designs, cut in front of him causing a crash resulting in both passengers on the right front and right back to receive skull fractures and extensive traumatic brain injuries. Both are permanently blind in the right eyes. Although there were conflicting stories from both drivers of the details of the crash, it was determined that English was at fault for causing the crash and that Martinez failed to keep a proper lookout or control his speed and ran the right side of the car under the left rear wheels of the truck. The trial lasted 10 days and jury deliberated over a two-day period. Rojas, 18, underwent surgical repair of his skull and removal of approximately one-third of his brain. He is partially paralyzed on his left side with extremely limited use of his left arm and inability to grip objects in his left hand. He wears left leg brace to move short distances or wheelchair for longer distances. Torres, 16, lost her ability to smell with diminished sense of taste, and with cognitive deficits that prevent her from graduating high school. Both are permanently disabled and unable to work and will require continual medical and psychological care. Life care planning of future medical expenses and future lost income and noneconomic damages resulted in \$34,600,000 for Rojas; \$7,800,000 to Torres.</p>
10/17/2014	\$ 1,500,557	<p><u>Pruitt v Citizens Insurance Co.</u> (Auto) Plaintiff was severely injured in a 2005 automobile-pedestrian accident. This was her third lawsuit against Citizens Insurance Co. The type of injury incurred was traumatic brain injury and the plaintiff alleged that the defendant engaged in "fraud and conspiracy", along with the registered nurse to violate the no-fault act. A settlement was reached for attendant care benefits only for the next 5½ years.</p>
10/17/2014	\$ 1,893,352	<p><u>McKissick v Citizens Insurance Co.</u> (Auto) Plaintiff's ward was severely injured with traumatic brain injury in a 2004 automobile accident. Defendant had been paying attendant care benefits at a rate that had been satisfactory to plaintiff, but cut off benefits claiming that plaintiff had not supplied reasonable proof of loss. In this third lawsuit, plaintiff claimed that defendant engaged in fraud and a conspiracy along with consulting physician and registered nurse to violate the no-fault act. Defendant was unable to escape its prior nebulous discovery answer relating its program to reduce family-</p>

		provided attendant care. The settlement was for attendant care benefits only and represents a contract between the parties covering attendant care benefits for the next 5½ years. The amount of the settlement was considerably higher than what the insurance company had paid prior to the cutoff of attendant care benefits.
10/17/2014	\$ 1,946,304	<u>Gayles v Citizens Insurance Co.</u> (Auto) Plaintiff suffered severe cognitive and emotional deficits from a traumatic brain injury sustained in a 2005 automobile accident. Prior to her current second lawsuit against defendant Citizens Insurance Co. defendant had been paying attendant care benefits at a rate that had been satisfactory to plaintiff, but cut off benefits claiming that plaintiff had not supplied reasonable proof of loss. Plaintiff was forced to file five separate discovery motions in order to obtain required discovery. The \$1,946,304 settlement was for attendant care benefits only and represents a contract between the parties covering attendant care benefits for the next 5½ years. Plaintiff's counsel noted that the amount of the settlement was considerably higher than what the insurance company had paid prior to the cutoff of attendant care benefits.
11/07/2014	\$ 3,000,000	<u>Wendrow v State of Michigan, et al.</u> (Personal -- <i>Case of Interest; Defamation of parents; Violation of civil rights</i>) In 2007, parents were arrested and accused of sexually abusing their autistic, nonverbal daughter, then 14. An aide at her school made this claim based on their daughter communicating through the controversial "facilitated communication" method. Upon physical examination, no evidence supported the claim. Also, the daughter did not answer any of the prosecutors' questions correctly while using the facilitative communication process. In addition, during their 13-year-old son's interview, West Bloomfield police falsely told the son that they had proof his father had assaulted his daughter. The father spent 80 days in jail before prosecutors dropped the charges in March 2008. The two children were returned to the parents after having been placed in foster care since the arrests. Plaintiffs argued that the prosecutor had defamed them even after he left office and a year after the case was dropped. Plaintiffs also contended that 1) the prosecutor's chief assistant had seized their son in violation of his Fourth Amendment rights on several occasions, and 2) the assistant had not told their son that the police had lied to him about his father's abuse toward his daughter. An Ann Arbor federal jury awarded each family member \$250,000 as well as \$2,000,000 to the son.
11/13/2014	\$34,000,000	<u>Confidential</u> (Auto / <i>Ohio case of interest</i>) A Michigan-based head attorney at Michigan Auto Law of Farmington Hills was asked by Ohio-based co-counsel to participate in a serious truck accident case in Ohio. The case settled after the first day of trial. Third-party truck accident negligence.
11/18/2014	\$ 1,121,400	<u>Denys v Auto Club Insurance Association</u> (Auto / No-Fault PIP Attendant Care Claim) In November 2008, an independent 87-year-old was in an auto accident leaving her lower extremity weak and also with deep vein thrombosis. Her no-fault carrier paid attendant care benefits until October 2012, when plaintiff claimed the insurer wrongfully suspended payment. Two independent medical examinations (IME) by the same doctor agreed that care benefits were still needed, relating to the accident. Defendant sent plaintiff to a new and different medical examiner. As a result, the carrier discontinued paying three hours of attendant care benefits at \$12.50 per hour in February 2013. After filing suit and deposing the adjuster responsible for terminating benefits, defendant agreed to facilitation and paid \$26,760 for the October 2012-February 2013 cutoff. During litigation, defendant ordered a 4 th IME using the same examiner who performed the first two examinations. The IME mirrored the original two examinations. Defendant adjuster admitted knowing that plaintiff was receiving 24-hour care and that the adjuster was only paying for three hours of attendant care per day. The total settlement over the next two years, with benefits still remaining open, is \$640,000.

12/03/2014	\$ 1,375,000	<p><u>Moore v Art Van, et al.</u> (Auto)</p> <p>Plaintiff and his fiancée experienced mechanical problems on their way home from downtown Detroit. Some of the exterior lights were affected, so they put on their hazard lights and continued at a reduced speed. A crucially important eyewitness, who also was a border patrol officer and a 15-year veteran truck driver, was traveling one lane over from plaintiff, as well as defendant Art Van's tractor trailer rig. The eyewitness wondered why the truck driver did not switch lanes to avoid the imminent accident. The plaintiff's vehicle was in plain sight. The eyewitness finally looked away, knowing the fatal rear-end collision would decimate plaintiff's car, which it did. He still felt the heat from the explosion through his windshield and felt the debris from the crash hit his car. An hour after the crash, the defendant Art Van driver still claimed he had no recollection of even hitting the car, which was still burning, stuck underneath the tractor trailer rig. Plaintiff's counsel believed the truck driver was asleep at the wheel. Plaintiff's counsel believed defendant deposed all family members trying to find someone to say plaintiff was a worthless person and a bad father; however, everyone testified the same way; namely, that he was a good and caring man, a great father and their best friend. Injuries included wrongful death, lost future income, mental anguish and emotional distress.</p>
12/19/2014	\$ 777,500	<p><u>Melrose v Warner Trucking and Excavating Inc.</u> (Auto)</p> <p>Plaintiff passenger in a semi tractor-trailer was being driven by defendant owner of trucking company. Plaintiff's disabled dump truck was at the back of the tractor-trailer in a low-boy trailer. While traveling northbound on I-75 near M-81 defendant's left front "steer" tire blew out. Defendant lost control of the vehicle and it careened sharply to the left and struck the median wall, breaking out two sections of the wall. The fuel tank on the left side of the truck behind the cab caught fire. As the vehicle continued to roll along the highway median over the course of about 20 seconds, defendant demanded that passenger jump out of the moving vehicle; however, plaintiff refused as there was oncoming traffic. Defendant released his own seatbelt, then released the plaintiff's seatbelt, reached over the plaintiff and pushed the passenger door open, and then used his feet to force the plaintiff from the moving vehicle onto the highway while traveling 30 mph. Expert testimony confirmed that it took the defendant more time to execute the maneuver to remove the plaintiff than it would have taken to stop the truck if the air brake "emergency tabs" had been pulled, in which case it would have taken 5 seconds for all 22 tires to lock up and brake; then a controlled exit could have been made. It is a common-law theory that you do not push a passenger out of a moving vehicle. Plaintiff incurred a closed-head injury and multiple fractures with permanent nerve injury. Defendant contended that the plaintiff was comparatively negligent. It was found that the defendant driver had been stopped by the motor carrier division that day for load violations as well as failing to have a current medical card. It was also discovered that his mandatory annual inspection and daily inspection of the vehicle were both falsified. The tire that blew was over three years old and was "over miles." The jury determined that both the driver and the company were negligent.</p>

2013

01/10/2013	\$ 750,000	<p><u>Cassasanta, et al. v Saviano, et al.</u> (Premises)</p> <p>Renter of residential property fell through the attic floor above the garage, fracturing his pelvis and wrist. Impotence was also argued as a result of the pelvic injuries. Because a dangerous condition was created by installing particle board as the attic flooring, an arbitration panel awarded \$750,000 to plaintiffs including \$100,000 for loss of consortium.</p>
------------	------------	--

01/11/2013	\$ 1,300,000	<u>Pease v Smith, et al.</u> (Auto) While driving within the scope of his employment, defendant began driving erratically on I-94 in Kalamazoo County when he was able to exit the highway, collided with the vehicle in front of him which, in turn, hit plaintiff motorcyclist, 66, who was killed instantly. In a <u>wrongful death</u> action plaintiff, as personal representative of the deceased, sought compensatory damages from defendants. Upon investigation, officials stated he had suffered a diabetic seizure, causing him essentially to lose consciousness prior to the collision. Plaintiff's accident reconstruction expert mapped out how many minutes defendant had been on the road when he first started having symptoms of an impending diabetic seizure and noted he could have exited sooner and that other evasive measures could have avoided the accident.
01/18/2013	\$ 1,825,000	<u>Confidential</u> (Auto) While assisting a disabled motorist whose vehicle had slid off the roadway into a ravine on a cold winter evening, plaintiff was struck by defendant driver who careened off the roadway when coming up the exit ramp at too great a speed for existing inclement conditions. Plaintiff became pinned against the disabled motorist's vehicle, suffering a fractured leg and a concussion that was ultimately diagnosed as a mild traumatic brain injury. Treating physicians asserted that plaintiff's working capacity was permanently diminished due not only to his lack of mobility, but also because of his changed personality which was attributable to post-traumatic stress disorder. Defendant denied liability, but pleaded no contest to a traffic ticket for speeding. Defendant's examining physicians contended that 1) plaintiff's psychiatric disability was attributable to his pre-existing mental state, and 2) plaintiff could perform gainful employment, although not in the same industry (sales) as previously.
02/02/2013	\$ 750,000	<u>McBratnie v Ajax Paving Industries, Inc.</u> (Premises) Travelling on I-75 in Auburn Hills at 4 a.m., plaintiff noticed a fallen construction sign on the expressway. He swerved to avoid the sign but could not avoid the second, unexpected overturned sign in the adjoining lane which had fallen on its face, leaving the metal legs thrusting forward in a dangerous position. The dark, rusted metal support leg of the second sign came through plaintiff's windshield, impaling him in the chest, missing his heart by inches, but causing damage to his chest cavity including an injury to his lung and chest muscle along with two shattered ribs. Paramedics arrived and noted a 2-3" open chest wound above the left nipple and found plaintiff having difficulty with breathing and placed him on oxygen. He was treated at the hospital. Carelessness was established in the securing of signs on the freeway by deposing defendant's employees as to established protocol. Also, photographs were taken of other temporary road signs on other highway projects being performed by other contractors, which revealed that oftentimes the signs had up to 12 sandbags per sign, as compared to 4 sandbags per sign. There had also been a history of signs being blown over during this construction project, but the practice of using 4 sandbags continued.
02/04/2013	\$ 1,000,000	<u>Wilk, et al v Bird Brain, Inc.</u> (Product Liability) While a friend was attempting to relight a citronella fire pot by pouring fuel gel onto a smoldering flame, the gel burst into flames and exploded onto plaintiff, a married, middle school teacher, who was standing a few feet away. She suffered second- and third-degree burns over 21% of her body, including her hands, arms, chest, neck and face. Defendant had been made aware, prior to this incident, that the burning flame may be invisible and that the fuel's vapors could travel quickly to ignition sources. This, coupled with the design of the firepot which plaintiffs alleged made the flame difficult or impossible to see, created an unreasonable danger to consumers.

02/22/2013	\$ 7,000,000	<u>Confidential (Auto)</u> About 4:30 a.m., 28-year-old plaintiff sustained burn injuries to more than 85% of his body after his tractor trailer sideswiped parked truck off the I-94 expressway, adjacent to defendant's apartment complex. Negligence was argued as the defendant did not use reflectors, triangles, flares or flashing lights to indicate his parked truck in a non-illuminated area. Upon impact, the gas tanks on both vehicles ruptured, causing an explosion. Also, flammable materials being transported by the plaintiff burst into flames and engulfed the truck cab before he had an opportunity to escape. Burn injuries required five months' hospitalization, undergoing over 20 surgical procedures, tracheostomy, and operations to his left hand.
03/06/2013	\$ 3,000,000	<u>Confidential (Premises/Operations)</u> A 30-year-old mother of two young children sustained burns up to 40% of her body's surface and underwent skin graft surgery after a natural gas explosion occurred at her home four years ago. Defendants claimed that the plaintiff was able to resume her household activities and, because she planned to be a stay-at-home mom, there was no loss of earnings. Defendants also claimed that the leak that caused the gas explosion was inside the home and they were entitled to summary disposition. The motion was denied. Plaintiff moved for default because the defendant failed to produce the pertinent portions of the pipe leading to the house. The court entered a default against the defendants and the case proceeded to trial. The case settled near the end of trial.
03/11/2013	\$ 4,000,000	<u>Confidential (Auto)</u> Defendant truck driver collided with 54-year old plaintiff bicyclist on the gravel shoulder portion of a rural roadway as a result of trucker veering to the right, off the roadway. Plaintiff bicyclist was knocked to the ground. The accident caused a traumatic brain injury resulting in the necessity for multiple surgical interventions. Plaintiff was subsequently placed into a brain injury facility where he remains as an in-patient, undergoing occupational and speech therapy and other therapies. Plaintiff was a seasonal farm worker who has been permanently disabled as a consequence of the crash. Investigating policy officers reflected that defendant had a clear and unobstructed view of the roadway and that the roadway, other traffic and weather conditions did not contribute to the crash. The officers also said plaintiff did nothing to contribute to his injury. Defendant argued that plaintiff's lack of U.S. citizenship, spotty work history, and lack of immediate family members should result in a minimal financial recovery. Third-party tort liability case.
03/20/2013	\$ 3,717,948	<u>Cress, et al. v VHS University Laboratories Inc., et al. (Auto)</u> In Royal Oak, 54-year-old pastor's vehicle was struck by defendant driver who was operating a vehicle owned by her employer during the scope of her employment. Although the impact was relatively minor, because of his previous history of multiple concussions, plaintiff was extremely vulnerable. He was diagnosed with a traumatic brain injury, a double crush injury to his cervical and thoracic spine, vision problems, acute depression and other injuries. Church elders asked plaintiff to step down as head pastor, he ultimately lost his job and is disabled. The pastor's wife kept a daily journal of his day-to-day activity changes following the wreck. That journal was the key evidence. Defendants admitted liability but disputed causation and damages. The jury determined that the accident was a proximate cause of plaintiff's injuries and awarded past and future economic damages, past and future noneconomic damages, and co-plaintiff was awarded past and future noneconomic damages.
03/27/2013	\$ 245,000	<u>Scott v Philamer Apartments (Premises, Case of Interest, Apartment Injury)</u> In 2012, plaintiff left through the front door of her apartment. She slipped on a patch of ice, suffering fractures of her right tibia and fibula. The entire porch was slippery. Maintenance employees for the complex testified that they had failed to salt the common porch area, despite acknowledgement of their responsibility to do so. The icy condition was unavoidable as the doorway was the only way in and out of the unit. In addition, the overhang

		above the porch showed visible signs of damage and regularly leaked.
04/2013	\$90,000,000	<u>Confidential</u> (Auto -- "Case of Interest" in Maryland) Over four years ago, six people were injured and one died in a two-car crash when a Lincoln Continental fatally struck a 13-year old girl as she crossed the street at her school bus stop. The car then hit an oncoming minivan and then a 17-year-old boy walking on the opposite side of the street. All seven were taken to the hospital, but the 13-year-old was the only one with grave injuries. The 6-man jury awarded the family \$90,000,000 for damages, medical expenses, and funeral costs. The lawsuit said the school district was negligent in failing to provide safe transportation to the school. The policy was that she would be picked up on her own side of the street, but that never happened. She was forced to cross the street.
04/01/2013	\$ 1,100,000	<u>Morofsky v City of Lansing, et al.</u> (Auto) In Lansing, defendant police officer was speeding in response to a call to a fight at a grocery store when she hit defendant driver with his brother in the backseat, who was ejected from the car, landing more than 70 feet away in a yard. He suffered traumatic brain injury, abdominal and intestinal tract injuries, and spinal injuries, leaving his disabled. He underwent 12 surgeries. Defendant driver had been under the influence of marijuana at the time and was trying to cross a 3-lane road from a turnaround lane when he pulled out in front of the police officer's car which was approaching. When defendant rolled through the stop sign, the officer struck defendant's car in the back end. Because the officer felt the call was not a "priority" call she had not used her overhead lights when speeding to the scene. The matter settled for \$1,000,000 from the city and \$85,000 from defendant driver.
04/18/2013	\$ 3,533,491	<u>Elser v Auto Owners Insurance Company</u> (Auto) After 19 years of litigation regarding a 1988 auto accident leaving plaintiff with a closed-head injury and his extensive needs, development of epilepsy and need for residential care, along with lack of monitoring at a new facility which resulted in the breaking of his neck, expenses and future expenses were finally settled as it was clear that the plaintiff needed more monitoring, instead of being moved to a less-intensive facility dictated by the insurance company.
04/19/2013	\$ 1,132,119	<u>Meka v Zurich American Insurance Co., et al.</u> (Auto) In June 2008 a motor vehicle struck plaintiff motorcyclist who suffered a traumatic brain injury. Plaintiff filed a claim with defendant Zurich, the insurer of VW Credit, which was the titled owner of the car. Zurich denied that it insured the car, and Meka filed suit against VW Credit for personal injury protection benefits because VW Credit had failed to insure the car. VW Credit denied liability, claiming to have sold the car the day before the accident. Ultimately, the court determined that VW Credit owned the car and that Zurich was the highest priority and proper party for paying no-fault benefits. However, Zurich denied the claim based on independent medical examinations. The matter was resolved one week before trial which included work loss, medical mileage, replacement services, medical bills, attendant care and costs. It was also agreed that Zurich would pay interest and attorney fees as ordered by the court.
05/03/2013	\$ 2,250,000	<u>Farrell, et al. v Millering, et al</u> (Auto) 52-year-old plaintiff, arriving home on his motorcycle, stopped near the end of his driveway because a visitor's car blocked his entry. Seeing him, the visitor backed down the driveway into the motorcyclist's lane of traffic, stopping in front of him. She rolled down her window to talk to the motorcyclist and, because of his hearing loss, he turned off his motorcycle to hear better, and turned off the motorcycle lights. At the same time, seeing an approaching vehicle from the 2-lane rural roadway, the visitor flashed her headlights at the vehicle then backed up into the driveway, leaving the cyclist in the roadway. The cyclist was hit from behind and suffered an ankle fracture and mild brain injury, returning to work one year later. The biggest issues were deciding fault, comparing

		interrogatories and questionings regarding impaired vision and speed at time of impact, with the accident reconstructionist's findings. The jury's verdict allocated fault at 95% for defendant and 5%, plaintiff. \$1.5M in noneconomic damages were awarded to plaintiff and \$750,000 in noneconomic damages to co-plaintiff for loss of society and companionship.
05/07/2013	\$ 1,050,000	<u>Midland County Circuit Court: confidential</u> (Premises) The night before high school graduation, teens attended a party at defendant's home where alcohol was served and consumed and marijuana was smoked. Attendees were ordered home, but drunken teen slept in his car in the driveway, which rolled into the river in the middle of the night, and unable to escape, the teen drowned.
05/09/2013	\$ 9,500,000	<u>Conerly, et al. v Scripps Park Associates LLC, et al.; Townsend v Scripps Park Associates LLC, et al.</u> (Premises/Operations) In 2009 in a residential area on Detroit's west side, a 7-year-old boy fell into a construction site excavation pit filled with over 12 feet of murky water. The 58-year-old neighbor in his home across the street jumped in, held the boy's head above water until police officer could pull the boy from the water, while neighbor's 12-year-old daughter looked on. The neighbor died. Plaintiffs argued that both the defendant developer and construction manager, as well as the excavating company, left the unfinished basement excavation open and inadequately secured with a plastic orange snow fence from October 2008 until the rescuer's death. Despite warnings, defendants believed the appropriate safety measures had been met and that they had no responsibility to maintain an erect barrier around this site, and asserted that any orange plastic fence was a warning whether erect or lying on the ground. The jury determined that the developer was 20% at fault; the construction manager, 80%. No causation was found for the excavating company. Although the defense argued that the parents of the 7-year-old were at fault for their son's misbehavior, it was countered that the parents did not owe a duty to the deceased neighbor's family, and the attractive nuisance doctrine applied.
05/09/2013	\$ 2,250,000	<u>Angott v Ingles, et al.</u> (Auto) In 2008, 22-year-old rear-ended a large construction barrel truck when it pulled directly out in front of her vehicle from the shoulder. She crashed in a guardrail and was knocked unconscious by the impact. She underwent three surgeries to her right ankle and was diagnosed with a traumatic brain injury and complex regional pain syndrome. Though defendants argued she was comparatively negligent and had recovered from injuries, extensive written discovery and depositions established that defendant's employer was lacking in safety procedures, the defendants were negligent, and the construction truck should not have been on the road at the time of the accident because of their construction contract.
05/13/2013	\$ 4,550,000	<u>Confidential</u> (Auto) Traffic conditions on I-94 brought plaintiff's vehicle to a complete stop. She was then rear-ended by an empty tractor-trailer behind her and was crushed between it and the semi-truck directly in front of her. The 31-year-old internationally-renowned musician was airlifted to U of M Hospital where she was an inpatient for two months. She sustained a severe traumatic brain injury, fractures to the base of the skull, severage of the cranial nerves, as well as some hearing loss. Though recovered, she will require therapy for a number of years.
05/15/2013	\$ 5,147,500	<u>Svaluto, et al. v City of Westland, et al.</u> (Pollution/Environmental) In a class action lawsuit, compensatory damages were sought for property damage and cleanup expenses as a result of the flooding of their properties by raw, untreated sewage. In June 2010 and May 2011 more than 700 Westland residents and businesses incurred extensive basement damage caused from systemic flooding. Plaintiffs asserted that chronic lack of maintenance caused the flooding as rainwater entered the city's sewage pipes instead of the storm drains, due to inflow and infiltration. Defendants contended it was a significant rain

		event and an Act of God. Each plaintiff will receive a pro rata share of the settlement based on the amount of their claimed damages.
06/25/2013	\$ 1,550,400	<u>Argue, et al. v Home-Owners Insurance Co.</u> (Premises) Arriving home in the evening, plaintiffs discovered their house full of smoke, called 911, and firefighters arrived within 5-10 minutes to find the fire only confined to the family room area. But because of snowy conditions and the significant driveway slope, the fire engines were not able to get close enough to fight the fire. By the time water did become available the house was engulfed in flames and could not be saved. Due to the insurance company's failure to respond favorably nine months following the fire, plaintiffs filed a breach of contract suit, due to the fact that the insurance contract required suits to be brought within a years' time. Defendant's investigations included fraud, misrepresentation and arson. Forensic scientists, forensic accountant, chemist and State Police expert reviewed whether the fire could have come from a fireplace, space heater, or an electrical problem; whether gasoline had been found on lab samples and if so, if it was from melted asphalt from shingles; and the other burden of proof to overcome had to do with the plaintiffs' assets and the personal property the plaintiffs had acquired over the three years prior to the fire, comparing income tax returns, credit card statements, etc. Another element that concerned the jury was the unknowledgeable conversations between the plaintiffs and their insurance adjuster after the fire, enumerating what their policy entitled them to and what information they would need to provide. The jury's verdict found the plaintiffs entitled to a full recovery of their benefits under the policy for loss of dwelling and personal property, additional living expenses, attorney's fees, and statutory interest.
07/23/2013	\$ 1,000,000	<u>Jane Doe v Kierst, et al.</u> (Auto) A Wayne State University senior was struck by defendant's vehicle while properly crossing on a green light in a marked crosswalk. Defendant admitted to having bad peripheral vision and eventually admitted negligence to operation of a motor vehicle; however, defendants did not admit proximate cause of the injuries or that plaintiff suffered injuries to meet the serious impairment threshold. Plaintiff's doctor performed a microdiscectomy on her injured disc and several nerve blocks. Plaintiff's doctors have disabled her from employment both for the physical injuries to her spine and for the traumatic brain injury. Plaintiff did complete her final semester despite the injuries.
07/30/2013	\$ 925,000	<u>Confidential</u> (Auto) Two miles from home, plaintiff female senior citizen was approaching an intersection on a busy road while defendant female driver approaching the intersection realized she missed her turn and, in an effort to turn around, defendant began to make a left-hand turn, but failed to yield, turning directly in front of plaintiff's vehicle and they collided, head on. Plaintiff was trapped in her vehicle. First responders extricated plaintiff before she could be airlifted to U of M Hospital, Ann Arbor. At U of M her right leg was amputated and she underwent surgery to replace a fractured left hip. She continues to suffer from a foot drop that requires a brace. Prior to the accident, plaintiff lived independently in a large white farmhouse situated on 75 acres, drove her own car, shopped for groceries, and mowed her own expansive lawn. Defendant admitted liability, leaving only the extent of plaintiff's damages to be determined.
08/21/2013	\$ 975,000	<u>Collins, et al. v Causley Trucking Inc., et al.</u> (Auto) At a red light on southbound M-53 in Bruce Township, plaintiff's vehicle was rear-ended by defendant's truck. Plaintiff William Collins incurred brain and spinal injuries; Jessica Collins, knee injuries. The third family member in the car was not injured. Defendants argued that plaintiff's injuries were not significant and that their insurance policy limits were \$1M.
09/10/2013	\$ 2,500,000	<u>Confidential</u> (Auto) Intersection accident between plaintiff's SUV and defendants' semi-truck resulted in a third-party auto negligence

		lawsuit. Defendants disputed fault for the accident and argued that all of the 38-year-old plaintiff's injuries were pre-existing. Defense further argued that this low-speed, low-impact accident that resulted in minor vehicle damage could not have caused the injuries which were minor. Plaintiff underwent two spinal surgeries in the years after the accident. Special damages: Excess wage loss at \$79,000/year for 20 years, potentially, although employer had dissolved during her period of disability.
09/13/2013	\$ 1,143,795	<u>Haynes v Franciuc, et al.</u> (Auto) At the intersection of Walnut Lake and Middlebelt Roads 20-year-old defendant ran a red light when he was distracted while texting on his cellphone, crashing into 51-year-old plaintiff's vehicle. After initially refusing medical treatment at the scene, plaintiff began experiencing head, neck and lower back pain over the next few days. After deliberation, the jury awarded plaintiff \$325,000 in past noneconomic damages, \$464,000 in future noneconomic damages, and \$354,795 in future economic damages.
09/26/2013	\$ 1,350,000	<u>Estate of Gary Wilson v MacGregor, et al.</u> (Auto) While driving through an intersection, van failed to stop at stop sign, striking plaintiff's vehicle on the driver's side at about 55 mph. Forced across the intersection and into a field, plaintiff's vehicle came to a rest and caught fire a short time later, his body burned beyond recognition. It was argued that the driver of the van had cruise control on and never slowed down the van prior to impacting the vehicle. The key to settling the amount of this case was submitting a detailed settlement demand that documented facts that would have been used to support a jury demand of damages in excess of \$950,000. Leaving behind his wife and two children, ages 1 and 3, remaining funds sought to compensate the decedent's estate were calculated based on the possibility of a jury awarding compensation for decedent's conscious pain and suffering experience after the injury.
09/26/2013	\$ 764,900	<u>Jones v Allstate Insurance Co.</u> (Auto / No-Fault, Uninsured Motorist) In 2010, plaintiff was driving on a dirt road in Livingston County. A second vehicle was approaching from the opposite direction, when a third vehicle behind it passed the second vehicle at a high rate of speed, causing a large cloud of dust to form. The dust cloud prevented both drivers from seeing each other, resulting in a head-on collision. Plaintiff was a Michigan resident, but driving her daughter's boyfriend's vehicle which was insured under a Florida policy that provided UM coverage not requiring contact with the uninsured motorist. Plaintiff had a protruding lumbar disc and radiculopathy. A medical expert testified that extensive physical therapy and epidural injections failed to provide long-term relief. Two other physicians reported that physical complaints were out of proportion with the MRI findings. Another physician confirmed the diagnosis and recommended microdiscectomy lumbar surgery, which plaintiff declined. Defendant opined that plaintiff did not need medical treatment and was capable of full and unrestricted activities. Plaintiff has not worked since the accident and claimed 15 years of future wage loss. The Wayne County jury found the third driver 95% at fault and plaintiff, 5%, and awarded damages of \$750,000 in economic damages and \$14,900 in noneconomic damages.
11/20/2013	\$ 200,000	<u>Confidential</u> (Personal – Case of Interest, Dog Bite) Babysitter's Alaskan Malamute dog, upon being accidentally provoked by 6-year-old girl by playing with it in a rough fashion, attacked and bit the girl including cuts to right cheek and jawline which have resulted in "train track" scars. In addition, the child lost hair to the right eyebrow and scalp.
12/06/2013	\$ 3,000,000	<u>Webb v Wiitanen, et al.</u> (Auto) In a third-party auto negligence case, plaintiff suffered serious injuries, including a below-knee amputation, when his vehicle ran into a tractor-trailer that had come to a complete stop in the middle lane of I-94, giving no warning to motorists. Plaintiff argued that truck driver didn't heed multiple audible and visual warnings in the cab and then move off the highway, but instead did nothing and came to a stop in the center lane. Plaintiff did not have enough

time to perceive what actually was going on and react timely to avoid the collision. Defendants argued that plaintiff was the cause of the collision and that he had sufficient time and distance to avoid the collision and that the rear-ending driver is “prima facie negligent” under Michigan law. All of the defendant’s arguments were defeated and a settlement was achieved after communication with the treating physicians and gaining an excellent grasp of the underlying medical issues and orthopedic injuries and how these injuries have and will affect plaintiff for the rest of his life.

2012

01/06/2012	\$ 1,000,000	<u>Jago v Michigan State Police (Auto)</u> While driving home from work, a 23-year-old male, married with minor children, was fatally killed following blunt force trauma injuries when broadsided by police vehicle travelling 116 mph. Plaintiff alleged defendant’s vehicle did not have its lights or siren activated at the time of the accident.
01/07/2012	\$ 1,675,000	<u>Confidential (Auto)</u> On a snow-covered road in early evening, December 2010, defendant was driving employer’s newly purchased F350 pickup truck, which she was driving back to Traverse City. The 4-wheel drive was not engaged as she was coming up a hill, when the back wheels began to slide. Losing control, her vehicle entered the northbound lane. Plaintiff had no time to react, trying to move the vehicle toward the shoulder to avoid defendant’s truck, which ran into plaintiff’s car, killing her. Plaintiff’s son incurred injuries including pelvis fracture, cut between fingers, pulmonary contusions, neck discomfort, abdominal pain, elbow pain, and left lower-extremity pain.
01/12/2012	\$ 3,260,000	<u>Anonymous Game Club v Defendant Railroad Company (Premises/Operations)</u> In April of 2008 defendant railroad company’s locomotive was “throttling up” in order to maintain speed, which caused hot carbon particles to spew out of the exhaust, landing near the tracks. The particles started a wildfire that spread to local property, including that owned by plaintiff game club. The resulting fire consumed thousands of trees on about 400 acres and destroyed two cabins.
01/25/2012	\$ 1,025,000	<u>Confidential (Auto)</u> On a snowy afternoon in February 2009, 3 family members were seriously injured when a government vehicle, a snow plow, was driving the wrong way on a snow-covered 2-lane highway. The driver of a minivan tried to avoid the oncoming snow plow, but her vehicle spun around and collided with it. Plaintiff’s minor, now 12, was ejected from the rear window, suffering traumatic brain injury; left arm, left shoulder blade, pelvic and sacral fractures; a lacerated spleen; pulmonary injuries; and head lacerations. The key to the settlement was to convince the defendants that the police accident reconstruction was wrong when it placed fault on the plaintiff’s uninsured driver. This was done by taking all of the witnesses’ and police officers’ depositions with a “rules of the road approach,” scene investigation and testing.
02/05/2012	\$ 1,000,000	<u>Washtenaw County Circuit Court; Confidential (Premises)</u> During church-sponsored hayride, which included participation of another church, 14-year old sitting on a bale of hay fell off the front of the trailer sustaining traumatic brain injury and fractured ribs, wrist and clavicle. Plaintiff said the ride was overloaded, there was a lack of raised rail on the front and rear of trailer, and the hayride lacked proper supervision and equipment. Sponsoring church’s liability was clear; but, the invited church’s liability was strongly challenged, claiming it neither owned nor had control over the premises where the accident occurred nor the vehicle used and further claimed it was only responsible for supervising its own members. Settlement was

		\$1,000,000 present cash value with a future lifetime benefit of \$2,570,199.
02/07/2012	\$ 1,067,624	<u>Duffy v Grange Insurance Co. of Michigan</u> (Auto) In 2007, plaintiff was operating her ATV on the Little Manistee Route in Lake County. Riding over partially buried wood objects caused her to be ejected from the ATV, sustaining permanent spinal cord injuries. The ATV is qualified as a motor vehicle under the No-Fault Act, so plaintiff turned in a claim for PIP benefits, which was denied for the reason that the accident did not occur on a public highway as defined in the Motor Vehicle Code. Though the new Michigan Legislature amendment of 2008 excluded off-road vehicles from the definition of a motor vehicle, it was ruled in Macomb County Circuit Court that this statute applied retroactively back to the date of the accident. Arguments as to who maintained the roads were discussed. Wheelchair-bound for life, plaintiff was not receiving any no-fault benefits such as home modifications, etc. Plaintiff was awarded damages for allowable expenses such as medical, mileage and family-provided attendant care, home modifications and modified van, as well as \$20 per hour for future attendant care.
02/09/2012	\$ 1,321,574	<u>Dever v Kubik</u> (Premises/Operations) Common-law negligence where cable company, Comcast, left unburied cable wires on the yard in front of and around a rented townhouse, creating a trip hazard for the landlord. Plaintiff underwent multiple spinal surgeries to repair a compressed cervical spinal cord; disc protrusions at T4-5; and a lumbar laminectomy/fusion. His pain and suffering and permanent disabilities have resulted in a greatly diminished lifestyle.
02/14/2012	\$ 1,200,000	<u>Confidential</u> (Auto) In May 2009, 60-year-old plaintiff was catapulted from his motorcycle into the windshield of a truck when defendant truck driver, while working, was making a delivery and turned left into a private driveway. Plaintiff tried to veer right and avoid the truck, but struck the passenger front tire area of the pickup truck. Plaintiff was hospitalized and in rehabilitation facilities for 3 months due to fractures to the wrist, femur, ankle, ribs and pelvis, in addition to post-traumatic stress, disorder, and aggravation of a pre-existing condition including depression and urinary retention and frequency problems. Plaintiff suffered significant residuals including traumatic arthritis in his elbow and wrist, scarring on the left arm and bladder issues. It was determined that plaintiff's headlight was on and that he was traveling below the speed limit. Plaintiff did not have a motorcycle endorsement, had significant pre-existing medical problems, and made a good recovery from the crash injuries.
03/30/2012	\$ 1,750,000	<u>Hines, et al. v Noble, et al.</u> (Auto) Compensatory damages were awarded to personal representative Plaintiff for claims of wrongful death of divorced 26-year-old father of 6-year-old son. The father was killed by Defendant who turned left in front of his motorcycle. The umbrella carrier argued there was no economic loss as the Soc. Sec. death benefits exceeded plaintiff's child support. Defendant only had \$100,000 auto bodily injury policy, but the umbrella carrier (at \$250,000-\$2,000,000) did not need to pay anything until the full amount of the "gap" was paid. Ultimately, defendant driver and owner of the car entered into a payment agreement, paying \$150,000 for the gap of insurance.
04/25/2012	\$ 225,000	<u>Warner, et al. v Williams, et al.</u> (Personal – <i>Case of Interest, Dog Bite</i>) While visiting in August 2010, a 4-year old was attacked by an unattended, 78-pound Alaskan Malamute on the property. She was bitten and maimed on her face, causing 5 facial wounds above and below the left eye, the right cheek, and on the left side of her face. It required reconstructive surgery and there was residual scarring. Plaintiffs asserted that defendants were negligent for failing to exercise ordinary care in controlling and/or restraining the loose, unsupervised dog. Defendants contended plaintiff minor provoked the dog and that there was comparative negligence on plaintiff's behalf.

05/14/2012	\$ 2,707,430	<u>Croteau v Auto-Owners Insurance Co. (Auto)</u> Injured in truck/motorcycle accident in 2009, plaintiff sought readjustment of benefits from defendant Auto-Owners. Injuries included respiratory failure, blunt trauma to the head and a T4 fracture, which led to a complete spinal cord lesion, paraplegia, blindness, cognitive disorder, and depressive disorder. The settlement value included work loss benefits, home modifications, and double dip allowable expense benefits.
05/31/2012	\$ 1,000,000	<u>Meka v Jordan, et al. (Auto)</u> In June 2009 defendant, a buyer's agent, was picking up a lease vehicle that had been turned in to VW Credit at the end of its lease and sold to an out-of-state broker. It was being stored at a Volkswagen dealership until defendant arrived to load and transport the vehicle. Although defendant was not authorized to drive the vehicle on a public street, he began to drive it to his trailer which he had parked two blocks from the dealership. Pulling out of the dealership's parking lot, he hit an uninsured motorcyclist who suffered a traumatic brain injury. Because the vehicle had been sold but not delivered, and under the Owner Liability Statute, the judge ruled that VW Credit was the owner notwithstanding the fact that the vehicle had been picked up by the buyer's agent.
06/01/2012	\$ 1,250,000	<u>Confidential (Auto)</u> In Berkley, 53-year old pedestrian at a crosswalk was struck by defendant's car which had stopped at a red light, making a right turn. Witness said the light had turned green while plaintiff was in the crosswalk. Catastrophic injuries to plaintiff pedestrian included a fractured skull, bilateral leg fractures with open reduction internal fixation, and a herniated lumbar disc requiring fusion. He spent 3 weeks in intensive care at Beaumont Hospital followed by 7 months at two rehabilitation centers. Discharged to his home, he now needed a 24-hr. attendant. Proven he was too injured to stay home, he became a full-time resident of a brain-injury rehabilitation center. Defense contended plaintiff would probably have been required to move into a facility even if the accident had not occurred, as he had been disabled from his supermarket clerk job of 20 years due to depression, had made numerous suicide attempts, including one a few months prior, although he had been able to live independently, care for himself and his home, and drive.
06/04/2012	\$ 163,229	<u>Ennest v McKenzie, et al. (Personal – Case of Interest, Dog Bite)</u> In December 2009 teenage girl, among other friends visiting at a home, was attacked by the yellow male lab that was loose inside the home. The attack was unprovoked and defendants admitted liability. Injuries included puncture wounds, cuts to mouth and lip, permanent scarring and disfigurement, loss of sensation to lower lip, mental anguish, emotional distress, fright and shock. Plaintiff underwent 4 surgeries, including successful plastic surgery.
07/24/2012	\$ 4,340,000	<u>Simmons v Pitts (Auto)</u> In October 2009 passenger in car was struck by a Safeway school bus. Plaintiff continued to have multiple limitations after undergoing six knee surgeries. Plaintiff and witness testified that the bus driver cut all lanes of traffic off, making a left-hand turn directly in front of plaintiff and her sister, the driver. Defendants stated the driver was more at fault for the accident in that she disregarded other traffic stopped at the light and that plaintiff's shoulder and knee had healed and that she had reached maximum medical improvement with regard to her left wrist by March 2010; the left shoulder, by April 2010; and left knee, September 2010. The jury decided 90% liability to defendant and 10% to driver of car. Plaintiff's work manager advised of her difficulty in returning to work as a burn unit nurse with permanent 5-pound lifting restrictions for her wrist, left shoulder and left knee. Damages were awarded for present and future pain and suffering as well as excess economic wage loss.
08/13/2012	\$ 7,500,000	<u>Goodman, et al. v Shepard Marine, et al. (Premises/Operations)</u> In the canals of a waterfront subdivision on Lake St. Clair, defendants abandoned a barge that had been part of a

		dredging operation, after receiving payment for the project. There was improper lighting at the opening of the harbor. A boat containing plaintiffs' decedents struck the barge, resulting in their deaths.
08/14/2012	\$ 3,000,000	<u>Confidential (Auto)</u> Mother and daughter were rear-ended by a semi-truck while stopped in a construction zone on Interstate 94 in Calhoun County. The mother suffered traumatic brain injury, permanently disabling her from working as an executive assistant earning approximately \$70,000 per year. After determining the extent of cognitive damage leaving the mother with significant deficits, the matter was settled in a voluntary facilitation.
08/20/2012	\$ 2,500,000	<u>Confidential (Auto)</u> In September 2010 while driving a tractor trailer, plaintiff slowed down as approaching yellow traffic light and was rear-ended by fully loaded gas tanker. Defendant claimed a phantom vehicle pulled into the path of the plaintiff. Plaintiff was treated for cervical disk herniations for approx. six months, then underwent a cervical laminectomy but never fully regained strength in his left arm. A motion was granted to strike the non-party phantom at fault as well as grant summary disposition to plaintiff on negligence.
09/06/2012	\$ 2,579,320	<u>Garber-Cislo v State Farm Mutual Automobile Insurance Co. (Auto)</u> Plaintiff sustained catastrophic injuries in 2009 in an automobile accident including a traumatic brain injury and numerous orthopedic injuries which resulted in related physical, cognitive, behavioral and emotional residual deficits, requiring attendant care, which was provided by her family. Settlement included deficiencies in attendant care payments, payment for work loss benefits, and no-fault penalty interest.
09/10/2012	\$ 3,450,000	<u>Finley, et al v Defendant Nonprofit Corporation, et al (Auto)</u> In January 2011 defendant was speeding, lost control of his vehicle, side-swiped the rear of plaintiff's vehicle with passenger brother, causing it to flip multiple times down the freeway before coming to rest on its roof. Driver-plaintiff suffered multiple cervical, thoracic, sternum and rib fractures and traumatic subarachnoid hemorrhaging resulting in a traumatic brain injury. He continues treatments and is permanently disabled and disfigured. Passenger's injuries resulted in subgaleal hematoma with traumatic brain injury, as well as collapsed disc with hypertrophic spurs indenting into the dural sac and a "hard disc" with neck/shoulder pain. Defendant's driver's license was suspended for multiple speeding violations and failure to show proof of insurance, and was cited for careless driving. A non-party was added, naming the emergency room hospital, spinal surgeon and his practice, alleging surgeon committed medical malpractice in the driver's treatment immediately following the accident.
09/12/2012	\$ 2,536,454	<u>Patterson, et al. v State Farm Mutual Automobile Insurance Co. (Auto)</u> Severely injured in a single-car crash requiring 24-hour care with a severe head injury, it was discovered that the son was driving his father's car which had been given to him to use while his father completed his 90-day jail sentence for a parole violation. Just before the father's release from jail, and at the direction of his father, the son drove the car to have new brakes installed, and crashed the Buick LaSabre on the day of his father's release. During the father's prison stay, the insurance on the LaSabre had expired. Damages were awarded to cover medical care expenses, overdue benefits, interest, mileage and other costs.
09/24/2012	\$ 2,933,069	<u>Humrich v State Farm Mutual Automobile Insurance Co. (Auto)</u> Plaintiff, suffering from catastrophic automobile accident in January 2011, including severe spinal cord injury resulting in high-level quadriplegia, filed suit in November 2011 against his carrier when the insurer refused to properly pay for no-fault personal injury protection benefits. The settlement included purchase of a modified handicap accessible van, agreement for modified housing and settlement of attendant care benefits through 2019.
09/26/2012	\$ 1,731,361	<u>Lorine Watson, et al. v State Farm Mutual Automobile Insurance Co. (Auto)</u> In 2006 plaintiff's son, a minor, suffered injuries from an automobile-pedestrian collision which included a traumatic

			brain injury and a sheering injury to the frontal lobe resulting in permanent brain damage and severe executive dysfunction. Doctors prescribed attendant care which has been provided primarily by his mother and father. Following several court cases regarding State Farm not paying appropriately, a settlement was reached which also includes a guaranteed payment by State Farm of \$504 per day for attendant care benefits for at least six years.
09/28/2012	\$	575,000	<u>Confidential</u> (Personal – <i>Case of Interest, Bonfire</i>) Bonfire in Van Buren County explodes, resulting in injuries to several minors at the bonfire, including the plaintiffs. One plaintiff suffered traumatic brain injury and burn injuries; another incurred burn injuries without significant residual scarring. Investigations were inconclusive due to a strong thunderstorm that washed away most of the physical evidence. However, expert analysis concluded that a 4 th of July explosive that failed to deploy over the lake adjoining defendant's property a week prior had washed upon the shore and was inadvertently placed into the bonfire pit. Defendant should have properly inspected the bonfire pit before starting the fire.
10/01/2012	\$	326,151	<u>Pemble v Anderson</u> (Personal – <i>Case of Interest, Dog Bite</i>) While running, teacher was attacked by a German Shepherd who knocked her down from behind, biting her twice on the thigh and once on the buttock while she was lying on the ground. Physical wounds healed after about five weeks with no residual scarring. Returning to normal activities which included running, however, her fear of dogs grew as she became more anxious. Her diagnosis was a dog phobia and PTSD requiring many years of treatment to fully recover.
10/09/2012	\$	2,500,000	<u>Hendry, et al. v Vernon, et al.</u> (Auto) Due to an auto accident and after being cleared of any significant injury by the hospital and orthopedic surgeon, plaintiff discovered her left knee swelled up, changed temperature and color, and was too sensitive to touch, all symptoms of complex regional pain syndrome. Plaintiff sought compensatory damages after undergoing three years of ketamine injections into a chest port three times a week, multiple medications, physical and aqua therapy as tolerated, leg rigidity, and wheelchair confinement, two spinal stimulator implants, and a pain pump with snail venom, all with poor results. Plaintiff counsel argued that she had life-altering injuries, persistent never-ceasing pain, economic losses of salary and benefits as a registered nurse, and husband and children's loss of consortium. The resolution also included a structured settlement with \$2,854,000 in guaranteed benefits and \$3,781,000 in expected lifetime benefits.
10/29/2012	\$	300,000	<u>Confidential</u> (Personal – <i>Case of Interest, Soccer Injury</i>) 14-year-old high school soccer player was kicked with excessive force in the leg by his opposing team player. It dislocated his knee, tore three of his four ligaments, and severed an artery. He escaped amputation of his lower leg by a matter of minutes. After four surgeries and months of rehabilitative physical therapy, he regained the use of his leg and returned to most of his pre-injury activities, except soccer. Yearly evaluations monitor the vascular integrity of the traumatized leg but, otherwise, there are no ongoing medical expenses. Plaintiff sued both the player who kicked him and the two referees. Defendant argued that he simply misjudged the play and had intended to kick the ball, not his leg. Plaintiff explained that the player was observed becoming more and more agitated and angry as the game progressed and that he had already punched another player. Plaintiff focused on the "Standards for Referees" guidebook and the MHSAA Standards.
11/15/2012	\$	2,550,000	<u>Modzelewski-Shekoski, et al. v Allied Excavation Inc., et al.</u> (Auto) While 83-year old bicyclist was attempting to cross intersection at 22 Mile Road and Van Dyke Ave., a truck driver turning right at a red signal, who alleged he did not see plaintiff who had just entered the crosswalk on a white walk signal, struck and killed plaintiff. "Loss of society" was argued. It was also implied that his general state of physical health, including his prior heart attacks and advanced coronary artery disease, would result in a very low trial verdict

at case evaluation and at facilitation. His estate sued the truck driver for negligence and the parent trucking company for vicarious liability, under Michigan's owner's liability statute, because of the driver's negligence. The trucking company admitted liability. But plaintiff's attorney later amended the complaint to include another claim: negligent entrustment. The plaintiff's attorney said that filing a negligent entrustment claim in trucking accidents is "a critical necessity" because some trucking companies can be considered "chameleon carriers." "What's happening is, they rack up this really bad safety record and they close shop as Company A on a Friday and then they reopen as Company B on Monday with a new name but the exact same drivers and the exact same trucks and the exact same managers, and they do it almost like a mutual fund to wipe away the bad record and start fresh," he said. He argued that the trucking company was negligent for allowing the driver, whose bad driving record was not checked by the company upon his hiring, to use one of its trucks. In addition, the truck driver's personnel record indicated he had been cited for speeding and improper use of equipment. "Most lawyers don't know there is a Michigan statute that requires trucking companies to run their own drivers' records once a year," he said. "You have to be able to look at the driver's personnel file as a basis for whether or not you have a negligent entrustment claim, and that's the same whether it's a negligent supervision claim or a negligent maintenance claim. . . Truck accident cases are not car accident cases with bigger policy limits." The attorney cited a statute that abolished joint and several liability, requiring a jury to allocate a "percentage of the total fault of all persons that contributed to the death or injury. . ." The driver was allocated fault at 50%; trucking company, 20%; and plaintiff's decedent, 30%.

11/20/2012	\$ 1,485,000	Hannosh v Varadi, et al. (Auto) Rear-ended at a red light, plaintiff sustained lower back injury, a disc herniation that required surgery. Liability was admitted. Plaintiff has been unable to return work as restaurant manager in Hazel Park since the July 2008 incident. The argument was that the vehicle did not sustain enough damage to cause injury and that whatever damage did exist could not have been caused by this accident. Awards included both economic and non-economic damages.
12/12/2012	\$ 6,100,000	<u>Confidential</u> (Auto) In July 2010, defendant employee was driving from Indiana to Ford Motor Co. to supply brake-related components. Witnesses observed the 2008 Ford Taurus traveling at a high rate of speed, passing cars in multiple lanes up to a collision site ahead. Defendant driver stated he was looking at his radio for several seconds. While driving in excess of 73 mph he collided with the rear of plaintiff's decedent's vehicle which rolled over, coming to a rest on the exit ramp. Plaintiff's decedent suffered severe head injuries, never regaining consciousness, but was kept alive by life support systems for several hours. There was a dispute whether the replacement services for her one child was compensable under the Michigan Supreme Court decision, <i>Johnson v. Recca</i> .

2011

01/21/2011	\$ 2,100,000	<u>Confidential</u> (Auto) Plaintiff suffered serious brain injuries when struck by a commercial truck that ran a stop sign.
03/16/2011	\$ 2,048,000	<u>Confidential</u> (Auto) Motorcyclist was hit by a car which made a left turn in front of him. His right leg was amputated above the knee.
03/18/2011	\$ 2,100,000	<u>Confidential</u> (Auto) Plaintiff was involved in an auto accident and had a torn aorta and spinal cord injury at T-4. Surgeons were not able to restore neurological function of the patient's lower extremities, bowel or bladder.

03/22/2011	\$ 3,250,000	<u>Long v United States</u> (Auto) Father and daughter killed when a U.S. Marshall ran through a stop sign at a Birch Run intersection.
04/08/2011	\$ 2,056,998	<u>Beydoun v Benjamin</u> (Auto) Plaintiff struck by police car and was unable to return to work. due to injuries of neck, back, arm, and nerve damage.
04/20/2011	\$ 1,980,000	<u>Peterson v Gaskins</u> (Auto) SUV slowed to stop at intersection when struck in the rear by a truck, pushing plaintiff's SUV 15 feet into the intersection. Defendant admitted to falling asleep. Though plaintiff had preexisting conditions that enabled him to still be an active man, the injuries sustained from the accident were now devastating to his current life where he could no longer volunteer with the cleaning for his church and working with children, as well as babysitting his grandchildren, or playing and coaching basketball.
05/10/2011	\$ 1,884,600	<u>Varner v Battle Creek</u> (Auto) Motorcyclist passed in the left lane when the tractor-mower ahead in the right lane made a sudden left turn into her path. She sustained a back fracture and ankle fracture which forced her to cease her job as a firefighter.
05/16/2011	\$ 1,300,000	<u>Confidential</u> (Auto) Plaintiff was hit by a bus resulting in amputation of the right leg as well as arm fracture, closed head injury, ten surgeries, months of hospitalization and rehabilitation, and is confined to a wheelchair.
05/17/2011	\$ 1,450,000	<u>Sand v Towles</u> (Premises/Operations; Construction; Auto) Construction equipment piled too high on a truck, fell off truck onto the freeway when it struck an overpass. The load spilled, unavoidably, in front of plaintiff's vehicle. Plaintiff struck and suffered serious impairment including torn rotator cuff, shoulder joint injury as well as two cervical disc herniations, all requiring surgery.
05/18/2011	\$ 3,420,000	<u>Kelley v Steel Transport</u> (Auto) Motorcycle/truck accident, where motorcyclist's injuries were that of a fractured pelvis, multiple fractures in left lower extremity, right shoulder dislocation, and excess wage loss.
06/09/2011	\$ 500,000	<u>Anonymous 3-Year-Old Minor v Anonymous Grandmother</u> (Personal – <i>Case of Interest, Dog Bite</i>) Toddler was visiting and standing next to her grandmother when dog bit the child, without provocation, in and around her left eye and forehead. Plaintiff suffered a rupture and total blindness in that eye, as well as a permanent scar to the forehead.
06/22/2011	\$ 500,000	<u>Anonymous Kayaker v Anonymous Boat Owners</u> (Personal – <i>Boating Injury</i>) Plaintiff and her spouse were kayaking on Betsie Lake in Frankfort when a collision occurred with a large sailboat owned by defendants. Plaintiff alleged the sailboat approached at a high rate of speed and she was unable to get out of the way in time. Just prior to the impact, she stuck her hand out to push her kayak away from the sailboat to prevent the boat from overtaking and submerging the kayak, but the boat struck plaintiff's wrist. Though initially diagnosed with a sprain/strain of her dominant wrist, she later developed complex regional pain syndrome, otherwise known as reflex sympathetic dystrophy. Plaintiff was unable to remain at her job as a CT technician as a result of the injury. Her future wage loss alone exceeded defendants' policy limits.
07/28/2011	\$ 400,000	<u>Deborah A. Gibbons and Daniel Gibbons v Kyle Thornhill and Robyn Barnes</u> (Personal – <i>Case of Interest, Dog Bite</i>) Plaintiff was walking her letter carrier route in Roseville while attacked by a pit bull. Defendant opened the front door as plaintiff was delivering the mail, at which time the dog rushed out and attacked plaintiff. She threw her left arm at the dog to protect herself. The dog grabbed onto her forearm and would not let go. Plaintiff bled profusely and went into shock as she was transported to a local emergency room by EMS. She claimed permanent nerve injuries to her forearm and ongoing emotional difficulties as a result of the incident. She had residual scarring on

		her left forearm, left shoulder and left wrist, as well as numbness on forearm. She claimed post-traumatic stress disorder which required therapy and counseling. Her spouse sought damages for loss of consortium. Defendants were cited for dog running at large, no license for the dog, and harboring a vicious animal. Plaintiff lost her carrier route as a result of the injury, but was able to work in a different capacity for the post office.
10/12/2011	\$ 1,000,000	<u>Confidential (Auto)</u> Plaintiff was injured by a trash hauling truck which turned in front of him. Plaintiff sustained a head fracture, closed head injury, and neurological damage to left hand, arm and shoulder. He had multiple surgeries and 52 days of hospital and rehabilitation stays.
11/15/2011	\$ 3,075,000	<u>Confidential (Auto)</u> Plaintiff was working in a bucket at a traffic light. Semi-truck driver hit him causing broken ribs, thorax damage, knee and shoulder damage. He was in the hospital for 76 days, had five surgeries, and is disabled.
11/18/2011	\$ 1,395,852	<u>Hannay v Michigan Department of Transportation (Auto)</u> Dental hygienist injured her right shoulder and neck when she was hit by a salt truck. She has had four shoulder surgeries.
12/09/2011	\$ 1,110,000	<u>John Doe and Jane Doe v Roadrunner Transportation Systems, Inc., Specialized Service Transportation and Felicia Lucas (Auto)</u> Permanent and disabling injuries were sustained after 44-year old plaintiff's pickup truck collided with the back, right corner of a tractor-trailer attempting to back out of a parking lot onto the road. The tractor-trailer had no flashers, brake lights or visible turn signals. Backing up guidelines required the use of a spotter, which defendant failed to use, as well as ignoring safety and common sense. Defendants argued that this was a low-speed, minor sideswipe accident caused by plaintiff failing to pay attention to the roadway. They also argued that it was acceptable to back into the roadway without being able to see whether traffic was coming and that motorists have to accommodate tractor-trailers, regardless of who has the right-of-way. Defendants also disputed that plaintiff's herniations were caused by this minor accident, as it appeared at the scene that he was not injured and that head injury complaints were pre-existing. Plaintiff underwent two neck surgeries for disc herniations and required treatment for a brain injury. Attempting to return to work, he was unable to perform the tasks of his job and was permanently disabled.
12/19/2011	\$ 2,750,000	<u>Confidential (Auto)</u> About midnight during a snowstorm, 19-year-old plaintiff, girlfriend, and their 2-year-old son were driving a truck down a two-lane rural roadway when they collided with a semi-trailer and tractor which defendant was backing up across the roadway into her front yard so that the truck nose would be facing out, ready for the next day's run. It was defendant's first day of employment. Plaintiff swerved so that he took the brunt of the impact, sparing his girlfriend and son who were in the front passenger seat. They escaped serious injury; however, plaintiff, 10 months after the collision, is in a full-care nursing facility and in a minimally conscious state, just upgraded from persistent vegetative state. He is a quadriplegic and can follow commands by giving thumbs up/down.
2010		
01/22/2010	\$ 2,350,000	<u>Feliks, et al., v Securitas Security Services USA, Inc., et al. (Auto)</u> On April 6, 2008, Feliks was driving with wife Margaret and stepson Christian in Livonia. As the car was turning left on a green arrow, defendant's 2005 Chevrolet Colorado pickup truck, traveling at 61 mph, ran the eastbound red light, broad siding Kenneth Feliks' car on the passenger side. The pickup was being operated in the scope of

		employment by an individual with a negligent driving record.
01/26/2010	\$ 1,490,000	<u>John Doe Case</u> (Auto) Plaintiff's motorcycle struck defendant's car. The defendant suffered a closed-head injury.
02/25/2010	\$ 1,250,000	<u>John Doe Case</u> (Auto) Defendant truck driver rear-ended SUV driver and his wife while they were stopped in traffic behind a semi-truck, sandwiching their SUV between the two trucks. Plaintiffs had aggravations of pre-existing lumbar, cervical issues and mild traumatic brain injuries. Defendant truck driver had falsified log records and had marijuana in his system.
03/09/2010	\$ 1,003,500	<u>John Doe Case</u> (Auto) Defendant struck plaintiffs' vehicle while turning left and suffered disc herniation and other injuries.
03/10/2010	\$ 2,650,000	<u>Doe v State of Michigan</u> (Auto) Defendant made an improper U-turn in front of plaintiff's vehicle. The driver died and two passengers were seriously injured.
03/24/2010	\$ 2,000,000	<u>John Doe</u> (Auto) Defendant was on a learner's permit and hit plaintiff head-on, causing serious injury and chronic, debilitating pain.
04/10/2010	\$ 2,075,000	<u>10-year-old Male v Anonymous Trucking Companies</u> (Auto) A 10-year-old was a passenger in a vehicle that was rear-ended and suffered severe traumatic brain injury and facial scars. It is expected he will never work and will require lifetime supervision.
05/2010	\$ 3,225,000	<u>Jane Doe v John Doe and Corp. X</u> (Personal) Highly intoxicated teen unlawfully, but accidentally, entered plaintiff's home during the early morning hours. Plaintiff, a 45-year-old female, sustained lower spinal cord injuries with the loss of bowel, bladder and sexual function as the result of the incident.
05/2010	\$ 2,835,000	<u>Doe v Doe</u> (Personal / Construction / Products Liability) Intoxicated teenage assault on plaintiff.
05/18/2010	\$ 1,412,129	<u>Auto-Owners Ins. Co. and Home-Owners Ins. Co. v. . . .</u> (Personal) Homeowner started a forest fire, burning down acres of land with multiple home destroyed or damaged. Fire-fighting cost, alone, was \$470,558. In addition, other known claims from 18 property owners total \$941,571 with many other claims undetermined.
05/27/2010	\$ 6,291,666	<u>Dykes v Singh</u> (Auto) Singh lost control of his car and crossed the center line in snowy conditions. Dykes underwent multiple surgeries and was hospitalized for 2.5 months.
06/04/2010	\$ 1,557,500	<u>Hija v Levy</u> (Auto) Defendant ran a stop sign, killing the drivers of two other cars.
07/22/2010	\$ 1,250,000	<u>Dunne v Franz</u> (Auto) Plaintiff was rear-ended at a red light in auto accident and suffered back and neck injuries, which required multiple-level laminectomies and discectomies on two separate occasions. Plaintiff also claimed serious impairments of body function which limited activities she was previously able to perform.
08/17/2010	\$ 1,586,000	<u>Dregely v Foust</u> (Auto) The plaintiff was killed by a drunk driver. The driver had \$300,000 in coverage and had to pay another \$1,000,000 personally. The bar owner had insufficient limits and had to contribute \$250,000 personally.
08/24/2010	\$ 1,800,000	<u>Anonymous Plaintiff & Defendant</u> (Auto) This was a case where one truck rear-ended another truck. As a result of this accident, the plaintiff's pre-existing lumbar spinal degenerative arthritis was aggravated.

10/11/2010	\$ 1,050,000	<u>Cieslkowski v Troyanek (Auto)</u> Plaintiff was a pedestrian walking in a Meijer parking lot on a dark and rainy night. She was struck by defendant backing up his vehicle. Plaintiff sustained serious knee, leg, and ankle injuries. She also incurred serious impairments of body function and was restricted in her ability to work.
10/29/2010	\$ 6,000,000	<u>Anonymous Motorcyclist & Driver (Auto)</u> Plaintiff was driving his motorcycle. Defendant was traveling in the opposite direction and turned left in front of the motorcycle. Plaintiff had a sprained wrist, but he later developed Complex Regional Pain Syndrome, leaving him wheelchair bound and completely disabled.
11/10/2010	\$ 1,400,000	<u>Qasawa v Lahey (Auto)</u> Defendant rear-ended plaintiff, causing \$2,000 in damage to plaintiff's vehicle. Plaintiff suffered disc herniation requiring extensive medical treatment.
12/15/2010	\$ 3,500,000	<u>Fairley v Schiber Truck Co. (Auto)</u> Schiber hit Fairley's vehicle in the rear. Fairley suffered a brain injury, depression and two fractured vertebrae; walks with a cane.
12/27/2010	\$ 2,720,000	<u>John Doe Case (Auto)</u> Defendant rear-ended the plaintiff's vehicle at a high rate of speed. Plaintiff was seriously injured and became disabled. The defendant was driving an employer-owned vehicle and was on the way to work but was not in the course of employment at the time of the accident. The defendant's employer never checked the defendant's driving record.

2009

03/12/2009	\$ 1,250,000	<u>Inglehart v Manthei Development Corp. (Auto)</u> Plaintiff Brandon Inglehart sought damages following an accident in which he was hit, while riding a bicycle, by a truck driven by defendant Darren Zimmerman. Inglehart was riding his bicycle in single-file formation with a friend on the right side of the fog line. Zimmerman was driving in a truck owned by defendant Manthei Development Corp., began drifting to the right, and crossed the fog line, hitting the bicyclers at about 55 mph. Inglehart lay unconscious and was taken via helicopter to Munson Medical Center in Traverse City, where he was diagnosed with multiple brain bleeds and two spinal fractures (T9 and T10). Inglehart recovered, but had ongoing treatment through physical therapy, audiology and medicine. After several months, he was forced to retire from a career in teaching because of brain injury complications.
03/27/2009	\$ 700,000	<u>Confidential (Personal; Auto; Premises/Operations)</u> The 30-year-old plaintiff was at a friend's home on a Sunday afternoon to watch football games. At one point, the defendant brought out a Honda all-terrain vehicle and drove it around the driveway. The plaintiff asked if he could ride it, and the defendant acquiesced. Both the plaintiff and defendant had consumed five to six beers before this point. This was the plaintiff's first time riding an ATV, and when he asked for a helmet, he was told there was not one available. Further, very little instruction was given to the plaintiff on how to ride the ATV, nor was he told where he could and should ride. The defendant owns a large piece of property that housed several horses within a large wire fence surrounding the back of the property. Within seconds of the plaintiff getting on the ATV and riding it, he ran into a nearly invisible wire fence. His throat was cut open, and he suffered a complete transection of the trachea. The plaintiff was rushed to the hospital, where he had a tracheostomy surgery. He has a permanent scar

		across his neck, and still has a tracheostomy hole and breathing apparatus.
04/02/2009	\$ 1,500,000	<u>Confidential</u> (Auto) On March 10, 2008, plaintiff was a passenger in a motor vehicle when it was T-boned by a vehicle driven by defendant, who was within the course and scope of his employment. Plaintiff, a union employee, sustained a traumatic brain injury and left-eye blindness. He was disabled from employment. On the eve of deposition, plaintiff, while a pedestrian, was struck by a vehicle that had entered his blind vision field. He sustained a second traumatic brain injury, this time developing Wernicke's Aphasia, a condition that profoundly affects communication. Each driver in both accidents was insured by the same insurance carrier.
04/30/2009	\$ 2,000,000	<u>Confidential</u> (Auto) The plaintiff, 15, was crossing a four-lane road to get to a school bus stop at around 7 a.m. He crossed almost three lanes before being struck by the defendant, who was driving a vehicle owned by a small corporation. The accident investigators determined that the accident was fully the plaintiff's fault. Still, the plaintiff argued that the defendant driver was negligent. The defendant admitted that she was looking over at the bus stop and did not have time to avoid the plaintiff once she looked forward.
05/20/2009	\$ 1,000,000	<u>Confidential</u> (Auto) The estate of the plaintiff's decedent asserted that the defendant restaurant/bar served alcoholic beverages to an allegedly intoxicated person (AIP), resulting in the injury or death of plaintiff's decedent. The plaintiff contended that the AIP became so intoxicated while at the restaurant/bar that his friends had to encourage him to slow down and leave the bar. Later, the AIP got behind the wheel of his SUV with the plaintiff's decedent as his passenger in the back seat. The AIP subsequently crashed his vehicle into the rear end of a street sweeper and was killed, while the plaintiff's decedent suffered a fracture at C2-C3, was rendered a quadriplegic, and died 30 days later in the hospital. The defendant restaurant/bar's policies and procedures manual was obtained, and based upon the testimony elicited from the waitress, numerous internal policies had been violated throughout the evening in serving the AIP.
06/05/2009	\$ 650,000	<u>Confidential</u> (Auto) On January 12, 2005, the drunk driver was operating a vehicle owned by the defendant employer. He crossed his vehicle over the center line and smashed into the plaintiffs' vehicle. His blood-alcohol level was registered at 0.13. The plaintiffs, a pastor and his wife, sought damages from the defendant drunken driver and the defendant employer who owned the car that the drunken driver was operating.
07/08/2009	\$ 825,000	<u>Fletcher, et al., v Cutting Edge Lawn & Landscape, Inc., et al.</u> (Auto) Defendant Warren A. Scaife was driving a full-size GMC pickup truck while towing a loaded company landscaping trailer. Traveling southbound in the right of two lanes on Telegraph, he realized he had missed his turn. After driving a couple hundred feet down, he spotted a partial gravel/paved road spanning the median between northbound and southbound travel on Telegraph Road. Scaife, while still in the right-most lane, abruptly slowed and turned for a gravel median crossing, crossing from the far right lane and the lane on his left. Fletcher and Lindsey Fletcher, who were traveling on a motorcycle in the left lane, could not avoid the truck and trailer. James Fletcher suffered a closed-head injury, eye trauma, fractured shoulder, fractured clavicle, fractured rib and a lacerated liver, and maintained continuing serious arm and extremity impairments.
08/12/2009	\$ 795,000	<u>Hall v Aguilar-Carranza, et al.</u> (Auto) On Sept. 21, 2007, Hall, 55, drove southbound on Van Dyke Avenue in Warren. Her car was rear-ended by defendant Alberto Aguilar-Carranza, who was test-driving a vehicle owned by defendants Valerio and Kimberly

		Mazzola, and had struck at least three separate vehicles during his test drive.
09/01/2009	\$ 1,000,000	<u>Miller , et al. v Kemp & Sherman Co.</u> (Personal; Premises/Operations; Construction) Roofer was thrown backward and fell through three stories onto the frozen ground when he received an electric shock, due to the leads of the welding gun accumulating moisture while tack-welding a portion of corrugated steel sheets being utilized as roofing material. Plaintiff was not wearing any type of tie-off or fall protection.
09/15/2009	\$ 2,091,500	<u>Mayher v Martin</u> (Auto) In October 2005, Douglas and Tammy Mayher of Britton were stopped at a stop sign at the Palmer Highway/M-50 intersection. Martin had borrowed father and co-defendant Ronald Martin's car to take her friends to Toledo for her 17th birthday. She was passing a truck on the right gravel shoulder, lost control and crashed into the Mayhers' car door. The car flipped over, and Douglas Mayher had to be removed by the Jaws of Life.
10/02/2009	\$ 1,800,000	<u>Confidential</u> (Auto) In a confidential lawsuit, the plaintiff asserted entitlement to damages following a motorcycle-car collision. The plaintiff, on his way to work via motorcycle, was seriously injured when a box truck turned in front of the motorcycle. Plaintiff dropped his bike in an attempt to avoid the collision. Plaintiff suffered a complex right arm fracture and a brain injury. Several surgeries followed, and plaintiff eventually returned to work as a sheet metal model maker, but co-workers noticed he could not perform his work the same as prior to the accident. He was fired after a month back on the job. As a result of plaintiff's struggles at work, his traumatic brain injury was more closely studied and the full effect of it was documented. Plaintiff also underwent cervical fusion and lumbar laminectomy. The plaintiff provided doctor reports, economic and vocation expert testimony, and a day-in-the-life video chronicle to present full value of the claim. The defendant contended plaintiff, who was 56 years old, was let go from his job because of mass downsizing in the industry, and had limited excess wage loss because of his age. Further, it was asserted, the plaintiff would return eventually to some type of employment. The case settled at facilitation for \$1.8M.
10/07/2009	\$ 2,000,000	<u>Case Name Kept Confidential</u> (Auto) The defendant driver, traveling 45-55 mph on a main road, entered the intersection, where he ran a red light. He hit the plaintiff's car, killing the decedent.
10/19/2009	\$ 1,490,000	<u>Voss v Estate of Peter Kramer, et al.</u> (Auto) In a third-party auto tort lawsuit filed in Calhoun County Circuit Court, plaintiff Guy Voss sought compensatory damages from defendant's Estate of Peter Kramer and Wachovia Capital Finance Corp. following a low-speed, rear-end collision. The accident caused very minimal vehicle damage to Voss' vehicle and virtually no discernable damage to the front of defendant's car. Because of the minor nature of the impact, Voss did not immediately believe to have been seriously hurt. He did not seek medical care until the following afternoon, when he went to the emergency room with complaints of neck pain and stiffness.
10/28/2009	\$ 2,261,486	<u>Brzezinski, et al., v Ross Enterprises, Inc., et al.</u> (Auto) On March 20, 2006, at 2:30 p.m., defendant Ronnie S. Jackson visited the Pantheon Club, a topless bar in Dearborn. He consumed several beers and a handful of test-tube shots and, at 5:52 p.m., passed out at a table in a pool of his own vomit. The club's manager summoned the disc jockey to clean up the vomit and call a cab. However, after leaving Jackson passed out at a table for 50 minutes, the disc jockey and the 19-year-old valet roused Jackson from his stupor and escorted him to the front door, where the valet pulled his car up. The disc jockey placed Mr. Jackson's coat and shoes, which he had left in the bar, in the front seat. Jackson left the bar at 6:50 p.m., drove 3 miles down Michigan Avenue at speeds estimated in excess of 80 miles per hour, and caused a nine-car pileup before rear-ending plaintiff's decedent Kenneth Brzezinski's 2005 Ford Escape at the intersection of Michigan Avenue and Oakwood Boulevard. The rear bumper of the Escape was crushed all the way to the level of

		the front seat, killing Brzezinski, 52, instantly. The plaintiff, filing dram shop and negligence claims, pointed to surveillance cameras in the bar that captured Jackson's drinking and the subsequent actions of the disc jockey and valet after Jackson had passed out at a table. The video called into question the defendant's claim that a cab actually had been called.
11/20/2009	\$ 2,125,000	<u>Lewis v State Barricades</u> (Auto) On August 9, 2008, Ashley Lewis, 15, was traveling in the passenger seat of her mother's vehicle on Masonic Rd., in St. Clair Shores. Traffic was slow because of construction. Immediately to their right, on the side of the road was a temporary traffic control sign warning of a detour ahead. As a thundercloud passed through the area, a gust of wind of approximately 38 mph blew the sign up and into the air, propelling the steel leg of the sign through the windshield of the car, striking Lewis in the head. It caused a skull fracture and serious traumatic brain injury, and required traumatic optic neuropathy.
12/07/2009	\$ 1,359,085	<u>Northcross v USAA</u> (Auto) Plaintiff was riding a bike when struck by a hit-and-run driver and suffered brain injury.
12/15/2009	\$ 3,000,000	<u>Case Name Kept Confidential</u> (Auto) The collision took place in June 2007, when the decedent's motorcycle and defendant's car were involved in a head-on collision. The motorcycle operator died in the collision, and his passenger suffered orthopedic injuries. Plaintiffs asserted that the defendant's vehicle was in the plaintiff's lane at the moment of impact.
12/23/2009	\$ 1,150,000	<u>Hussain Al-Shemary v Martin Block Corp., et al.</u> (Auto) On Aug. 18, 2006, plaintiff Hussain Al-Shemary drove a tractor-trailer on M-52 near Interstate 96 in Ingham County. A truck with a crane arm on a V-notch atop the cab was approaching from the opposite direction. As Al-Shemary passed the truck, the arm came out of the notch and struck Al-Shemary through his truck cab.

2008

01/2008	\$21,000,000	<u>Higdon v Arby Construction, et al.</u> (Premises/Operations) The children of a Bloomfield Hills couple died in a propane explosion while vacationing at a Wisconsin resort two summers ago. The parents received \$21,000,000 as a result of a settlement. The children died when the cabin they were sleeping in exploded. Authorities said that they believed construction crews working near the resort ruptured an underground propane line sometime before the explosion.
04/07/2008	\$ 1,600,000	<u>Weller v J.T. Express</u> (Auto) The plaintiff, a truck driver, was rear-ended by another semi-trailer at the intersection of Van Dyke and Ebeling in Romeo. He was treated for neck and back complaints in the E.R. and took physical therapy. Seven weeks later, he noticed weakness and numbness in his left arm and left leg. A discectomy with fusion was performed after a disc was found to be compressing the spinal cord. His left-sided weakness never diminished, and symptoms of the weakness were stroke-like. He had suffered a stroke six years before the accident, but he recovered completely. Through case facilitation, a \$1.6 million settlement was reached.
06/2008	\$ 2,096,000	<u>Doe v Doe</u> (Auto) 53-year old farmer killed while driving a tractor on roadway when struck by a tractor trailer.
06/04/2008	\$ 2,500,000	<u>Not disclosed</u> (Premises/Operations) While walking on a large construction site plaintiff, a 29-year-old painter working for a painting sub-contractor, was struck on his hard hat by a falling piece of a 3 ½-pound steel angle clip used to support masonry walls. The angle

		clip was improperly installed and fell from the roof decking nearly 24 feet above the floor. Plaintiff suffered injuries to his cervical and thoracic spine and ultimately underwent cervical fusion at three levels with placement of plates and cages.
08/13/2008	\$ 5,650,000	<u>Broeren v Bates</u> (Auto) The defendant-driver was operating his personal vehicle under a long-term lease from his corporate employer. While returning from a week of deer hunting, the driver stepped on the accelerator instead of the brake while backing up, slamming the plaintiff head-first into the cabin, and then dragging him when the truck was put into drive. The jury awarded \$2.75 million for pain and suffering, \$1.88 million for economic damages and \$1.02 million for loss of consortium to the plaintiff's wife who quit her job to care for her husband.
09/25/2008	\$ 3,900,000	<u>Nunez v Utica Transit Mix & Supply Co.</u> (Auto) A wrongful death lawsuit in Wayne County Circuit Court resulted in a \$3.9 million settlement against the driver and a Utica construction supply company. Patrick Nunez was traveling in the fast lane on 1-75 in Detroit when a fully loaded, 150,000-pound gravel truck driven by Charles Dreyer blew a front tire and collided with Nunez' car. The car smashed into the retainer wall and burst into flames. Nunez was killed. Since a tire blowout is considered a common and foreseeable event, trucks are not supposed to dangerously lose control when that happens. The lawsuit showed that Dreyer's truck was in defective, out-of-service mechanical condition. Dreyer said in a deposition that he had received no formal training or supervision and had failed to inspect the truck's tires and brakes. Dreyer also was on epilepsy medicine for a seizure disorder, and the medication causes drowsiness and delayed reaction time. Due to the truck driver's negligence, the case settled for \$3.9 million on a \$4M policy limit, with an \$8.6M total structured payout.
10/05/2008	\$ 1,350,000	<u>Confidential</u> (Auto / Motorcycle Fatality) 80-year-old defendant failed to stop for a stop sign at a cross street, while entering a two-lane highway intersection directly in front of a motorcycle driven by a 20-year-old college student. Both drivers were killed as a result of blunt-force injuries at the collision site. Though the plaintiff's decedent had the right of way, the defendants argued that the motorcyclist was speeding and, therefore, comparatively at fault. However, three eyewitnesses to the crash testified that the motorcyclist was not speeding and could not have avoided the crash. Michigan State Police accident reconstructionists confirmed that the cycle was not speeding and that there was not sufficient time or distance for the motorcyclist to take evasive action in response to the car pulling out in front of him.
10/21/2008	\$ 4,500,000	<u>Sullivan v Bohm</u> (Premises/Operations / Management Practices / Liquor Liability) A Wayne County Circuit Court jury returned a wrongful death award of more than \$4M last Oct. 21st for the estate of 26-year-old John Spolsky. The U.S. Air Force Academy graduate was killed in a one-car crash and evidence at the trial showed the intoxicated driver, Spolsky's friend Christopher Bohn, had at least 10 alcoholic drinks at a Plymouth bar. The bar claimed no liability under the non-innocent party doctrine, claiming Spolsky had paid the bar tab. The jury was not convinced and awarded the plaintiff's estate \$4.5 million, assessing the bar 95 percent responsibility under the Michigan Dram Shop Act. The act makes a business that sells alcoholic drinks or a host who serves liquor to a drinker who is intoxicated liable for damages to anyone injured by the drunken patron or guest. The case was settled confidentially while on appeal.

2007

2007	\$ 3,200,000	(Premises) While on the golf course, defendant driver of a golf cart was going full speed to catch up with the rest of his foursome, unaware of the other guy emerging from the rough on the adjacent hole. A collision left the pedestrian paralyzed with a broken back. The jury that heard the lawsuit felt no pity on the cart driver. The award of \$3.2M greatly exceeded the driver's homeowners insurance liability of \$250,000; thus, the homeowner's responsibility was \$2,900,000.
2007	\$ 1,900,000	<u>Confidential</u> (Auto) The defendant driver spent many hours drinking at the defendant's bar in Michigan and became visibly intoxicated while on the premises. Other individuals in the bar were aware of the defendant driver's intoxicated state as were some of the bar's employees. The defendant left the defendant's bar in a highly intoxicated state, drove a short distance down a two-lane highway, crossed the center line, and violently collided head-on with another car, killing two people instantly.
2007	\$ 1,700,000	<u>Confidential</u> (Auto) On 12/31/2006, the plaintiff (a 55-year-old married man) was driving on a major freeway. It was snowing very lightly. Approximately one mile north of him on the freeway, a very bad traffic accident had occurred, backing up the freeway for almost one mile. The plaintiff saw another vehicle backing up on the shoulder of the freeway in an effort to reach the off ramp. He decided to do the same, but as he backed up on the freeway's paved shoulder, he came upon the defendant's employee who was driving a large commercial truck. As a result, the commercial truck driver began to skid and started switching lanes to the right. He was not able to stop and collided with the vehicles in front of him. As he did so, he struck the back of the plaintiff's vehicle, killing him instantly.
03/19/2007	\$ 1,500,000	<u>Moore v Dawson</u> (Auto) A 64-year-old automobile passenger was killed when an oncoming vehicle failed to yield and turned left in front of a vehicle she was riding in, causing a collision.
03/23/2007	\$ 3,800,000	<u>Boyd v Greenbrier Development, Inc.</u> (Personal; Premises/Operations) In 2001, the defendant damaged a driveway on an adjacent construction site that was owned by the plaintiff's father-in-law. The defendant dug a hidden ditch in order to drain the water from the driveway onto the plaintiff's land. The following spring, the 33-year-old plaintiff was riding an all-terrain vehicle across the grass and weeds in the field when he struck the hidden ditch and was thrown from the vehicle, sustaining serious disabling personal injuries.
04/2007	\$ 3,100,000	<u>Confidential</u> (Auto) The defendant driver was operating a vehicle owned and titled to the defendant employer with the implied or expressed permission of the defendant employer when he failed to stop for a stop sign located at the corner of Miller Road and Country Road 633 in Grand Traverse County. At the time, the defendant drove through the stop sign, the minor plaintiff was an occupant of the rear seat of the vehicle. As the defendant driver drove through the stop sign and into the intersection, his vehicle was struck broadside by a motor home.
05/21/2007	\$ 1,200,000	<u>Egan v White</u> (Auto) On the evening of 12/12/2004, the plaintiff was driving westbound on I-94 in Van Buren County after plowing snow for Kalamazoo County. He was driving a 1986 snowplow truck. Because of a traffic backup caused by an accident

		up ahead on the highway, he slowed his truck to neutral. While stopped in the right lane, he was rear-ended by a semi-trailer driven by the defendant. As a result, he suffered injuries that required two fusions of his lumbar and cervical regions as well as treatment for damage to his elbow and shoulder. He also suffered depression following the crash.
07/25/2007	\$ 3,000,000	<u>Confidential</u> (Auto) The plaintiff was a 16-year-old female high school student riding as a passenger in an automobile driven by her friend. This vehicle was involved in a serious accident caused by a commercial truck that made an illegal left turn in front of the plaintiff's vehicle. She sustained severe brain injuries and numerous orthopedic injuries. Prior to the accident, the plaintiff was an outstanding high school athlete who would have received a full-ride scholarship to a major four-year college to participate in her sport. However, she was unable to do so because of serious brain injuries.
07/25/2007	\$ 1,003,500	<u>Confidential</u> (Auto) On July 25, 2007, the 36-year-old plaintiff was attempting to turn left onto Canton Center Road in Canton. While he was turning, another driver, who was attempting to proceed straight through the light, struck his vehicle. Plaintiff reported to the emergency room later that night with complaints of lower back pain. An initial MRI of his lumbar spine was read by the neuroradiologist as L4-5 lumbar disc degeneration. In November 2007, he fell down a flight of stairs as a result of a shooting pain from his back into his leg. He injured his elbow in that fall, which required an ulnar nerve release surgery. A subsequent MRI, after the fall, revealed an L4-5 disc herniation. Plaintiff underwent a surgery at L4-5 to remove part of the herniated disc.
08/10/2007	\$ 1,500,000	<u>Rice v Posley</u> (Auto) On 6/4/2005, the plaintiff was traveling westbound on I-94 in his SUV when he lost a tire. The plaintiff pulled over to the side of the road. When he stood on the shoulder looking for the tire, a bus owned and operated by the City of Detroit crashed into the plaintiff's vehicle and pushed it into him, resulting in his death.
10/05/2007	\$ 1,500,000	<u>Estate of Borgman v Martin</u> (Auto) The 66-year-old and recently retired Borgman was operating his motor vehicle southbound in northwestern Ottawa County. The weather conditions were very bad. It was snowing heavily and the roads were snow covered and slippery. The defendant was operating his vehicle westbound. The defendant failed to stop for the stop sign that controlled the intersection. The defendant was only traveling at a speed of approximately 30 miles per hour when he attempted to stop for the stop sign. The defendant entered into the intersection, striking Borgman's vehicle on the driver's side. He was pronounced dead at the scene.
10/10/2007	\$ 1,600,000	<u>Confidential</u> (Auto) The 51-year-old plaintiff was on his way to work at the Ford Rouge plant and traveled eastbound on I-94 near Ecorse Road when he was involved in a minor fender-bender. Following the accident, the plaintiff and the other car were disabled in the far left lane of I-94. The defendant struck the plaintiff's vehicle and caused severe injuries to the other driver occupying the second vehicle.
11/16/2007	\$ 1,350,000	<u>Gerdes v Chovanec</u> (Auto) On 5/3/2006, the plaintiff was a road construction worker when he was struck by a vehicle driven by the defendant. The plaintiff suffered numerous injuries, including a brain injury and extensive pelvic injuries.
12/05/2007	\$ 7,610,000	<u>Votar, LLC v HS R&A Co., Ltd.</u> (Management Practices) Breach of contract: Plaintiff Votar had an exclusive sales representative agreement with defendant HS R&A, a Korean auto parts supplier. The agreement provided that Votar would be HS R&A's exclusive sales representative in N. America for a minimum term of five years, beginning on April 6, 2001. However, in late 2002, only 1 ½ years

later, defendant ceased communications with Votar and hired away one of Votar's key employees. HS R&A subsequently built a manufacturing plant in Alabama to supply automotive parts to a Hyundai plant located there. Contending that HS R&A breached the agreement by hiring away Votar's employee and by also failing to pay sales commissions to Votar for all purchase orders obtained during the initial term of the agreement, Votar filed suit in the U.S. District Ct. for the Eastern Dist. of Michigan. At trial, HS R&A argued that the parties had agreed to a buyout of the agreement. Nevertheless, the jury awarded Votar the entire sum of its requested damages. Specifically, plaintiff's attorney indicated the jury awarded his client \$3,010,921.49 for commissions owed through Sept. 30, 2007; \$100,000 in statutory penalties; and life-of-the-part sales commissions of approximately \$1.5M per year going forward. Conservatively speaking, Votar will receive \$1.5M per year for the next three years, but it is very possible that the award could continue for up to seven years.

(For complete 19-Year (1998-2016) Verdict Report contact Ken Hale at khale@mma-mi.com)

This document is not intended to be taken as advice regarding any individual situation and should not be relied upon as such. Marsh & McLennan Agency LLC shall have no obligation to update this publication and shall have no liability to you or any other party arising out of this publication or any matter contained herein. Any statements concerning actuarial, tax, accounting or legal matters are based solely on our experience as consultants and are not to be relied upon as actuarial, accounting, tax or legal advice, for which you should consult your own professional advisors. Any modeling analytics or projections are subject to inherent uncertainty and the analysis could be materially affective if any underlying assumptions, conditions, information or factors are inaccurate or incomplete or should change.