

Tyson & Mendes Defeats Well-Known Plaintiff's Firm in Multi-Million Dollar Trial

Northern California Partner Jim Sell and Managing Partner Bob Tyson teamed up to defeat one of the most well-known plaintiff's attorneys in California, Roger Dreyer of Dreyer Babich. Dreyer sought \$6,000,000 in this admitted liability, three week jury trial in Napa, California. This included almost \$2,000,000 in past and future medical expenses for back and neck surgeries the plaintiff underwent and will need in the future. The lowest settlement demand just before trial was \$4,000,000. On Thursday, May 26, 2016, the jury returned a verdict of only \$389,000, and plaintiff was found 40% at fault. After post-judgment reductions, the plaintiff may end up owing the construction company client money!

"It is extremely gratifying to know the unique trial tactics and defenses we have developed here at Tyson & Mendes work against the best lawyers in the country," said Bob Tyson. "Arguing high profile, damages only cases with extremely emotional and difficult fact patterns has become a specialty of the Firm. Diffusing anger, the Reptile Theory, and other emotional pleas from plaintiff's attorneys is a constant battle but one we have created a specific and tested formula for success."

This trial arose out of a single vehicle accident that occurred on August 8, 2012. Plaintiff Carla Slater was driving a 1993 Jeep Wrangler southbound on State Route 121 in Napa, California. Plaintiff claimed she was driving approximately 45 mph, but slowed as she approached a left hand curve in the roadway. At this time, defendant Gil Pridmore of Pridmore Brothers Construction Inc. was driving a pick-up truck and pulling a trailer in the opposite direction on northbound State Route 121. As the truck came around the curve in the roadway, a six foot piece of 4" plastic PVC pipe fell out of the bed of the truck.

Plaintiff feared this bouncing piece of pipe would come through her windshield and kill her. To avoid almost certain death, she swerved to her left, off the road and into the side of a hill/embankment located near the roadway shoulder.

At trial, Plaintiff claimed she sustained a herniated disc at L5 – S1 in the accident that led to a spinal fusion in April 2015. Plaintiff also claimed that she injured her neck at C4-C5 that had been treated with steroid injections. Plaintiff called two experts with regard to damages. The first, Alex Barchuk, M.D., who specializes in physical medicine and rehabilitation, testified that plaintiff was significantly disabled. Plaintiff would also require a further lumbar surgical procedure, a future cervical surgical procedure, and attendant care as she gets older.

Plaintiff also called Carol Hyland who is a life care plan expert. According to Ms. Hyland, the cost of the future care was estimated to be \$1,150,000.

Plaintiff's last demand before trial was \$4,000,000 and our CCP 998 offer was for \$400,000. A final verdict of \$233,400 after comparative fault by the plaintiff is deducted, will allow the defendant's insurance carrier to recover costs and expert fees as well. It is likely the plaintiff will owe us money in the end!

If you have any questions about this or any other Tyson & Mendes wins in catastrophic injury cases, please feel free to contact partner Jim Sell at jsell@tysonmendes.com.