

Editor's Choice: Jury Awards Edition

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Here are some items straight from the courtroom that might interest you:

- **Benzene exposure leads to \$7.5 million jury verdict for truck driver's family.** Rick Lewis was a gas tanker driver for Kinder Morgan Energy Partners, L.P., and he died of myelodysplastic syndrome (MDS), which his family claimed was caused by benzene exposure at work.

MDS affects bone marrow, causing problems with blood cell and platelet formation and function. The disease is incurable and treatment includes chemotherapy, blood transfusions and possibly bone marrow transplants.



The plaintiffs claimed that even though [benzene](#), found in gasoline, is a known carcinogen, the employer failed to monitor benzene exposure, follow standard safety and industrial hygiene practices, and warn employees of the dangers of benzene exposure. Find out more about [wrongful death](#), [personal injury](#), [toxic torts](#) and [workers' compensation lawsuits](#).

- **Math doesn't add up for Seattle bank in jury's \$2.3 million verdict for shareholders.** The jury sided with key bank shareholders in their wrongful termination [counterclaims](#) against the bank after it stopped paying Richard and Lou Secord on their work contracts, which paid them each \$500,000 per year. The work contracts were part of a deal in which the Secords sold their leasing company to the bank. Richard Secord was also a co-founder of the bank.

The bank initially sued the Secords over issues related to the valuation and performance of the leasing company. The jury did go the bank's way in a separate part the lawsuit, awarding the bank \$1.2 million. With its financial condition uncertain, the bank asked the court to delay finalization of the \$2.3 million verdict in favor of the Secords. The Secords' lawyer said the bank was counting on the lawsuit to recapitalize. The bank was in the black in the second quarter of 2011 for the first time since 2008.

The bank is one of the weakest in Washington, and is under [FDIC scrutiny](#). Remember your bank is just a business, and it has to comply with regulations and consumer protection laws, [navigate contracts](#), and manage relationships with contractors and [employees](#). Something to think about though, as you ponder the perks offered for opening a new account or doing business with your local bank.

- **Police stand on "no settlement" policy, so woman recovers \$1.38 million from a jury.** A 67-year-old woman sued the City of Chicago for battery, false arrest and other claims arising out an incident in which a city police officer shoved her to the floor during an arrest of the woman's daughter.

The police went to the woman's home to arrest her daughter, and she claimed an officer shoved her. The woman struck her head on a stone floor, and suffered subdural bleeding. Next, she suffered a heart attack at the police station, where she tried to complain about the officer's conduct and was arrested for aggravated assault.

The woman was hospitalized for the heart attack, and suffered a stroke within an hour after discharge. The City followed a "no-settlement" policy, leaving the woman with no option but to take the case to the jury. Learn more about the options for how your personal injury lawsuit might end, including [settlements](#).

- **No claim too small: Jury awards man \$5,000 in lawsuit for excessive force and racial discrimination.** Mark Plascensia sought \$1 million in damages in his lawsuit for violations of his constitutional rights arising out of an arrest by St. George, Utah police. The arrest took place as Plascensia tried to recover his cell phone, which police found at the scene of a burglarized home. Claims against the city in the lawsuit were dismissed.

The verdict was about twice the amount of Plascensia's medical bills. Find out more about how and when violations of your [civil rights](#) can take place and the legal remedies the law offers.

- **Indiana appeals court upholds jury's \$300,000 medical malpractice verdict against "America's Most Wanted" doctor.** The Indiana Court of Appeals let the jury's verdict in favor of William Boyer against Dr. Weinberger and others stand. Boyer claimed the doctor failed to inform him of an irregular heart rhythm detected during pre-op tests for a sinus condition. Boyer later learned he suffered from heart failure.

Weinberger was an ear, nose and throat specialist, and has hundreds of malpractice cases against him. The case may seem familiar because the doctor was featured on "America's Most Wanted" after he fled the country, *and* patients in his care. US authorities had Weinberger extradited from Italy on federal criminal health care fraud charges. Plus, the doctor has creditors looking to get paid on over \$5 million in claims.

The appeals court decision was important because it examined the issue of patient abandonment in the context of Boyer's [medical malpractice claims](#). The court agreed with Boyer that in his case, abandonment wasn't a separate claim, but was part of the malpractice claim.

As to the amount of the jury's verdict, the court stressed that compensatory damages should be individualized, and comparison to other cases wouldn't be just. The court upheld the amount of the verdict, finding the jury wasn't swayed by passion or prejudice. Learn more on the basics of [medical malpractice claims](#) and how a [medical malpractice attorney](#) can help you.

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