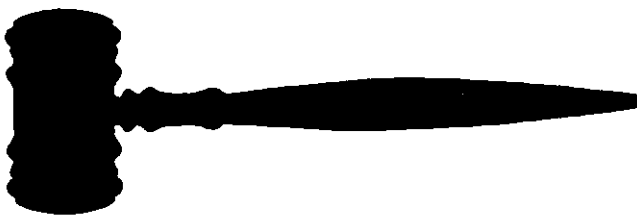
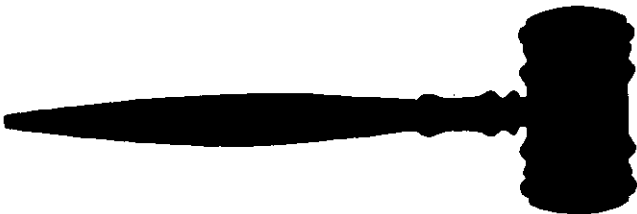
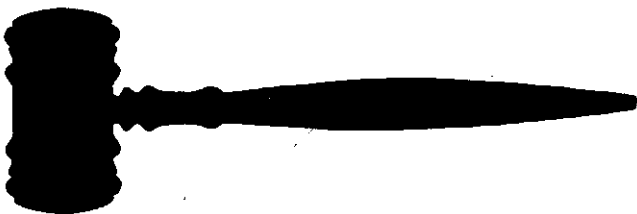
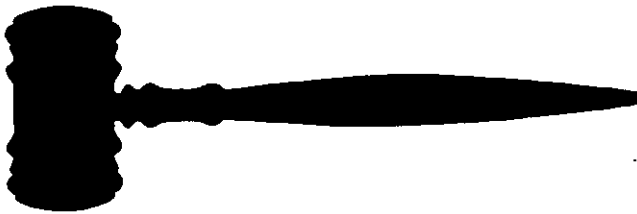
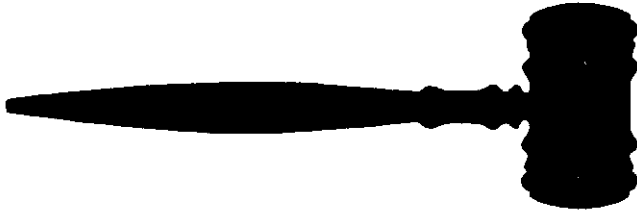
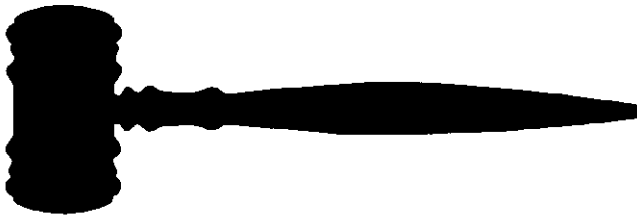


RECEIVED LIBRARY

SEP 29 1947

The Trial Reporter



Consultant Available to The Legal Profession

Former Senior Partner NYSE Member Firm

Wide Range of Investment and
Supervisory Expertise

Knowledgeable as Expert Witness
Relating to Securities Litigation

EXPERIENCED

Robert L. Scheinman
6835 N.73rd Street
Scottsdale, AZ 85253
(602) 991-3178

Resume
Upon Request

**FOR THE MOST
CURRENT AND
COMPREHENSIVE
CIVIL JURY
INFORMATION
IN ARIZONA.**

CALL:

 **The Trial Reporter**

P.O. Box 8187
Phoenix, Arizona 85066
(602) 276-7773

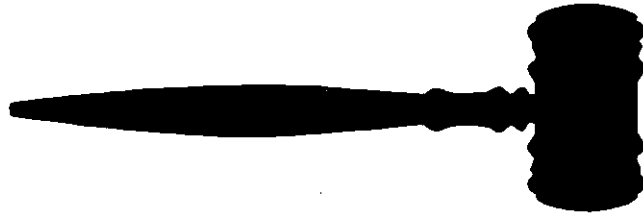
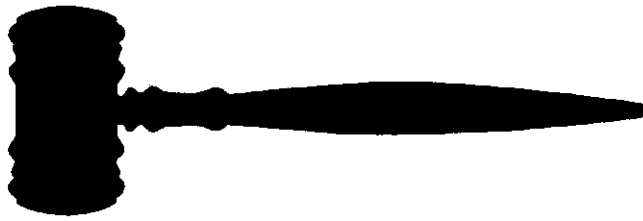
Yavapai County Superior Court Jury Trials

THE TRIAL REPORTER August 31, 1987

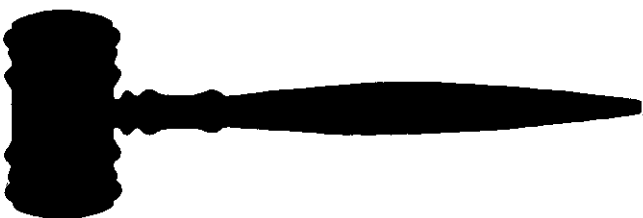
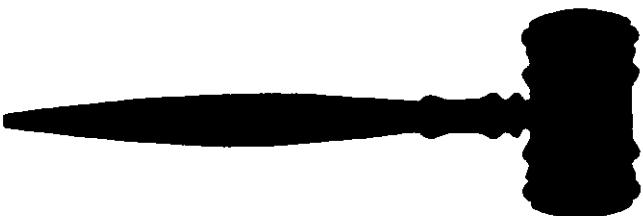
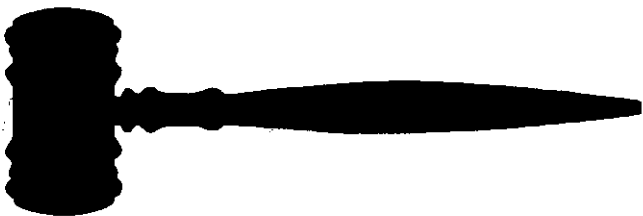
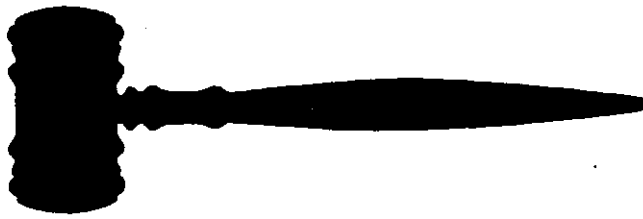
8/14/87 - Judge JAMES B. SULT - 46130 - DAULTON (Louis M. Diesel) v T.G. & Y., INC. (Michael W. Carnahan) - PERSONAL INJURY - SLIP AND FALL. Case tried on comparative negligence. Plntf, female, age 69, retired, was walking down the aisle of Dfnt's variety store, when she tripped and fell over an inventory box. Inventory box, twelve inches wide, twelve inches high, by eighteen inches long, was left on the floor of the aisle. Dfnt denied liability, advancing the defense that Plntf should have seen the box and was contributorily negligent. Dfnt also argued comparative negligence. Plntf sustained a subluxation of the clavicle. Plntf called Thomas J. Peters, M.D., orthoped, who testified that Plntf had a fourteen per cent permanent impairment of her dominant shoulder, resulting in an eight per cent impairment of the whole person. Further, it was Dr. Peters' opinion that Plntf was not a candidate for surgery based on her twenty year history of cardiac problems. Prayer: Just and reasonable compensatory damages; \$3,000 medical expenses; plus \$341 for household help. Plntf made pretrial demand of \$15,000 to \$20,000 - Dfnt offered \$5,000 (P). (Carrier: Northwestern National Insurance.) During closing arguments Plntf's counsel asked jury to award Plntf a sum they believed was just and reasonable. Defense counsel argued liability and, in the alternate, suggested that, if jury found Dfnt was negligent, they should award Plntf no more than \$5,000. Three day trial. Jury out three-plus hours. AWARDED PLNTF \$20,000. UNANIMOUSLY. (Found Plntf to be forty-five per cent at fault and Dfnt to be fifty-five per cent at fault; therefore, Plntf's award to be reduced to \$11,000.)

If you are interested in subscribing to the
TRIAL REPORTER of Southern Arizona,
please call or write:

THE TRIAL REPORTER
P.O. Box 8187, Phoenix, Arizona 85066
Phone 276-7773



The Trial Reporter



RECEIVED LIBRARY

SEP 23 1988

Following is a more accurate report of a trial previously published in the July 31, 1988 issue of THE TRIAL REPORTER of Central and Northern Arizona. The corrections are in italics.



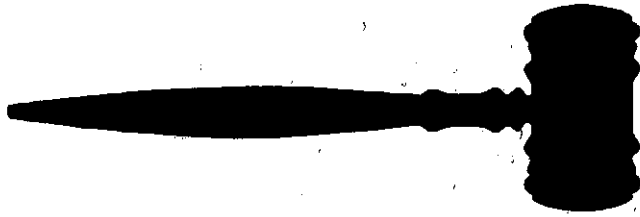
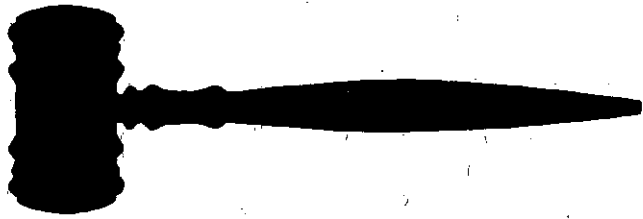
7/20/88 - Judge MARQUARDT - 600124 - O'NEAL (Brent E. Corwin) v FREESE (*Felecia A. Rotellini [L.C.] and Michael W. Kemp*) - PERSONAL INJURY - LEFT TURN - MID-BLOCK MISHAP. Case tried on comparative fault. Plntf, male, age 27, a police officer, in the course and scope of his occupational duties, was responding to a radio call and was traveling fifty-five miles per hour in a thirty-five mile per hour zone. Plntf officer, who had no lights or siren in operation, alleged his speed was reasonable and prudent, and that oncoming Dfnt executed a left turn mid-block into Plntf's path, causing Plntf to take evasive action. In so doing, Plntf lost control of the vehicle, struck another vehicle, and then struck a light pole. Plntf called Vaughn P. Adams, Ph.D., an accident reconstructionist, who testified that Dfnt was taking Indocin, prescribed by her physician for arthritis. According to Dr. Adams, three to nine percent of those who take Indocin have a delay in their reaction time as a side affect. It was Dr. Adams' opinion that Dfnt was not alert or she would have seen Plntf's vehicle. Further, it was Dr. Adams' opinion that speed was not a factor. Plntf also called Judson S. Matthias, Ph.D., a traffic engineer, who testified that, had Dfnt waited two to three seconds before turning, there would have been no accident. Dfnt, female, age 75, alleged Plntf's speed and improper evasive action were the reason for Plntf's injuries. Dfnt called Robert Roller, an accident reconstructionist, who testified that Plntf was traveling fifty-nine to sixty-seven miles per hour. Additionally, Dfnt called Richard Turner, Ph.D., Ed.D., L.I.B., criminalist and accident reconstructionist, designer of the driving practice and test track for the Phoenix Police Department and police driving safety instructor, who testified that Plntf caused his vehicle to go into a four-wheel skid, which resulted in loss of control of the vehicle. Plntf sustained fractured ribs, a herniated lumbar disk at L-5, S-1, and bruised kidneys. Plntf called Marjorie Eskay-Auerbach, M.D., orthoped, who testified that the laminectomy was causally related, and that Plntf has a five percent permanent impairment for life and a greater risk of low back pain. Plntf also called David R. Elliot, M.D., internist, who testified that Plntf's broken ribs, bruised kidneys, and

back injury were causally related. Dfnt planned to call Glen R. Bair, M.D., orthopod. Prayer: Just and reasonable compensatory damages; \$11,465.20 medical expenses; plus \$7,423.90 lost wages. Plntf made a formal pretrial demand of policy limits of \$25,000 - Dfnt made a \$17,500 offer of judgment (P). (Carrier: Allied Group.) During closing arguments Plntf's counsel asked jury to award Plntf his specials, plus \$50,745.60 for past pain and suffering, and \$52,800 for future pain and suffering, a total of \$122,536.70. Defense counsel argued that \$40,000 was adequate compensation, but asked jury to find that Plntf was ninety percent at fault. Seven day trial. Jury out four hours. AWARDED PLNTF \$122,536.70 COMPENSATORY DAMAGES. 7 - 1. (Found Plntf to be sixty-five percent at fault and Dfnt to be thirty-five percent at fault; therefore, Plntf's award to be reduced to \$42,887.85.)

Following is a more complete report of a trial previously published in the July 31, 1988 issue of THE TRIAL REPORTER of Central and Northern Arizona.

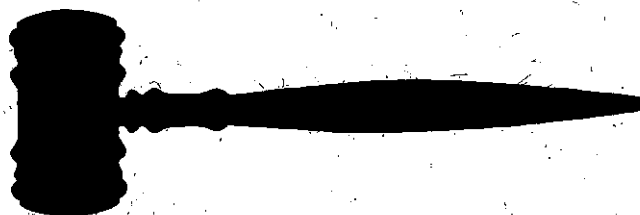
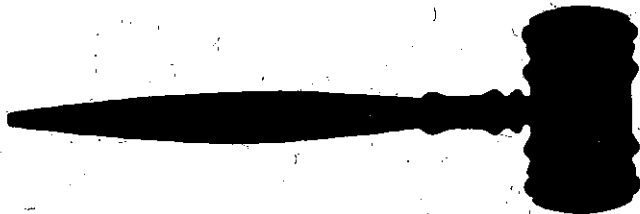
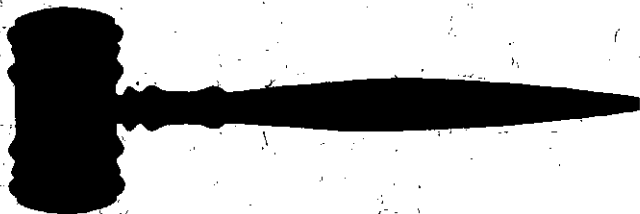
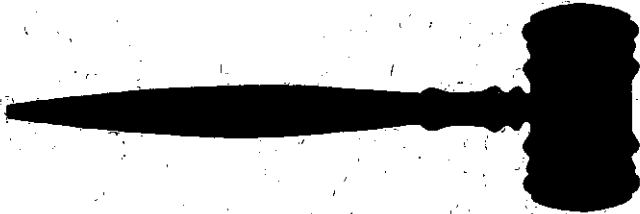
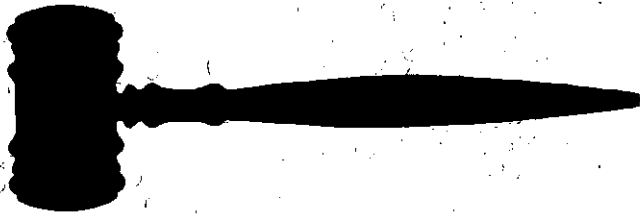
7/22/88 - Judge KAMIN - 532692 - TOREN (Stephen M. Dichter) v FIRST INTERSTATE BANK (Charles W. Jirauch and Ellen L. Canacakos) - FRAUD. *Trial bifurcated; three elements of fraud to be tried in this trial, six other elements of fraud to be tried later.* Plntf, born in Israel, migrated to Canada when he was 18 years old. Plntf, who speaks broken English but does not read English, owned an automotive repair chain in Canada and retired as a millionaire in his early fifties. Plntf then moved to Arizona and purchased a home which he alleged was worth \$1.9 million. Plntf alleged that he entered into a real estate transaction with a party named Peloquin, based on the representations of Dfnt's bank officer Edwards. Plntf alleged Dfnt's officer Edwards advised Plntf that Peloquin, the former developer of Barrister Place, was a "good guy" and could be trusted. Plntf and Peloquin were next door neighbors. Peloquin approached Plntf with a business opportunity to purchase the Vista Medical Center. Plntf borrowed \$600,000 from a party named Portico, using his home as collateral. Plntf paid off the \$200,000 balance on the home prior to the transaction, thereby making Portico the first lien holder. Plntf alleged that, according to the terms of the agreement with Peloquin, Plntf was to loan

May 15, 1992



The Trial Reporter

of Central & Northern Arizona



RECEIVED LIBRARY

JUN 12 1992

motorcycle westbound, without a helmet, alleged Dfnt Brower cut across three lanes of westbound traffic, in order to enter the universal left turn lane, as Plntf Patanio attempted to pass Dfnt on the left. Plntf Patanio's motorcycle clipped the left front bumper of Dfnt's vehicle, causing Plntf Patanio to lose control of the motorcycle, and skid into Plntf Beckner's vehicle. Beckner, named by Plntf Patanio as a Dfnt, was dismissed after opening statements. Plntf Patanio called Lamont L. Skousen, an accident reconstructionist, who testified that Plntf Patanio was traveling forty-two to fifty miles per hour at the time of impact, and Plntf Patanio's motorcycle was upright until impact. Dfnt, female, age 26, a bank employee, denied liability. Dfnt called Steve Porter, an accident reconstructionist, who testified Plntf Patanio was traveling sixty to sixty-five miles per hour, and that Plntf Patanio's motorcycle skidded eighty to ninety feet on its side prior to impact. Dfnt also called Lucien C. Haag, a toxicologist, who testified that Plntf Patanio's blood alcohol level was .17 at the time of the accident, based on a blood serum level of .187 taken one hour post-accident. Plntf Patanio sustained a concussion, facial fractures, and a fractured jaw. Plntf Patanio's medical records in by stipulation. Plntf Patanio's Prayer: Just and reasonable compensatory damages; plus unknown medical expenses. Plntf Beckner sought \$3,000 in property damage and made no personal injury claim. Plntf Patanio made a pretrial demand of \$100,000 - Dfnt refused to make an offer (D). (Dfnt's Carrier: U.S.A.A.) Six day trial. Jury out thirty minutes. FOUND FOR DFNT. UNANIMOUSLY.

5/11/92 - Judge DANIEL A. BARKER - CV 90-92246 - MONREAL (Brian E. Smith) v RIVERA (Thomas P. Burke, II) - WRONGFUL DEATH - SHOOTING MISHAP. Decedent, male, age 15, was survived by his mother who

brought suit for his wrongful death. Plntf allowed decedent to spend the summer with Dfnt, her ex-husband, decedent's biological father. Dfnt was despondent and shot himself. Bullet went through Dfnt's shoulder, and then struck decedent in the heart, killing him. Dfnt, male, age 43, employed as a food company sanitation director, admitted liability. Plntf called Phillip W. Esplin, Ed.D., a psychologist, who testified regarding Plntf's extreme grief reaction, which he stated was the most severe case he had ever seen. It was Dr. Esplin's opinion that Plntf has suicidal ideations and will require medical attention and medication for depression, plus future counseling. Dfnt planned to call Otto L. Bendheim, M.D., a psychiatrist. Prayer: Just and reasonable compensatory damages; just and reasonable punitive damages; \$1,333 medical expenses (per P) or \$1,600 medical expenses (per D); plus an unspecified amount for future counseling expenses; \$10,000 lost wages (per P) or \$2,600 lost wages (per D). Plntf made a pretrial demand for policy limits of \$300,000, which later was withdrawn (per D) - Dfnt offered \$125,000 (P & D). (Carrier: Amco.) During closing arguments Plntf's counsel asked jury to award Plntf \$1.2 million. Defense counsel suggested jury award Plntf her medical expenses, plus \$90,000. Six day trial. Jury out three-plus hours. AWARDED PLNTF \$250,000 COMPENSATORY DAMAGES. UNANIMOUSLY.

5/11/92 - Judge I. SYLVAN BROWN - CV 90-26634 - GEBRE (Allen D. Bucknell) v GREEN (Felecia A. Rotellini) - PERSONAL INJURY - INTERSECTION - CONTROLLED - TRAFFIC SIGNAL. *Case being tried on an appeal from arbitration.* Plntf, male, age 32, an Ethiopian political refugee, employed as a circuit board driller by Continental Circuits, alleged Dfnt, approaching at a right angle, ran red light and caused collision. Plntf called three indepen-

dent eyewitnesses, and William J. Erneyi, an accident reconstructionist, to support his position. Dfnt, male, age 69, a retired Air Force Colonel, denied liability, advancing the defense that he entered the intersection on a green light. Dfnt called a passenger, his wife, and an independent eyewitness, to support his position. Dfnt also called Judson S. Matthias, Ph.D., an accident reconstructionist and traffic engineer, who testified that Plntf was traveling faster than Dfnt at the time of impact, which suggested that Plntf's version of the accident was inconsistent with the physical facts. Plntf sustained a concussion, plus cervical and thoracic strains and sprains. Plntf called Alan M. Immerman, D.C., who testified that Plntf's soft tissue injuries were causally related and permanent in nature. Plntf also called Michael J. Lipson, M.D., specializing in family practice, who concurred with Dr. Immerman. Dfnt called Ronald M. Lampert, M.D., orthoped, who was of the opinion that Plntf had sustained cervical and thoracic strains and sprains, based on Plntf's history, but that Plntf had no objective findings to substantiate his current complaints of pain. Prayer: Just and reasonable compensatory damages; \$9,288.79 medical expenses; \$500 future chiropractic expenses per year; \$1,422.75 lost wages; plus \$1,300 property damage. Plntf made a pretrial demand of \$35,000 - Dfnt made a \$6,500 offer of judgment (P & D). (Carrier: U.S.A.A.) During closing arguments Plntf's counsel asked jury to award Plntf \$65,000. Defense counsel argued liability and, in the alternate, did not suggest a specific amount. Five day trial. Jury out two-plus hours. AWARDED PLNTF \$40,000 COMPENSATORY DAMAGES. UNANIMOUSLY.

5/11/92 - Judge JEFFREY S. CATES - CV 91-01006 - WATKINS (David A. Wenner and Howard M. Snyder) v ST. JOSEPH'S HOSPITAL (William R. Jones, Jr., and Lori A.

P H O E N I X

FORENSICS

MILLARD T. NELSEN, J.D., M.D.

Consultation on forensic issues in medicine.

- Medical document review
- Preliminary conferences on case validity
- Case analysis
- Case inventory control
- Depositions
- Trial testimony

(602) 277-1676

501 W. McLellan Blvd., Phoenix, Arizona 85013

WHAT DO YOU WANT?

A consultant who will tell you what you want to hear, and lead you down the garden path, only to lose in court because his opinions are unrealistic?

or

An engineer with 20 years experience in the real world, who will tell you both sides of the issue up front and give realistic, practical opinions. . . that can stand up to a jury of real people?

- ☛ FORENSIC ENGINEERING
- ☛ AUTOMOTIVE SAFETY
- ☛ DESIGN/FAILURE ANALYSIS

For the *real* thing, contact:

MENG ENGINEERING
(602) 838-3730