



The Coffee House

Fall 2011

Wyoming Trial Lawyers Association

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Verdicts and Settlements

~~**Case:** Estate of Maxine K. Andersen v. Western Chemical Specialties, Incorporated~~

~~**Court:** U.S. District Court, District of Wyoming~~

~~**Docket Number:** Civil Action No. 10-CV-221F~~

~~**Settlement:** \$2,935,854.95~~

~~**Facts:** On Thursday, June 10, 2010, at approximately 5:50 p.m., Maxine K. Andersen, age 59, was traveling on U.S. Highway 20 in Hot Springs County, Wyoming, when defendant's truck careened into her lane, hit a semi-trailer truck and then smashed into Maxine K. Andersen's vehicle, killing her. The driver of defendant's truck was an officer of defendant Western Chemical Specialties, Incorporated.~~

~~**Plaintiff's Attorney:** Jim Fitzgerald~~

~~**Plaintiff's Expert(s):**~~

~~Engineering and Exhibits
KWA Constructors
West Fargo, North Dakota~~

~~William "Bill" Mael
Crash Science Technology
Fort Collins, CO~~

~~**Case:** Kristina Utecht v. Farmers Insurance Exchange~~

~~**Court:** UIM Binding Arbitration~~

~~**Case Number:** 88F180~~

~~**Settlement:** Arbitration Award of \$234,000.00 plus \$4740.55~~

~~**Facts:** Utecht was driving her 2008 Lexus 250 northbound on the freeway when Jamie Sellner lost control of her 2005 Nissan Altima and struck the Lexus, pushing it against a block wall on the right shoulder of the freeway. Automobile Club (AAA) tendered \$50,000 on its policy. Farmers Insurance offered \$0, increased to \$2,000, then to \$5,000 and then to \$55,000 on the eve of arbitration.~~

~~**Injuries:** Right wrist transverse fracture, radial styloid, acute contusion/abrasion left lower extremity, left wrist sprain, nasal contusion and cervical strain.~~

~~**Plaintiff's Age:** 34 at the time of the accident~~

~~**Work:** Personal Trainer~~

~~**Medical Bills:** \$28,282.00~~

~~**Lost Wages:** \$3,000.00~~

~~**Plaintiff's Attorneys:** Frank Bellinghieri~~

~~**Defendant's Attorneys:** Dana K. Cevdill, Stub, Boeddinghaus & Velasco, House Counsel, Farmers Insurance Exchange.~~

~~**Case:** Irma M. Hunt v. Sugarland Enterprises, Inc., dba Perkins Restaurant~~

~~**Settlement:** This case settled before court action was commenced. \$135,000 Settlement~~

~~**Facts:** Plaintiff and her husband went to Defendant's restaurant following church services on Easter Sunday, 2009/ Plaintiff was seated, then excused herself to go to the restroom. She slipped and fell on a wet floor which had just been mopped by an employee who had not put out a warning sign. The manager commented that the employee had "just spaced it out."~~

~~**Injuries:** Plaintiff was diagnosed with a fractured radius, adhesive capsulitis of the shoulder, injury to the bursae/tendons of the shoulder, bicipital tenosynovitis, and a rotator cuff strain.~~

~~**Plaintiff's Ages:** Female, 74~~

~~**Work:** Full-time Day Care/Part-time Janitorial~~

~~**Medical Bills:** \$33,750~~

~~**Lost Wages:** \$21,000~~

~~**Plaintiff's Attorney:** Patrick Dixon~~

~~**Defendant's Attorneys:** Insurance Adjuster~~

~~**Defendant's Insurance:** Colorado Casualty~~

Case: Floyd H. Miller v. Rolling Hills Trucking, Inc.

Court: U.S. District Court

Judge: Hon. Nancy Freudenthal

Verdicts & Settlements continued on Page 11

Settlement: The parties reached a confidential settlement

Facts: Defendant Rolling Hill's truck driver lost control of his tractor trailer. The tractor trailer went into the median of South-bound I-25 north of Cheyenne and rolled, ejecting its cargo of drywall onto North-bound I-25. Plaintiff Floyd Miller was driving a tractor-trailer Northbound, and impacted the drywall and suffered injuries. The Defendant claimed that Mr. Miller should have seen various vehicles that had stopped near the hazard and slowed down and avoided impacting the drywall.

Injuries: Mr. Miller required knee and shoulder surgery and could not work for 10 months.

Plaintiffs Ages: 47 years old at the time of injury.

Work: Truck driver

Medical Bills: \$37,883

Lost Wages: \$38,338

Plaintiff's Attorneys:

James E. Gigax, Bloom, Murr & Accomazzo, P.C.,

Defendant's Attorneys: Michael Rosenthal, Matt Kaufman, Hathaway & Kunz, P.C.

Plaintiff's Experts: Treating physicians

Defendants Experts: I. Stephen Davis, M.D.

Case: ~~Feingold, as executor and personal representative of the Estate of Brendan Blum, deceased v. Youth Care of Utah, Inc, Aspen Education Group, Inc., et al~~

Court: ~~American Arbitration Association, California~~

Settlement: Confidential

Facts: ~~Youth Care of Utah, Inc, and its parent company Aspen Education Group, Inc. operated a private, for-profit residential youth care treatment center in Draper, Utah. In 2007 Dana Blum, a California resident, placed her 14 year old son, Brendan, into its care, for the management of his diagnosed conditions of Asperger's Syndrome, Post Traumatic Stress~~

~~Disorder, and severe Attention Deficit Hyperactivity Disorder. Approximately four months later in June at about 11 pm, while in the care and custody of Respondents, Brendan awoke extremely ill. He experienced severe vomiting, abdominal pain, and incontinence. The night residential staff gave him a small amount of Sprite, water and Pepto-Bismol only, forced him to carry his mattress to a room in which he was isolated, ordered him to clean the feces off his legs, and neglected to seek medical attention. They failed to check his vitals, contact the on-call nurse or local emergency room. One staff member contacted the on-call supervisor, who did not answer his phone and did not check his voicemail messages until the following morning. In the early morning hours, Brendan Blum lay down on his mattress and rolled onto the floor. The staff assumed he had fallen asleep. The next morning, his body was pale and stiff and the staff was unable to rouse him. At some point between 2 am and 7 am, Brendan died of a bowel infarction or volvulus, an excruciating condition, treatable with medical attention.~~

Injuries: ~~Brendan Blum was fatally injured, suffered an agonizing death, and incurred expenses from his care at the treatment center and burial. His estate and all death beneficiaries have suffered damages as a result of his death.~~

Plaintiff's Attorneys:

~~Mel C. Orchard, III & M. Kristeen Hand, The Spence Law Firm, LLC~~

~~Howard L. Jacobs, Law Offices of Howard L. Jacobs~~

Defendant's Attorneys:

~~Mark L. Kiefer, Ericksen Arbuthnot Attorneys at Law~~

Case: ~~Elicia McCoy v Marten Transport, Ltd.~~

Court: ~~U.S. District Court~~

Judge: ~~Judge William F. Downes~~

Case Number: ~~10 CV 181~~

Verdict or Settlement: ~~\$300,000 — The case was tried to a jury for five days. On the fifth day of trial the court granted the defense summary judgment motion on the issue of punitive damages. The jury deliberated six hours and awarded the plaintiff \$300,000 in damages.~~

Facts: ~~On the night of September 18, 2007, Plaintiff, an Arkansas resident, had parked her tractor-trailer at the Petro Truck Stop in Laramie, Wyoming, to rest for the night. Around 8:00 p.m. that same night, Richard Gardner, an employee of~~