

NEWS RELEASE

Robert W. Johnson & Associates

FORENSIC ECONOMIST

Contact: Robert W. Johnson, President • **Telephone:** (800) 541-7435

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ECONOMIST QUANTIFIES DAMAGES IN CLOSED HEAD INJURY ARBITRATION VERDICT \$8,200,000

San Francisco, California: Robert W. Johnson & Associates were retained to provide economic testimony quantifying both the present cash value of the lost wages and benefits, as well as the future medical care. The case was arbitrated before a retired state appeals court justice from JAMS/Endispute. The defendants did not dispute liability.

Citation: Malhotra, et al., vs. Nathan, et al.; San Francisco County, California Superior Court, No.976685; Attorneys Frank M. Pitre & Niall P. McCarthy; Cotchett, Pitre & Simon, , Burlingame, California.

Case Synopsis: On February 17, 1996, Shalini Malhotra, a 27 year old college graduate desktop publisher, was attending a party and standing on the fourth floor apartment balcony. The balcony tore-away from the wall of the building, sending 15 people slamming into either the balcony below or 32 feet to the ground. One woman, Mary Slane, was killed and Shalini Malhotra was the most seriously injured. An investigation revealed that the balcony supports were riddled with dry rot and that a key support beam had been removed without a permit. Shalini had published only a few issues of her magazine and was not yet profitable. As a result of her fall, Shalini suffered significant cognitive deficits including permanent short- term memory loss. Shalini is 100% disabled, will not re-enter the workforce and will require lifetime attendant care.

Expert Consultation: Mr. Johnson testified that Shalini's lost earnings capacity could be framed, based on the testimony of the vocational rehabilitation expert Richard Anderson and using the federal government statistics from the U.S. Census Bureau and the U.S. Chamber of Commerce. The wage loss ranged from \$2,228,000 as a reporter, to \$2,234,000 as an average college graduate, to \$3,644,000 as a publications editor. Regarding her future medical expenses, Mr. Johnson relied on the life care plan created by RN Gerry Aster. Using a range of future medical care costs, based on over 40 years of data, Mr. Johnson presented the present cash value of future medical costs at \$4,970,000.

Results: The defendant's economist testified that based on a series of long, complex and intricate assumptions, Shalini's lifetime lost earnings were as low as \$145,000. The judge awarded Shalini \$8,200,000 (out of a total of \$12 million awarded to all 15 plaintiffs). By agreement of all parties there is to be no appeal

Attorney Comments: "Special damages were the backbone of this case. Your precise, but common sense approach to presenting your foundation, calculations and conclusions, made the judge very comfortable with the dollar value of your opinions. Both defense counsels were constantly frustrated by your ability to turn cross into re-direct. Your help in exposing the many errors in the defense economist's long and convoluted analysis caused an implosion and collapse of creditability that he never recovered from. Sometimes even he could not explain why his answers to the same question changed."



About Robert W. Johnson & Associates: A nationally recognized full service consulting firm that specializes in illustrating and quantifying non-economic damages. Consulting services include: quantifying the loss of enjoyment of life (pain and suffering) in a personal injury case; quantifying the loss of love, care, comfort, society, consortium, etc. to the survivors in a wrongful death case; illustrating the loss of quality of life with the LIFE ACTIVITY CALENDAR; analyzing structured settlements; and generating wage loss reports that include the present value of future medical expenses.

CALL (800)541-7435 or FAX (650)494-2454 for additional information.

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