

NEWS RELEASE

Date: June 26, 1992

Contact: Robert W. Johnson
President
Robert W. Johnson & Associates
(800) 541-7435

ECONOMIST QUANTIFIES FISHERMAN'S LOSS OF ENJOYMENT OF LIFE IN BRAIN INJURY CASE BENCH VERDICT \$2.4 MILLION

Judge awards \$2.4 million for 39 year old tuna fisherman's brain injury, caused by a truck/ motorcycle accident in which the plaintiff was not wearing a helmet; loss of enjoyment of life testimony admitted into evidence.

San Diego, California – Robert W. Johnson & Associates was retained to present economic testimony that would assist the judge in quantifying the plaintiff's loss of enjoyment of life. The loss of enjoyment of life testimony as well as the 3' loss of enjoyment calculation chart were admitted into evidence.

Citation: *Luz, et al., v. United States of America, San Diego, United States District Court, Southern District of California, Civil No. 88-1634-JLI (M), Attorney Craig A. Klein, San Diego, California..*

Case Synopsis: Mr. John J. Luz, a 39 year old married tuna fisherman, was injured when his motorcycle was struck by an on-coming truck driven by an on-duty U.S. Navy employee. Mr. Luz was not wearing a helmet at the time of the accident. He suffered permanent brain injury that left him with severe cognitive, behavioral and judgmental deficits and impaired ambulation. Of special importance was the loss consortium suffered by Mrs. Luz. Since Mr. Luz was at sea 6 months per year, the time they spent together was especially significant. The special damages, (including loss wages) totaled approximately \$1,000,000. The defense argued against liability.

Expert Testimony: Robert W. Johnson testified that, based on federal government studies and accepted economic analysis, the dollar value of the 100% loss of enjoyment of life ranges from \$1.6 to \$8.5 million. The trier of fact was then

Robert W. Johnson & Associates
4984 El Camino Real, Suite 210 · Los Altos, CA 94022 · (650)494-2413 · Fax (650)494-2454

free to choose (a) what percent of loss the plaintiff had suffered and (b) where within the \$1.6 to \$8.5 million range, Mr. Luz would have lived his life, were it not for the accident.

Results: The defense offered \$100,000 mid-trial and asked for a defense verdict. The judge returned a verdict of \$2,400,000 which included \$1,000,000 in general damages and \$300,000 for loss of consortium.

Attorney Comments: “The loss of employment of life testimony was critical to the damages portion of our case. Your ability to clearly and understandably explain this economic analysis process was exemplary. The Loss of Enjoyment Calculation chart was extremely valuable in helping the trier calculate the dollar value of the loss of partial enjoyment. Following his testimony, defense counsel elected not to cross examine Mr. Johnson and not to attack the substance of his testimony.”

About Robert W. Johnson & Associates: A nationally recognized full service consulting firm that specializes in illustrating and quantifying non-economic damages. The presentations are accurate, understandable, and occupy the primary position of credibility in the mind of the trier of fact. 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, etc. to the survivors in a wrongful death case; illustrating, with the LIFE ACTIVITY CALENDAR, the loss of enjoyment/ quality of life, analyzing structured settlements; and generating wage loss reports that include the present value of future medical expenses.

For more information, telephone Robert W. Johnson & Associates at 1-800-541-7435