

# NEWS RELEASE

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Contact: Robert W. Johnson

President

Robert W. Johnson & Associates

(800) 541-7435

## *ECONOMIST QUANTIFIES SECRETARY'S LOSS OF ENJOYMENT OF LIFE IN SOFT TISSUE CASE JURY VERDICT \$3.2 MILLION*

*Jury awards \$3.2 million for 38 year old secretary's soft tissue injury (myofascial pain syndrome) despite negative responses on all diagnostic tests; loss of enjoyment of life testimony admitted as well as LIFE ACTIVITY CALENDAR.*

**Los Angeles, California** -- Robert W. Johnson & Associates was retained to (a) present economic testimony that would help the jury quantify the plaintiff's loss of enjoyment of life and (b) to prepare a LIFE ACTIVITY CALENDAR, admitted thru the lay testimony of the plaintiff, that would graphically illustrate her shattered lifestyle. Both the loss of enjoyment of life testimony and the LIFE ACTIVITY CALENDAR were admitted into evidence.

**Citation:** *McCracken v. City of Los Angeles, Los Angeles, California Superior Court No. C658708, Attorneys Berglund & Johnson, by David W. Berglund, Granada Hills, California*

**Case Synopsis:** Ms. Karen McCracken, a 38 year old married secretary, was injured in a head-on collision with a city vehicle. The defendant admitted liability. Neither vehicle suffered extensive damage. The plaintiff suffered from a myofascial pain syndrome in her neck and back, whose symptoms were muscle spasms and severe pain. All of the diagnostic tests including the EMG, Myelogram, CT Scan and MRI yielded negative results. The plaintiff, unable to return to work, had special damages of approximately \$500,000. The defense argued the injury was really a psychological problem based on pre-existing conditions.

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Robert W. Johnson & Associates

4984 El Camino Real, Suite 210 · Los Altos, CA 94022 · (650)494-2413 · Fax (650)494-2454

**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. A color-coded LIFE ACTIVITY CALENDAR showing the before and after effects of the injury on the plaintiff's lifestyle was prepared for admission thru the plaintiff.

**Results:** The defense made indications, pre-trial, that they would be willing to settle as high as \$300,000. The jury returned a verdict of \$3,200,000 which included special damages and pain and suffering/loss of enjoyment of life.

**Attorney Comments:** "Your testimony on the loss of enjoyment of life and the value of human life was clear, understandable and very effective. The way you handled yourself in hard hitting and intensive cross-examination was exemplary. The Judge, in the hearing outside of the presence of the jury to determine admissibility of your testimony, changed from an extremely negative point of view to a positive one, as a result of your testimony."

"The color-coded LIFE ACTIVITY CALENDAR, which was admitted thru Mrs. McCracken, was ideal for this type of case. It demonstrated graphically to the jury all of the activities she was able to do before the collision (on a before injury calendar), and showed by a virtually blank after injury activities' calendar, the impact of the injury to her life."

**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.

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