

NEWS RELEASE

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ECONOMIST QUANTIFIES LOSS OF CARE, COMFORT & SOCIETY IN WRONGFUL DEATH OF ADULT CHILD JURY VERDICT \$2,250,000

Jury returns verdict of 2,250,000 for the death of a 33 year old single ex-con; loss was to his 68+ year old parents, who lived in Chicago.

Los Angeles, California: Robert W. Johnson & Associates was retained to present state of the art economic testimony employing the recognized and accepted "Willingness-To-Pay" theory, to establish a range of values, that would assist the jury in calculating the loss of care, comfort, society, etc. to his surviving parents.

Citation: *Mayberry v. City of Los Angeles, California Superior Court, Los Angeles, No. BC040965, Attorneys Carol Watson and Iris Johnson, Los Angeles, California.*

Case Synopsis: Mr. Tracey Mayberry, a 33 year old ex-con, was taken into custody by the Los Angeles Police for disorderly conduct. One of the restraints used was to literally "hog-tie" him and place him face down in his stomach/ chest. As a result of this placement he suffocated to death. A controlled substance was found in his blood system. Mr. Mayberry was survived by his mother, age 67 and his father, age 88, who lived in Chicago. Prior to the incident, Mr. Mayberry's parents would receive weekly phone calls from Mr. Mayberry, would read letters every other month, and each year Mr. Mayberry had worked as an EKG technician, no claim was made for lost economic support.

Expert Testimony: Mr. Johnson testified that, based on "Willingness-To-Pay" studies used by both academic and federal government agencies, an accepted range for the loss of the human value or "non-economic" value of the loss of life is from \$1,600,000 to \$8,500,000. He testified that the federal government studies

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have concluded that the “Willingness-To-Pay” dollar values are potentially useful when compensation involves putting a dollar figure on non- financial losses to survivors. Non-financial losses, according to Mr. Johnson, include such ingredients as care, comfort, society, etc.

Attorney Comments: “Our clients past lifestyle, ex-con status, use of a controlled substance, less than consistent employment record, and the fact that his surviving parents lived over 1,500 miles away, presented significant challenges in presenting damages. With limited special damages, the focus was on your testimony. Your direct testimony was presented in a clear, understandable and conservative manner. During cross examination, you explained your answers so that cross became re-direct. The jury didn’t know where to start assessing damages. Because of your testimony, I am persuaded that the verdict would not have been as substantial.”

Results: The defense offered nothing pre-trial or during the trial. They asked for a defense verdict. The jury awarded, \$2,250,000 in damages and then reduced it by 50% for his contributory negligence to a net verdict of \$1,125,000.

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, 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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