

NEWS RELEASE

Date: October 1995

Contact: Robert W. Johnson, President

Robert W. Johnson & Associates

FORENSIC ECONOMISTS
(800) 541-7435

APPELLATE COURT FINDS THAT ECONOMIST'S TESTIMONY ON LOVE, CARE, COMFORT AND SOCIETY IS SUFFICIENT TO SUPPORT \$1,800,000 VERDICT IN WRONGFUL DEATH OF EMOTIONALLY DISTURBED 10 YEAR OLD

Appellate court finds economist's testimony on loss of love, care, comfort & society, in the wrongful death of a 10 year old emotionally disturbed boy, sufficient to support a \$1,800,000 verdict to a single mother.

Pasadena, California: Robert W. Johnson & Associates were retained to provide economic testimony establishing a range of dollar values in calculating the loss of love, care, comfort, society, etc. to the surviving mother (plaintiff), based on the recognized and accepted Willingness-To-Pay (WTP) theory. In addition, Robert W. Johnson & Associates prepared a LIFE ACTIVITY CALENDAR which graphically summarized how the death of the minor child negatively impacted the close family relationship which existed prior to the death.

Citation: *Taylor v. Pasadena Unified School District; California Superior Court, Los Angeles, No. NEC 64506; Second Appellate District, Division One, No. B0811922; Law Offices of Berglund & Johnson, Woodland Hills, California.*

Case Synopsis: Young Archie Roland was a ten year old emotionally disturbed student at a special education school operated by the Pasadena Unified School District. His mother, Ms. Barbara Taylor, was a single working mother with an additional teenage son. At the end of a school day, while proceeding towards the school bus, Archie broke away from an escorted group of students and ran towards the street. No staff member ran after him. As Archie stumbled into the street, he was hit by a car and was killed

Expert Consultation: Prior to Mr. Johnson's testimony, an Evidence Code 402 Hearing was held regarding the admissibility of his testimony concerning the WTP theory. The trial court

-more-

Robert W. Johnson & Associates

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

admitted his testimony. During the trial, the economist testified that using the generally accepted economic theory called Willingness-To-Pay in determining a dollar value for Ms. Taylor's loss of her son's love, care, comfort, society, etc., a jury could use the range from \$1.8 million to \$6.2 million.

Trial Verdict: At trial, the plaintiff demanded policy limits (\$500,000) and the defense made no counter offer. The jury awarded \$2.0 million in damages, allocating fault 90% (\$1.8 million) to the District and 10% to Ms. Taylor. The trial judge then granted a motion for a new trial. The Appellate court immediately reversed the trial court and reinstated the jury verdict.

Appellate Synopsis: The District contended that the verdict was "against the law" because the testimony of Taylor's economist was insufficient to support the damages. The District claimed that Mr. Johnson's testimony, combined with Ms. Taylor's Testimony, was insufficient evidence because Johnson's underlying statistical theory is not accepted in California and has been rejected in other jurisdictions. The Appellate totally rejected these arguments and ruled that Johnson's testimony was substantial evidence in support of the jury's verdict and therefore not "against the law". The Appellate Court also found that Dr. Ward, the District's own economic expert, did not dispute the underlying methodology relied upon by Johnson and as a result, did not provide evidence of the unacceptability of Mr. Johnson's testimony.

Attorney Comments: (Berglund & Johnson, Trial Attorney) - "Your ability to explain to both the trial judge and jury, the complex theory of Willingness-To-Pay in a manner that made them comfortable and secure in the validity, accuracy, applicability and reasonableness of the \$1.8 million to \$6.2 million range was critical to our success at both the trial and appellate levels. In addition, your insight into the credibility weakness, of the opposing economist's critique of your analysis, helped negate his testimony."

Copies of the Appellate Court's opinion are available upon request.

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

###