

# NEWS RELEASE

**Date:** January, 1996

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## ***ECONOMIST QUANTIFIES DAMAGES IN MEDICAL MALPRACTICE JURY VERDICT \$26,053,000***

*Economist's testimony assists jury in quantifying lost wages and future medical expenses, jury verdict \$26,053,000*

**Hayward, California:** Robert W. Johnson & Associates were retained to provide economic testimony quantifying both the future cash value of the lost wages and benefits, as well as the future medical care.

**Citation:** *Wright v. St. Rose Hospital, et al.; Alameda County, California Superior Court, No. H1680812; Attorneys Randall H. Scarlett & Paul M. Monziona, Brown, Monziona, Fabbro, Zakaria & Scarlett, San Francisco, California.*

**Case Synopsis:** On July 16, 1987, Stephanie Wright, an 8-month-old infant, was rushed to the defendant's hospital vomiting and with a fever of 103. She was not admitted, but she was treated as an out-patient and was continued on a 10-day course of Ampicillin. However, she did not respond to the treatment and by July 28<sup>th</sup>, her symptoms had not changed, she remained lethargic, and had lost 10% of her body weight. The defendant's doctors, despite continued and repeated request by her parents, refused to admit Stephanie, sending her home with a diagnosis of a middle ear infection.

On July 30<sup>th</sup>, Stephanie was rushed to another hospital, where she was immediately diagnosed to have H-flu meningitis. Unfortunately, the diagnosis was too late. Stephanie had already suffered from intercranial pressure, which had caused permanent brain damage and rendered her a spastic quadriplegic. Stephanie is currently 9 years old and will require 24 hour care for the rest of her life.

**Expert Consultation:** The court ruled that since this case was under an umbrella of MICRA (Medical Injury Compensation Reform Act), only past and future damages

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would be presented to the jury, with the issue of present value and periodic payments to be decided by the judge. Mr. Johnson testified that, based on federal government data from both the U.S. Census Bureau and the U.S. Chamber of Commerce, Stephanie's future wages would have been in the range of \$9,000,000 to 13,000,000, as either a high school or college graduate respectively. Regarding her future medical expenses, Mr. Johnson relied on the life care plan scenarios derived by Marcia Hanak. Using a range of future medical care costs, based over 40 years of data, Mr. Johnson presented to the jury, a range of future costs from \$17,000,000 to \$46,000,000.

**Results:** Defendants offered nothing pre-trial and rejected plaintiff's Section 998 \$1,000,000 policy limits demand. During the trial, the defendants asked for a defense verdict. The jury awarded \$26,053,000 in damages allocated in the following manner: (a) \$6,000,000 for past and future pain and suffering; (b) \$53,000 for past medical expenses; (c) \$17,000,000 for future medical expenses; and (d) \$3,000,000 for future lost wages. The present value award was to be determined by the judge.

**Attorney Comments:** "Special damages were a significant part of this case. Your comprehensive but common sense approach to empowering the jury with the information that made them feel comfortable with numbers, in the tens of millions of dollars, was exemplary. In addition, the wage growth and medical inflation damages table that you presented to the jury, showed them in black-&-white that your numbers were reasonable and fiscally responsible. You turned cross examination into re-direct. When the defense economist testified, your analysis had achieved such a high level of credibility with the jury, that the jury actually laughed at his low-ball assumption and options."

**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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