

NEWS RELEASE

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ECONOMIST QUANTIFIES & LIFE ACTIVITY CALENDAR SUPPORT'S UNEMPLOYED AMPUTEE'S DAMAGES JURY VERDICT: \$22,000,000

*Economist quantifies lost wages, benefits and future medical expenses for
unemployed amputee. LIFE ACTIVITY CALENDAR validates
loss of enjoyment of life damages.
Jury verdict \$22,000,000*

Los Angeles, California: Robert W. Johnson & Associates was retained to (a) present testimony that would assist the jury in quantifying the economic impact of the amputation of one leg and the degloving of the other leg and (b) prepare a Life Activity Calendar that would graphically illustrate how the injury has changed the plaintiff's life.

Citation: *Pogosyan, et al., v. Southern California Rapid Transit Division, et al., Los Angeles County California Superior Court, NO. BCO70359, Attorney Brian J. Panish, Brown Greene (Greene, Broillet, Taylor & Wheeler - Santa Monica) and Robert S. Shtofman (Law Offices of Robert S. Shtoman - Los Angeles, California).*

Case Synopsis: Mrs. Lusik Pogoyan, a 45 year old mother, was getting into her car after finishing an "English as a Second Language" class. She was struck by a vehicle involved in a police pursuit. The Plaintiff suffered a left leg amputation through the knee, a degloving of the right leg and crushing injuries to her pelvis and other areas. The life care plan, provided by Jan Roughan, estimated that Mrs. Pogoyan's future medical expenses would be approximately \$2,400,000. It was determined that Mrs. Pogoyan could have become a teacher's aide and progressed up to becoming a teacher. However, her profound injuries prevented her from ever entering the labor force and drastically reduced her quality of life.

Expert Testimony: Robert W. Johnson testified that, (a) assuming Mrs. Pogoyan would have become a teacher, the present value of her lost earnings and benefits was \$521,000 and (b) because of the fact that medical expenses are rising faster than interest rates, the present value of Mrs. Pogoyan's future medical expenses would be \$2,753,000. For closing argument, a color-coded

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LIFE ACTIVITY CALENDAR, illustrating the negative impact to the quality of her life after the injury, was prepared on the actual testimony of Mrs. Pogosyan and her family. The near total elimination of her normal activities with her children, church and homemaking tasks were documented and graphically demonstrated by the LIFE ACTIVITY CALENDAR.

Results: Prior to trial the defense originally accepted plaintiff's demand of \$435,000 but later denied it. Then at the beginning of trial the defense offered \$500,000. The jury returned a verdict of \$22,000,000 which included \$3,250,000 in economic (lost wages and medical expenses) damages and \$17,000,000 in general damages.

Attorney Comments: "Damages were difficult because the plaintiff was both unemployed at the time of the accident and was taking "English as a Second Language" to qualify for a job. Your (Robert Johnson) presentation of her lost earnings capacity gave the jury a logical, rational and understandable way to quantify these difficult areas of damages. During cross examination, your answers were so succinct, direct and complete that the defense attorney couldn't even look you in the eye

The LIFE ACTIVITY CALENDAR your office prepared powerfully validated the plaintiff's family testimony so well that the defense offered no rebuttal."

Hint: Using the LIFE ACTIVITY CALENDAR as demonstrative evidence during cross examination is a highly effective tool for discrediting a defense theory as well as providing crucial corroborating evidence supporting your case. Attorneys should not overlook the persuasive power of graphic presentations (such as the LIFE ACTIVITY CALENDAR) to a jury, especially when its accuracy can be verified by the opponent's own witness.

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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