

NEWS RELEASE

Date: February, 1997

Contact: Robert W. Johnson, President

Robert W. Johnson & Associates

FORENSIC ECONOMISTS
(800) 541-7435

***APPELLATE COURT AFFIRMS ECONOMIST'S TESTIMONY ON LOVE,
COMFORT & SOCIETY IN WRONGFUL DEATH OF 19 YEAR OLD
JURY VERDICT: \$4,750,000***

Appellate court affirms economist's testimony on the loss of love, care, comfort, and society for the wrongful death of a 19 year old college student to his parents.

Long Beach, California: Robert W. Johnson & Associates was retained to provide economic testimony establishing a range of dollar values in calculating the loss of love, care, comfort, society, etc. to the surviving parents, based on the recognized and accepted Willingness-To-Pay (WTP) theory.

Citation: *Hashimoto, et al., v. Horeczko, et al.; California Superior Court, Los Angeles, No. SOC 102529; Second Appellate District, Division Five, No. B080557, Brian S. Detrick (at trial and on appeal), Richard Devirian and Brian Detrick (at trial); Devirian, Utley & Detrick, Long Beach, California.*

Case Synopsis: Wade Hashimoto, a 19 year old college student, attended a beer party hosted by brothers Matthew and Gregory Horeczko. During the party, a series of fights broke out and Wade was stabbed to death by Matthew. Wade's blood alcohol level was 0.11 which is above the legal limit for intoxication. Wade is survived by his parents, Claude and Carol Hashimoto.

Trial Presentation: The economist, Mr. Johnson, testified using the generally accepted economic theory called Willingness-To-Pay methodology. He explained to the jury how to determine a dollar value for the loss of love, care, comfort and society that Mr. and Mrs. Hashimoto had experienced with the loss of their son. The jury could use the WTP range from a floor value of \$1.8 million to \$6.8 million representing the average.

Trial Verdict: At the trial, the jury awarded \$4,750,000 in compensatory damages (\$5,000,000 – reduced by 5% comparative negligence). The defendants' motion for a new trial on the grounds that the damages were excessive was denied, as was their motion for J N O V.

-more-

Appellate Synopsis: The defendants contended primarily, that the verdict was not supported by the evidence and had to be the result of passion or prejudice. The Appellate court rejected these arguments. The court ruled that the testimony of economic expert Robert Johnson using the “Willingness-To-Pay” (\$1.8 to 6.2 million) guidelines and the Hashimoto’s testimony of their relationship with their son supported the size of their verdict. The court also noted that the appellants failed to describe, discuss or provide any evidence favorable to support their position. The court denied the appellants’ motion for a new trial and affirmed the damages awarded by the jury.

Attorney Comments: “Your (Mr. Johnson’s) ability to explain to both the jury and the trial judge, the complex theory of Willingness- To-Pay in a way that made them feel secure and comfortable. Your testimony regarding the accuracy, validity and reasonableness of the \$1.8 million to \$6.2 million range was crucial to our success at both the trial and the appellate levels.”

Results: The judgment was reversed as to Bohdan Horeczko and Gregory Horeczko. The Appellate Court affirmed as to Matthew Horeczko and imposed all liabilities on him, leaving damages untouched. The jury’s allocation to Wade of five percent of the fault for his own death was not challenged on appeal and therefore undisputed. The trial court was instructed to enter judgment in favor of the Hashimotos against Matthew Horeczko for a total payment of \$4.75 million.

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

###