

NEWS RELEASE

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ECONOMIST QUANTIFIES & LIFE ACTIVITY CALENDAR ILLUSTRATES HEMI-PLEGIC RANCHER'S LOSS OF ENJOYMENT OF LIFE JURY VERDICT: \$24,000,000

Altus, Oklahoma: Robert W. Johnson & Associates was retained to: (a) present economic testimony that would help the jury quantify the plaintiff's loss of enjoyment of life as well as his wife's loss of consortium and (b) to prepare LIFE ACTIVITY CALENDARS, admitted through lay testimony, that would illustrate how this couple's lifestyle had been shattered by his injuries.

Citation: *Henderson, et al., vs. Petro, et al., District Court of Jackson County No. CJ-95-64, Oklahoma, Attorney John P. Zelbst, Lawton, Oklahoma.*

Case Synopsis: Mr. Henderson, a 57 year old rancher, earning \$80,000 per year, was attempting to make a left turn into a ranch driveway to check on a sale of livestock. The defendant, driving a tractor-trailer, traveling in the same direction as Mr. Henderson but several cars behind, crossed over the double yellow line and attempted to pass Mr. Henderson. The defendant's tractor-trailer struck Mr. Henderson's pickup truck flush on the driver's side. Mr. Henderson suffered multiple skeletal and internal injuries and profound trauma to his brain that rendered him a hemiplegic on his right side. His future medical cost and lost income from ranching had-a-present value of approximately \$1,000,000. The injuries to Mr. Henderson drained the color out of his life. His activities, that were greatly reduced or eliminated by his injuries, included working as a rancher, horseback riding with his children and grandchildren, yard work, predator control, vacationing, rodeo events, attending church, etc. Mrs. Henderson's life was altered from a happy homemaker, who shared vacations, yard work, and attended church with her husband, to that of a 24 hour nurse's aide.

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Trial Presentation: Robert W. Johnson, testified that: (1) the loss of the intangible whole value of life (death) equaled a 100% loss of enjoyment of life; (2) using the generally accepted Willingness- To-Pay studies, relied upon by both academic and federal government economists, that a 100% loss of enjoyment of life ranges (in dollar-values) from \$1,800,000 (floor value) to \$6,200,000 (average value). The ceiling value was left for the jury to determine; (3) the jury was then left to decide what permanent percent deficit the plaintiffs' have and will suffer for the rest of their lives; (4) then the jury needed to decide a value within the range mentioned in step 3 (the whole intangible value of life) where the plaintiffs would have lived their lives had they not been injured; and (5) the jury should then multiply the percentage deficit determined in step 2 by the whole intangible value of life determined in step 4 to yield the total loss of enjoyment of life. Color-coded LIFE ACTIVITY CALENDARS, one for the plaintiff and one for his wife, were admitted into evidence, after their testimony. The LIFE ACTIVITY CALENDARS were designed to graphically illustrate both plaintiffs' loss in the quality of their lives.

Attorney Comments: "Your testimony on quantifying the intangible value of life and the loss of enjoyment of life methodology was clear, understandable and very effective. You turned the defense attack on both your credibility (because you were from California) and the data presented into effective redirect testimony. The color-coded LIFE ACTIVITY CALENDARS were not only bulletproof during cross-examination, but presented the plaintiffs in a very positive manner. The jury fully understood that the virtually blank "AFTER INJURY" panel of the LIFE ACTIVITY CALENDAR represented their devastated lifestyle.

Results: The defense offered nothing pretrial and asked for a defense verdict. The verdict was \$24,000,000. Both the motion for a new trial and reduction of the verdict were denied.

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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