

NEWS RELEASE

Robert W. Johnson & Associates

FORENSIC ECONOMIST

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***ECONOMIST QUANTIFIES DAMAGES IN
ASBESTOSIS SHORTENED LIFE EXPECTANCY CASE
JURY VERDICT \$ 6,980,000***

Oakland, California: Robert W. Johnson & Associates was retained to provide economic testimony quantifying the present cash value of the lost wages, benefits and household services as a result of his shortened life expectancy case

Citation: Fred Ockerman, et al., vs. Owens Corning, et al.; Alameda County, California Superior Court, No.813305; Attorneys Gordon Greenwood, Philip Harley; Kazan, McClain, Edises, Simon & Abrams, Oakland, California.

Case Synopsis: Mr. Fred Ockerman, a 54-year-old salesman for Siding World, was diagnosed with asbestos caused mesothelioma cancer in March of 1999. Despite aggressive treatment, his doctors estimated that he would prematurely die by June of 2001. This was shortening of his life expectancy by approximately 23 years. In the three years prior to diagnosis, Mr. Ockerman's earning oscillated between a low of \$51,900 and a high of \$54,600. In addition, while the company's benefits plan did include medical, dental, 401K and profit sharing. The company would not disclose their cost to provide their fringe benefits.

Expert Consultation: Mr. Johnson testified that in Mr. Ockerman's case his earnings capacity could be best estimated by the average earnings over the prior three years (\$53,093) and that his work-life was at least to age 65. The value of the company paid fringe benefits was estimated using the data from the U.S. Chamber of Commerce, "Fringe Benefits" Report. This was the employer-paid portion only. Mr. Ockerman's lost lifetime future social security payments were determined by calculation formulas from Social Security. The total economic damages were \$983,532 plus future medical expenses.

Results: The jury awarded just over \$1,000,000 in economic damages and \$5,980,000 in general damages.

Attorney Comments: “ Your ability to present the both the lost wages and the fringe benefits in a conservative, easy to understand manner really helped the jury in their calculations. Also, when his employer did not come forth with their actual cost of fringe benefits, the surrogate valuation from the Chamber of Commerce (an employer-based group) made the jury comfortable. Your inclusion of the lost post-retirement household services and lost post-retirement social security payments really brought home the impact of the shortened life expectancy.”

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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 the loss of quality of life with the LIFE ACTIVITY CALENDAR; analyzing structured settlements; and generating wage loss reports that include the present value of future medical expenses.

CALL (800)541-7435 or FAX (650)494-2454 for additional information.

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