

NEWS RELEASE

Robert W. Johnson & Associates

FORENSIC ECONOMIST

Contact: Robert W. Johnson, President • **Telephone:** (800) 541-7435

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ECONOMIST QUANTIFIES DAMAGES IN FARMER WRONGFUL DEATH JURY VERDICT \$1,397,000

Monterey, California: Robert W. Johnson & Associates was retained to provide economic testimony quantifying the present cash value of the economic support and household services that the decedent would have contributed to his family

Citation: McCormack, et al., vs. G & H Farms, et al.; Monterey, California Superior Court, No.CV115446; Attorney James R. Murphy, Arroyo Grande, California

Case Synopsis: On May 14, 1998, Ted McCormack, a 62 year old part-time dry-land farmer and full-time farm manager, was driving home when a truck driven by the defendant lost a load of drainage pipe. The pipe crashed thru the windshield of Mr. McCormack's car killing him. He was survived by his wife and adult children.

Mr. McCormack worked two jobs. First, he share-cropped land and managed additional acreage for the owner. He was paid a portion of the crop and given free housing. Second, he would hire himself out as a farm manager at \$15/hour. His average earnings when he share-cropped was approximately \$36,800 per year. His alternative average earnings capacity when he was a farm manager was \$45,000. As a jack-of-all-trades, Mr. McCormack performed household services significantly above average. It was Mr. McCormack's intent to work to age 70.

Expert Consultation: Mr. Johnson testified that a bracketed analysis would best represent Mr. McCormack's loss. Mr. Johnson testified that if you just considered Mr. McCormack's earnings as a share-cropper/manager then his support to his family was \$338,009. On the other hand, if you considered Mr. McCormack's earnings as an independent farm manager his contribution to his family was over \$432,000. Mr. Johnson relied on local data for farm manager pay rates and the value of free housing.

Results: Defendant offered \$5,000 prior to trial. The defendant's economist testified that their was only a negligible economic loss. The jury awarded Mrs. McCormack \$1,397,437.

Attorney Comments: "Special damages were a challenge because of the cash and carry nature of the share-cropper farming and the fact that many service he performed were done on a barter basis. The Schedule "C" tax returns did not capture his full earnings capacity. Your filling in the blanks with conservative, valid and reasonable data help the jury get a more complete picture of Mr. McCormack's true earnings capacity." and collapse of creditability that he never recovered from. Sometimes even he could not explain why his answers to the same question changed."

About Robert W. Johnson & Associates: A nationally recognized (litigation economics) full service consulting firm that specializes in illustrating and quantifying (hard to value) damages. Services include: Court-qualified expert witness testimony in quantifying the loss of enjoyment of life (pain and suffering) in a personal injury cases and quantifying the loss of love, care, comfort, society, consortium, etc. to the survivors in a wrongful death cases. Other litigation support services analyzing and placement of structured settlements, generating wage loss reports that include the present value of future medical expenses and illustrating the loss of quality of life with the LIFE ACTIVITY CALENDAR™.

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

Robert W. Johnson & Associates

4970 El Camino Real • Suite 250 • Los Altos, CA 94022 • (650) 494-2413 • FAX (650) 494-2454

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