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1/90 P. 447

Mediation

icle/Tort

injuries, sprain/strain,

rior Court, C.A. No.: 88-

ed
\$6,000 in medical bills
ed—Settled \$100,000 at

Rainer, Rainer & Rainer,

id
ton v. Harold A. Lloyd, et

Mutual Insurance

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s of ADR Inc. On Aug. 10,
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e defendant entered the
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hin the scope and course
result of the collision the
ac/sprain/strain injuries
spine.

l for by a chiropractor
his disability. Medical
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IME doctor indicated
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plaintiff received work-
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pensation case was not
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approximately \$25,000
ion.

CRIMINAL RECORDS (RECORDED BY VENDOR) OF THE AGE
Discrimination in Employment Act; that his assign-
ment of a patent to defendant entitled him to a just
cause termination standard; and that when he was
hired, defendant promised him continued employ-
ment until he reached normal retirement age.

Plaintiff sought both back pay and front pay
totalling over \$1 million.

Defendant denied that plaintiff's age played any
part in his termination; denied that the patent
assignment altered plaintiff's status as an employe-
at-will; and denied the existence of a long-term
employment contract.

The court granted defendant's motion for a directed
verdict on the age discrimination claim, the wrong-
ful termination claim, and the contract claim. The
case went to the jury solely on a deceit claim, and the
jury returned a verdict for the defendant.

Probate

Petition To Compromise - Tort Claim

Type of Action—Petition to Compromise Tort Claim

Type of Injuries—Wrongful death/brain damage

Court Case No.—Worcester Probate Court No. 85
P2779-A1 (New Haven Superior Court No. 86-
0251203)

Judge or Jury—Judge

Damages Awarded or Settled—Settlement

Amount—A structured settlement with guaranteed
payout of \$2,745,620 including cash of \$540,709.63
and a present value of \$1,000,000 (policy limits)

Attorney for Plaintiffs—Edward C. Bassett Jr.;
Mirick, O'Connell, DeMallie & Lougee, Worcester.
Stephen I. Traub; Lynch, Traub, Keefe & Errante,
New Haven.

Name of Case—Ana Maria Diaz, Individually and as
Administratrix of the Estate of Eliseo Diaz and as
Guardian of Luigi Diaz and Eliseo Diaz, Jr., and
Christina Diaz, Individually and as Guardian of
Jacinto Diaz v. A.T. Stratford Company

Other Useful Info.—On July 6, 1985, the plaintiff/
decedent, Eliseo Diaz and the plaintiff, Jacinto
Diaz, were passengers in a car which rear-ended
the defendants' flatbed truck on Route I-91 in
Middletown, Conn.

The plaintiffs alleged that the defendant driver
was driving below the minimum speed limit with-
out adequate rear lights. The defendants argued
that the driver of the plaintiffs' car was intoxicated
and that he was the sole proximate cause of the
accident. The driver of the plaintiffs' car reportedly
had a blood alcohol level of .201.

The plaintiff/decedent worked as a machine op-
erator earning approximately \$10,000 annually.
The surviving plaintiff sustained permanent brain
damage and he was earning approximately \$4,500
annually.

Tort

Liquor Liability

Type of Action—Tort/Liquor Liability

Type of Injuries—Multiple rib fractures (3rd, 4th, 5th
and 7th); burst fracture of 12th thoracic vertebrae;
fracture of the 8th and 6th thoracic vertebrae; large
scalp laceration requiring 47 sutures; renal contu-
sion; concussion; bilateral hemopneumothorax;
numbness and tingling in lower extremities

Subsequent to the automobile accident, plaintiff
was hospitalized for approximately one month. She
underwent a fusion using double Harrington dis-
traction rods measuring 30 cm from the fifth thor-
acic vertebrae to the third lumbar vertebrae. Three
years post surgery the plaintiff required additional
surgery for the removal of the Harrington rods.

Plaintiff, although ambulatory, experiences per-
sistent mid to low back discomfort with numbness
and tingling in the lower extremities. Plaintiff is
permanently totally disabled and is continuing
treatment. Plaintiff also collected \$27,000 in liabil-
ity coverage (including med pay and PIP) from the
operator's insurer.

Negligence

Medical Malpractice

Type of Action—Negligence/medical malpractice

Type of Injuries—Plaintiff suffered a stroke, leaving
him paralyzed on his right side. He also suffers from
memory lapse, vision impairment, slurred speech,
impotence, and listlessness.

Court Case No.—Hampshire County Superior Court
C.A. No. 87-037

Judge or Jury—Jury

Name of Judge—Judge John F. Murphy, Jr.

Special Damages—One week's hospitalization

Damages Awarded or Settled—Defendant's verdict
following trial by jury

Amount—Not applicable

Att. for Pltff.—Withheld by agreement

Att. for Deft.—Dennis R. Anti and Kathleen E.
Sheehan; Keyes and Donnellan, Springfield

Name of Case—Name withheld

Insurance Carrier—The Medical Malpractice Joint
Underwriting Association Of Massachusetts

Highest Offer—\$100,000

Other Useful Info.—Plaintiff was first seen by De-
fendant doctor, an internist, on Dec. 13, 1985, for a
general physical. He was 58 years old at the time of

ATTORNEY JERRC
KATZ & ASSOCIATES

MEDICAL MALPRACTICE

KATZ & ASSOCIATES