

### FJD's Million-Plus Awards Increase by One-Third

There were more than 36 jury verdicts and judicial awards of more than \$1 million in Philadelphia Common Pleas Court in 2010, according to the First Judicial District's civil trial division statistics.

In 2010, there were nine more verdicts and judicial awards of more than \$1 million in the FJD than in 2009. In 2009 there were 27 jury verdicts and judicial awards of more than \$1 million.

The verdicts and findings in 2010 of more than \$1 million made up 9 percent of the 386 verdicts and the 311 judicial findings rendered last year. There were 332 defense verdicts and findings, or 47.6 percent of the verdicts and findings rendered in Philadelphia.

The average amount of the plaintiffs jury verdicts was \$1,494,067.33, ranging from a high of \$88.7 million to a low of \$460.

The average amount of the plaintiffs judicial awards was \$112,321.20, ranging from a high of \$7 million to a low of \$48.

There were more jury verdicts in favor of defendants, with 206 defense verdicts to 180 plaintiffs verdicts. By contrast there were more judicial awards in favor of plaintiffs than in favor of defendants, with 185 plaintiffs findings to 126 defense findings.

Of the jury verdicts and judicial findings over \$1 million, seven have not yet been reported in *The Legal*

CASE CAPTION	AMOUNT	CASE TYPE	RESULT TYPE
<i>Pridgen v. Parker Hannifin Corp.</i>	\$88.7 million	Products Liability	Verdict
<i>Polett v. Public Communications Inc.</i>	\$27.6 million	Personal Injury	Verdict
<i>Nelson v. American Standard Inc.</i>	\$14.5 million	Asbestos	Verdict
<i>Rice v. 2701 Red Lion Road Associates</i>	\$12.4 million	Personal Injury	Verdict
<i>VanTassel v. Alfa Laval Inc.</i>	\$12 million	Asbestos	Verdict
<i>Schroeder v. Anchor Darling Valve Co.</i>	\$10 million	Asbestos	Verdict/Judicial Finding
<i>Singleton v. Wyeth Inc.</i>	\$9.45 million	Hormone Replacement Therapy	Verdict
<i>Shelhamer v. A&amp;A Auto Parts Store</i>	\$8 million	Asbestos	Verdict
<i>Russell v. A.W. Chesterton Co.</i>	\$7 million	Asbestos	Verdict/Judicial Finding
<i>Lanpher v. Alfa Laval Inc.</i>	\$6.5 million	Asbestos	Verdict
<i>Blango v. Jeanes Hospital Inc.</i>	\$6 million	Nursing Home Mass Tort	Verdict
<i>Golini v. Alfa Laval Inc.</i>	\$5.65 million	Asbestos	Verdict/Judicial Finding
<i>Meshulam-Orem v. Interstate Building Maintenance Corp.</i>	\$5.5 million	Premises Liability	Verdict
<i>Gelb v. Jeanes Hospital</i>	\$5.17 million	Medical Malpractice	Verdict
<i>Koeberle v. Alfa Laval Inc.</i>	\$4.5 million	Asbestos	Verdict/Judicial Finding
<i>Bell v. Allen Bradley</i>	\$3.5 million	Asbestos	Verdict
<i>Murphy v. Oxford Airport Technical Services</i>	\$3.16 million	Personal Injury	Verdict
<i>Vonner v. Mmeje</i>	\$3 million	Medical Malpractice	Verdict
<i>Jones v. A.W. Chesterton Inc.</i>	\$3 million	Asbestos	Verdict
<i>Taylor v. Empty Glass Cafe</i>	\$2.23 million	Premises Liability	Judicial Finding

Source: First Judicial District and Legal staff reports

### More Big Asbestos Awards

In the largest jury verdict not yet reported in *The Legal*, a Philadelphia jury awarded \$8 million, including \$4 million in loss of consortium damages, \$3.5 million in Survival Act damages and \$500,000 in Wrongful Death Act damages, in *Shelhamer v. A&A Auto Parts Store* on Nov. 23, over a plaintiff's mesothelioma, a rare cancer of the lining of the lungs. The same jury awarded \$3 million in another case tried with *Shelhamer*, *Jones v. John Crane*, over that plaintiff's mesothelioma. Senior Judge Ricardo C. Jackson was the presiding judge.

Jackson ordered Thursday that a new trial of the causation phase in *Shelhamer* be held because the jury found that the plaintiff was not exposed to defendant John Crane's asbestos containing products, but found that John Crane products were a factual cause of the plaintiff's mesothelioma, according to court papers and to an interview with plaintiff's attorney Robert E. Paul of Paul Reich & Myers in Philadelphia. The \$8 million damages award will stay in place, he said.

In response, John Crane argued in court papers that its products were not defective, that the plaintiffs were not exposed to its products and the jury did not find that its products were a factual cause of their mesothelioma.

Other defendants in *Shelhamer* already settled for confidential amounts, Paul said.

The *Jones* case is over because the defendants found liable by the jury have already settled for confidential amounts, Paul said.

Alan Reich, also of Paul's firm, tried the cases, Paul said.

John Crane's counsel, Gregory R. Webber of Dickie McCamey & Chilcote in Philadelphia, did not respond to a request for comment.

## Largest Med Mal Verdict

In a medical malpractice case not yet reported in *The Legal*, a jury awarded \$5.17 million, including \$4.13 million in wrongful death damages and \$1.03 million in survival damages, for the death of a 72-year-old woman because of multiple organ failure and decreased intestinal blood flow after undergoing an elective cardiac catheterization.

The verdict was the largest Philadelphia medical malpractice verdict in 2010.

Plaintiffs Nancy Gelb, Isadore Sacks and Amy Shulman, the surviving daughters and husband of Sandra Sacks, sued over Sacks' death Jan. 2, 2008.

The jury in *Gelb v. Jeanes Hospital* found that Dr. John Lee was 95 percent liable, and Dr. Steven J. Mattleman was 5 percent liable, according to the verdict sheet. Defense verdicts were entered for four other defendants, including Jeanes Hospital.

Sacks underwent an elective cardiac catheterization in her right femoral artery in her thigh at the recommendation of Mattleman, the plaintiffs' complaint said. Sacks had abdominal pain, back pain and bleeding in her abdominal cavity after the procedure Oct. 5, 2007. She was kept in Jeanes Hospital and not released after the procedure was completed because of the concerns that she might be bleeding because of the catheterization.

Almost two days after the catheterization procedure, Lee did not examine Sacks despite being informed by a nurse that she was complaining of abdominal pain, that her heart rate was over 120 beats per minute and her abdomen was tender when palpated by the nurse, the plaintiffs' papers said. Sacks was then found unresponsive four hours after Lee gave a phone order for abdominal X-rays, lab work and administration of morphine, instead of examining her.

Sacks died almost three months after the procedure because of multiple organ failure and decreased intestinal blood flow.

Plaintiffs' attorney Tom Kline said that the plaintiffs had an agreement with the defendants' insurer, HPIX, that a plaintiff verdict would result in HPIX paying \$750,000 and MCARE paying \$1 million. Because of the agreement, the plaintiffs will recover \$1.75 million, Kline said.

Lee did not contest causal negligence, including not presenting an expert, so the issues in the case included the value of the case and whether other defendants were liable, Kline said.

In court papers, the defendants contested negligence on the part of all of Sacks' treating physicians.

Plaintiffs' co-counsel were Regan S. Safier and Geary L. Yeisley of Kline & Specter.

Defense counsel Peter Samson, of White & Williams in Berwyn, Pa., did not respond to a request for comment.

## Other Top Cases

In a legal malpractice case not yet reported in *The Legal*, a jury awarded \$1.2 million, including \$500,000 in punitive damages, on July 16 to attorney Douglas T. Harris, of the Law Office of Douglas T. Harris. Judge Mark I. Bernstein molded the verdict to include attorney fees of around \$243,000 and interest, according to the judge's order.

Harris' attorney, James Kahn of Margolis Edelstein, said that Harris was sued in an underlying case for legal malpractice by former clients in a court battle over a development business. Harris won summary judgment in that case, he said.

Harris then sued his former clients and other related defendants for his attorney fees as well as for tortious actions, including "obscene, violent and anti-Semitic text messages sent anonymously to his cell phone," Kahn said of *The Law Office of Douglas T. Harris v. Kamps*.

The defendants argued they should not have to pay legal fees to Harris because they did not earn as much profit as they expected in a development in Northeast Philadelphia, but the plaintiffs argued that the defendants acted dishonestly during that business dispute and that they had caused the deal to fail, Kahn reported.

The jury found defendants Charles L. Kamps III and Todd Kamps liable regarding the tortious conduct, and the jury found Charles Kamps, Scott A. Blow and Patrick T. Hanley liable regarding legal fees owed to Harris, according to the court docket.

The defendants did not appeal, Kahn said.

Defense attorney Henry E. Van Blunk, of Stark & Stark in Newtown, Pa., declined comment.

## Largest Verdict

The highest jury verdict by far in 2010 was the \$88.7 million awarded in a plane crash case, *Pridgen v. Parker Hannifin Corp.* The jury awarded \$24.7 million in compensatory damages and \$64 million in punitive damages against defendant Avco Corp. for the plaintiffs' personal injury and products liability claims over the plane's carburetor failing, *The Legal* previously reported. Four people died and another suffered serious injuries in a 1999 plane crash.

Other top verdicts or judicial awards worth noting and previously reported by *The Legal* include:

- \$27.6 million awarded in *Polett v. Public Communications Inc.* Nov. 22 in favor of a woman and her husband who said she was injured while taking part in a promotional video for an artificial knee implant.
- \$12.4 million awarded in *Rice v. 2701 Red Lion Road Associates* on Feb. 24 to a forklift operator partially paralyzed in a warehouse accident.
- \$6.5 million awarded in *Lanpher v. Alfa Laval* on March 24 to an Arizona man and his wife because of his mesothelioma, which the jury found resulted from his exposure to asbestos from insulating materials within electric motor-control units and arc chutes.
- \$6 million, including \$1 million in compensatory damages and \$5 million in punitive damages, awarded in *Blango v. Jeanes Hospital* over the care of a 74-year-old man at Jeanes Hospital in Philadelphia and the nursing home Hillcrest Center in Wyncote, Pa.
- \$5.5 million awarded in *Meshulam-Orem v. Interstate Building Maintenance Corp.* Sept. 30 to a NutriSystem employee who slipped and fell on a wet floor near a janitor's closet, resulting in injuries of concussion and a chronic pain condition, complex regional pain syndrome.
- \$3.2 million awarded March 15 in *Murphy v. Oxford Airport Technical Services Inc.* to an airport baggage handler who suffered a brain injury when one of the wheels on the work vehicle he was driving shredded suddenly, causing him to be ejected.
- \$3 million, including \$2 million in damages for pain and suffering, awarded in *Vonner v. Mmeje* on Nov. 23 in the case of a premature baby who died less than two hours after being born to a woman with a weakened cervix that put her at risk of having a premature birth.
- \$2.23 million awarded May 18 in a judicial finding in *Taylor v. Empty Glass Cafe* that a Northeast Philadelphia bar, the Empty Glass Cafe, was liable for the death of Jared Taylor, who was shot dead by a patron carrying a gun.
- \$1.96 million awarded May 14 in *Schuenemann v. Dreemz* to the estate of a drunken driver in a wrongful death suit against a Philadelphia bar.
- \$1.8 million awarded in *Skinner v. United Parcel Service Inc.* on May 6 to the estate of a plaintiff killed while driving after being rear-ended on Interstate 95 in Philadelphia.
- \$1.8 million awarded in *Reliant Healthcare Management Inc. v. Ashton Hall Inc.* on Aug. 3 to a nursing home management company in a breach of contract, conspiracy and tortious interference case against another management company and its president.

- \$1.79 million awarded in a legal malpractice case, *Cox v. Barry* , on Aug. 24 to a plaintiff who alleged her attorney failed to plead all of the relevant theories in her medical malpractice case, leading to the necessity of settling her case for \$1 million, despite having received a \$2.5 million verdict.
- \$1.75 million awarded in *Garner v. Girard Medical Center* on July 2 to the estate of a 64-year-old woman who died after doctors at Girard Medical Center reintroduced liquid and solid foods into her diet despite strict orders to withhold oral feedings and failed to take appropriate action once her condition worsened.
- \$1.69 million awarded in *Hannon v. Temple University* April 29 for a plaintiff's premises liability claim that he injured his cervical spine after falling in front of the Temple University Dental School.
- \$1.63 million awarded in a malicious prosecution case, *Snyder v. Glass* , on Nov. 12 over a nasty divorce and allegations of insurance fraud by an ex-wife against her former husband in favor of the husband.
- \$1.53 million awarded in *O'Connor v. Pedano* April 30 over the treatment the plaintiff received by a doctor at Roxborough Memorial Hospital and by a doctor at the nursing home Andorra Woods Healthcare Center over a bone infection in her spinal vertebrae in her upper back that led to her spine collapsing onto her spinal cord. •