

Case Studies

Babbitt, Johnson, Osborne & LeClainche's extensive trial experience has resulted in many noteworthy verdicts and settlements. Below are just a few of those cases. Although the dollar amounts provided are a matter of record, they should not be interpreted as an indication of likely results in any other case.

Auto accident/products liability/rollover: \$10 million

Our team was pleased to help the parents of a 19-year-old college student tragically killed in a vehicle rollover accident win a \$10 million jury verdict. While driving home from college, the Florida State University student swerved to avoid a car that had come into her lane. Unfortunately the student's 1995 Kia Sportage sports utility vehicle flipped over six times. The victim, who was wearing her seat belt, died of head injuries. The jury agreed with plaintiffs that the Kia Sportage was negligently designed. Indeed, the jury found that several design defects contributed to the co-ed's death, including instability, roof collapse, and a faulty windshield that popped out during the rollover.

Medical malpractice/brain injury: \$10 million

Our team negotiated a \$10 million settlement for a two-year-old girl from Central Florida who suffered serious brain damage while undergoing heart surgery. To correct a congenital heart defect, the child's father had planned to have his daughter undergo an elective cardiac operation at a Gainesville, Florida hospital. Unfortunately, the family's HMO insisted that the child go to its out-of-state "pediatric heart surgery center." Improper temperature monitoring led to the child's injury. Discovery revealed that the surgeon had not performed an operation on a child for nearly 20 years and that the operating team lacked adequate experience with the particular operation.

Medical malpractice/brain injury: \$6.24 million

We helped our client, an infant, obtain \$6.24 million to help compensate the victim for brain injury suffered during a twin delivery. The physician and nurses had failed to recognize that the child was suffering oxygen deprivation.

Medical malpractice: \$6 million

Our team obtained a \$6 million verdict, including attorney's fees and costs, for the loved ones of a mother who died as a result of surgical mismanagement of a urological procedure. Tragically, the nurses had incorrectly assembled the machine to be used during surgery -- instead of sucking in air, the machine blew out air. The surgeons, who had attended a three-day course to operated the machine, failed to recognize that they had filled the patient's body with air, resulting in her death.

Medical malpractice/brain damage: \$6 million

We went to bat for our client, an alcoholic, who suffered brain damage when she went into a seizure as a result of the d.t.'s. She was forced to become sober "cold turkey" instead of being given Valium, which would have avoided the seizure.

Products liability: \$5 million

\$5 million was awarded to our client, a 45-year-old painter who was partially paralyzed due to a faulty part on a cherry-picker type machine. The manufacturer recognized that the part needed to be replaced but only informed its direct purchasers of the problem and never notified those to subsequent purchasers. The defect could easily have been fixed with inexpensive parts.

Products liability/brain injury: \$2.75 million

Our team helped obtain a \$2.75 million award against Japanese manufacturer of a defective helmet. Our client, a motorcyclist, suffered brain injury when a vehicle turned in front of him and the retention strap on his buckled helmet came undone. The helmet flew off, and he struck his head on the pavement. Plaintiff alleged that the helmet manufacturer did not provide proper instructions or take proper precautions to prevent misthreading of the helmet strap.

Negligent security: \$2.5 million

Our client, a learning disabled 18-year-old, was molested by a security guard while her mother visited a relative in the hospital. The security company had allowed the security guard to remain on the job despite numerous incidents of misconduct including off color remarks and bizarre statements. The security company also failed to perform adequate employment screening which would have revealed the guard's three outstanding warrants for violent crimes.

Business Litigation Consultation

Recently, our team came to the aid of a company in its defense of a complex negligence case. Significantly, over 40 lawsuits arose while the company's owners were in the process of selling the company and its several separate entities. Drawing upon decades of experience representing victims of nursing home negligence, abuse and neglect, our team provided a bird's-eye view of the case from the plaintiff's perspective. Our experience-based appraisal of the matter and identification of potential theories of liability led the company to realistically assess the merits of the litigation it faced. Our timely and constructive advice enabled the company to develop an effective strategy to resolve the disputes quickly and in the best interests of the company.

Working closely with forensic accountant and trained valuation analyst Dave Ellrich of Moore, Ellrich and Neal, our team produced a damages computation and provided advice that enabled all parties to reserve funds for the pending lawsuit upon sale of the business, as well as to minimize the company's exposure to any future lawsuits.