

Largest Verdicts and Settlements of 2011

For PI plaintiffs' bar, jurors prove to be biggest obstacle

Steam from a water heater burns a boilermaker over more than half of his body.

A collapsing pool slide, sold by the most ubiquitous toy outlet in the land, causes a fatality.

A pre-term twin girl suffers for eight days, then succumbs to a bowel disorder often found in premature babies.

All are verdicts featured in the state's largest verdicts of 2011. Among the top five, more than \$39 million was awarded to plaintiffs last year.

Andrew M. Abraham, of Boston's Baker & Abraham and president of the Massachusetts Academy of Trial Attorneys, says plaintiffs' lawyers often have the deck stacked against them from the outset in personal injury cases. Among the challenges, he says, are jurors who

have pre-conceived notions of personal injury cases, and jurors who "don't understand preponderance of evidence, so they impose the only standard they know, which is beyond a reasonable doubt."

Given that, the list of the top verdicts from 2011 tells Abraham that, "if you have a good client with real injuries and good liability in a situation where it's clearly a violation of safety, you're going to overcome that juror bias."

He adds: "We should be trying more of these cases."

Jeffrey N. Catalano, a partner at Todd & Weld and vice president of the Massachusetts Bar Association, notes that there are fewer and fewer medical-malpractice cases every year, which he chalks up to the "limited ver-

dicts" plaintiffs were receiving. But he believes the pendulum has swung back somewhat toward patients.

Insurance companies have "become a little too emboldened by the number of defense verdicts, such that they felt they could take chances on cases they should not have taken chances on and ultimately had to pay the piper," he says.

According to Catalano, when it comes to med-mal cases, juries now understand that "the medical system is flawed, and there are too many people dying or suffering from medical mistakes. They're aware patients aren't being treated as well as they should be in some situations."

Turn to page 10 to read more about the top verdicts and settlements of 2011.

YEAR IN REVIEW

The Largest Verdicts of 2011

\$20.6 M*Aleo, et al. v. Toys "R" Us*

In 2006, a Colorado woman visiting family in Andover slid down an inflatable pool slide, which partially collapsed. Robin Aleo struck the pool's edge head first, sustaining injuries that proved to be fatal.

Five years later, a Superior Court jury in Salem ordered retail giant Toys "R" Us to pay \$20.6 million to the family of Aleo. The plaintiffs had sought action against the retail chain giant for products liability.

Plaintiffs' counsel Benjamin R. Zimmermann of Boston's Sugarman says the trial turned on the defendant's inability to prove the product had been tested.

Zimmermann says Toys "R" Us imported a product that the company knew "nothing about."

It sold the slide "knowing not much about who made it, or how it was made, or how it was designed," he adds, noting that no documents were produced to prove the slide was tested to meet federal standards, or simply tested on humans in any capacity, before it was sold.

"I think our position all along was that people expect big companies like Toys 'R' Us to vet their products," he says, observing that the company had a limited staff responsible for reviewing "a lot of products."

There was no recall for the product, which was sold for one season only, he says.

"It was a significant verdict that reflected the damage done to this family and also the extent of Toys 'R' Us' misconduct," Zimmermann says.

Defense attorneys argued that the regulations cited did not apply to the specific slide at issue.

Lauren Carpenter of Philadelphia-based Morgan Lewis declined to comment, saying she had to check with the company before speaking about the case. David R. DiCicco of Powers, DiCicco & Sahagian in Lynnfield did not return a call.

— DAN McDONALD

\$7.05 M*Bellerose v. Beth Israel Deaconess Medical Center*

In June 2004, 28-year-old South Hamilton resident Danielle Bellerose gave birth to twin daughters — Katherine and Alexis — at Beth Israel Deaconess Medical Center. Eight days later, Katherine was dead from a bowel disorder most often found in premature or sick babies.

It was a preventable death, according to her mother, who brought a medical-malpractice suit against a group of doctors and nurses, alleging wrongful death and contending that hospital staff did not pay close enough attention as Katherine suffered and ultimately died from necrotizing enterocolitis, commonly referred to as NEC.

In August 2011, a Suffolk Superior Court jury, after deliberating for seven-and-a-half hours over two days, found one doctor, Dr. Janet S. Lloyd, and one nurse practitioner, Michele A. Ambrosino, negligent and awarded the plaintiffs \$50,000 for the baby's conscious pain and suffering and \$3.5 million each to the baby's mother and father for their loss.

The plaintiffs said the signs for NEC, a con-

dition characterized by the death of bowel tissue, were there, while the defendants maintained that there were no signs or symptoms. The defendants said the standards of medical care were met and that nothing could have been done to save Katherine.

The plaintiffs argued that since Katherine was pre-term — she and Alexis were born premature at 30 weeks — she was a known risk for developing NEC.

Furthermore, Katherine had patent ductus arteriosus, a condition in infants that leads to abnormal blood flow, and was consequently treated with Indocin, a medication that, according to the plaintiffs, put her at additional risk for NEC.

She was also fed through a tube that went through her nose to her stomach, which was another risk factor, the plaintiffs said.

"This case speaks to the value of a deceased child in modern times in Massachusetts and what a loss this was to the parents," says William J. Thompson, who, along with Elizabeth Cranford from Boston's Lubin & Meyer, represented the plaintiffs. "The jury heard the evidence over two weeks and concluded that this child should not have died."

He says Bellerose "never wavered from her story," and notes that her testimony differed from "all the defendants, and, in some significant ways, it also differed from the medical records."

Thompson says he is a "firm believer in visual aids," but that he tries to limit their use to complement the testimony of witnesses, rather than employing them to appear modern or to keep the jury's attention.

"When you're dealing with complex medical issues and confusing medical terms, you have to simplify it for the jurors, and then apply common sense. I think that's the challenge for all of us as lawyers," he says.

John D. Cassidy of Ficksman & Conley in Boston labels the verdict against his clients "aberrant," chalking it up to the jury having an emotional response to the tale of a dead newborn. He says the amount of the verdict is "very, very hard to understand."

Katherine, he adds, "received very, very good care," and Beth Israel has one of the best neonatal intensive care units in the country.

In this instance, NEC was unexpected, he says. "I think it's an aberrant verdict. I know that may sound like sour grapes ... but I think it was an aberration," Cassidy says.

— DAN McDONALD

\$5.63 M*Gallotto v. Park View Condominium Trust*

Robert I. Feinberg's adjective of choice was "ghastly."

That was the word the Brookline attorney repeatedly used to describe the photos of the second- and third-degree burns caused by steam and hot water from a 1,200-gallon water heater that covered about half of Amedeo Gallotto, a boilermaker from a family of boilermakers.

The pictures, says Feinberg, who along with Matthew G. Venezia and John Johnson represented the 50-year-old father of two, "showed the horror" of Gallotto's injuries, which he sustained while trying to service a water heater for a 318-unit condominium complex in Winchester.

"He went through hell," Feinberg says. Gallotto sued Park View Condominium Trust, claiming the defendants told him the unit

was ready to be worked on. The defendants told a different story.

Ultimately, a Middlesex Superior Court jury awarded a \$5.63 million verdict to Gallotto.

Feinberg believes the size of the verdict is attributable to the photos and the solid testimonies of Gallotto, his wife, his son, and the burn unit surgeon and psychiatrist.

Scalded as he was attempting to fix a gasket, Gallotto came across during his testimony "as a very good historian" regarding such heaters, as well as "honest and knowledgeable," Feinberg says. "It was very much a credibility contest."

Feinberg says the defendants, in their deposition, took an extreme position, asserting that they gave "clear, unambiguous and stern warnings not to touch the pressure vessel. I think it strained credulity."

There was no maintenance contract for the heater stretching back to its 1966 installation, according to Feinberg.

"They admitted that if it did not have moving parts, it did not need service. I think that spoke for itself," he says.

Christopher P. Flanagan of Wilson, Elser, Moskowitz, Edelman in Boston represented the defendants. He declined to comment on the matter.

— DAN McDONALD

\$3.26 M*Selmark Associates Inc. on Behalf of Marathon Sales Ltd. v. Ehrlich, et al.*

An electronic parts salesman who claimed he was deprived of stock and wrongfully fired during a company takeover in Milford was awarded \$3.26 million in Worcester Superior Court.

The case pitted Evan Ehrlich, the plaintiff in a counterclaim, against David Elofson, Selmark Associates, Inc., and Marathon Sales, Ltd., after Elofson fired Ehrlich on the eve of the conversion of his Marathon stock into Selmark stock.

When he fired Ehrlich, according to the complaint, Elofson barred him from acquiring Selmark stock to which he was entitled per an arrangement reached between the two.

Ehrlich had worked for Marathon, which was being taken over by Selmark. Both entities offered sales services to electronic manufacturers in New England that did not have in-house sales teams.

Ehrlich, according to the complaint, was supposed to become a vice president and director of Selmark, with "a base pay and benefits comparable to the base pay benefits he was receiving from Marathon."

An arrangement between Ehrlich, Marathon and Selmark required the purchase of company stock over a six-year period, at which time Ehrlich would be able to convert his Marathon stock to shares of the purchasing company, Selmark.

But Elofson fired Ehrlich, giving as an explanation that Ehrlich was "not a worthy successor" as grounds for the termination.

Robert D. Cohan of Boston's Cohan, Rasnick, Myerson, who represented Ehrlich, challenged that explanation as a "fabrication so he could fire him and take all the stock."

One of the plaintiff counterclaimant's expert witnesses, Jeffrey Davis, a business consultant from a company called Mage Inc., testified to the variety of alternatives commonly considered to avoid terminating a valued employee or owner.

"In our case, the defendant, Elofson, made no effort whatsoever to pursue less drastic measures," Cohan says.

Davis' testimony, according to Cohan, was effective in "opening the jury's eyes to the great

number of ways you can save someone's job if you want to."

The plaintiff brought counterclaims for breach of contract — written, implied-in-fact and by estoppel; breach of the implied covenant of good faith and fair dealings; violations of the Wage Act; negligent misrepresentations; fraud; unjust enrichment; and unfair practices in violation of G.L.c. 93A.

Attempts to reach the attorneys for Elofson, Selmark and Marathon failed.

— DAN McDONALD

\$3.1 M*Bakwin v. Mardirosian*

In 1978, the Cézanne still life "Bouilloire et Fruits" ("Pitcher and Fruits") was stolen along with six other paintings from the Berkshires home of collector Michael Bakwin.

The heist, the largest residential art theft in Massachusetts history, may have been pulled off by a man named David Colvin, but Colvin was never charged with the burglary because he was shot and killed the following year, reportedly in a dispute over a gambling debt.

Almost 30 years later, retired lawyer Robert Mardirosian, who had represented Colvin in his days as a practitioner, was convicted and sentenced in U.S. District Court in Boston to seven years in prison for possession of the paintings.

Investigators believe Mardirosian may have bought them from his former client and retained them for two decades, using a Central American holding corporation as a front, before transporting them via Switzerland to London, where his plans to sell the stolen works were foiled by the local art loss register.

Although Bakwin eventually was able to restore his collection, his recovery efforts cost him millions in fees and expenses, so Michael A. Collora of Collora in Boston made sure that the fruit of his client's labor did not come only in the form of apples and pears.

In August 2011, a Barnstable Superior Court jury awarded Bakwin just over \$3.1 million to compensate him for the costs he incurred tracking down the precious lot, which also included two works by Armenian contemporary master Jean Jansems.

Bakwin sued Mardirosian for fraud as well as fraudulent transfer of assets to his family. The key was convincing the jury that in light of Bakwin's collection being made whole again, not only did Mardirosian belong in prison, but that the fraudulent activity entitled Bakwin "to get assets back from people who didn't deserve them," said Collora.

The central issue in the case came down to the statute of limitations: After such a drawn-out saga, had time run out on Bakwin's ability to sue for damages?

"The judge left the statute-of-limitations question to the jury. The question was, 'When should the plaintiff have sued and what did he know?'" explained Collora. "The jury essentially awarded [Bakwin] all of his out-of-pocket expenses after finding the plaintiff had no knowledge of who Mardirosian was, given that he behind a Panamanian corporation and a Swiss lawyer."

After its recovery, "Bouilloire et Fruits" sold legitimately at auction for over \$29 million.

Defense attorneys Brian P. Fitzsimmons and Michael F. Hanley of the Law Offices of Michael F. Hanley in Quincy did not return a call requesting comment prior to deadline.

— MATT YAS

YEAR IN REVIEW

Additional verdicts topping \$1 million

▶ \$2.6 M

Rosado v. Perugini, et al.
Surgical tack ends up in patient's bowel
Action: Medical malpractice
Attorney: Gregg J. Pasquale, Worcester

▶ \$2.25 M

Trainor v. HEI Hospitality, LLC, et al.
Co. retaliates against fired executive
Action: Employment
Attorneys: David Rapaport and Laurie Alexander-Krom, Davis, Malm & D'Agostine, Boston

▶ \$2.25 M

Farrell v. Devenis
Driver suffers brain injury in highway collision
Action: Motor vehicle negligence
Attorneys: Mark F. Itzkowitz and Kenneth I. Kolpan, Boston

▶ \$2.1 M

Sorenti, et al. v. Commonwealth
State pays too little for taken land
Action: Eminent domain
Attorneys: Augustus F. Wagner Jr., Nelson G. Apjohn and Robyn S. Maguire, Nutter, McClennen & Fish, Boston and Hyannis

▶ \$1.85 M

Wiggins v. Dimeo Construction Company, Inc.
Worker falls through unguarded debris chute
Action: Negligence & tort

Attorneys: Benjamin R. Zimmermann and Stacey L. Pietrowicz, Sugarman & Sugarman, Boston

▶ \$1.76 M

Aspect Software, Inc. v. Kenexa Technology, Inc.
HR provider countersues software co. over contract
Action: Contract
Attorneys: Christine M. Netski and Matthew C. Welnicki, Sugarman, Rogers, Barshak & Cohen, Boston

▶ \$1.65 M

Crook v. Hawk Scallop Co. Inc.
Hazardous oil patch renders boat deck unseaworthy
Action: Admiralty
Attorneys: Carolyn M. Latti and David F. Anderson, Latti & Anderson, Boston

▶ \$1.55 M

Nichols v. Pritzker, et al.
Woman who cared for aunt and uncle shut out of inheritance
Action: Contract
Attorney: Patricia Noyes-Corrigan, Gargiulo/Rudnick, Boston

▶ \$1.39 M

Sullivan, et al. v. Modern Continental Construction Co., Inc.
Truck strikes cherry picker holding worker in bucket
Action: Negligence & tort

Attorneys: Paul F. Leavis and Deborah M. Santello, Leavis & Rest, Boston

▶ \$1.38 M

Gianasmidis v. Palangas
Woman defrauds dying father
Action: Fraud
Attorneys: India L. Minchoff and Stephen J. Kuzma, Boston

▶ \$1.29 M

Goldberg, et al. v. Commonwealth
State owes landowners after taking down billboard
Action: Contract
Attorneys: George A. McLaughlin III, Joel E. Faller and Matthew E. Burke, The McLaughlin Brothers, Boston; and Peter E. Flynn, Saugus

▶ \$1.28 M

Reyes v. Tecna, s.r.l., et al.
Pasta co. worker's arm mangled in machinery
Action: Products liability
Attorneys: Saba B. Hashem and Jay M. Wolman, D'Angelo & Hashem, Boston

▶ \$1.21 M

Vasquez v. Carlo, et al.
Passenger thrown from car in three-vehicle crash
Action: Motor vehicle negligence
Attorneys: Stephen L. D'Angelo, Saba B. Hashem and Jay M. Wolman, D'Angelo & Hashem, Boston

▶ \$1.1 M

Kiely v. Teradyne, Inc.
Worker who filed bias complaint wins retaliation suit
Action: Civil rights
Attorneys: Inga S. Bernstein and Emma Quinn-Judge, Zalkind, Rodriguez, Lunt & Duncan, Boston

See more awards on the following pages

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YEAR IN REVIEW

Bench awards over \$1 million**▶ \$6.87 M**

50 Thomas Patton Drive, LLC v. Fustolo, et al.
Borrower misuses loan to cover unrelated venture
Action: Contract
Attorney: David H. Rich, Todd & Weld, Boston

▶ \$5.19 M

New England Confectionery Co., Inc. v. Stafford, et al.
Candy co. defrauded by paying for pallets it never received
Action: Fraud
Attorneys: Zachary W. Berk and Peter S. Brooks, Seyfarth Shaw, Boston

▶ \$2.1 M

Iantosca v. Keddy
Victim of road rage assault suffers severe PTSD
Action: Motor vehicle negligence
Attorney: Bernard A. Kansky, Kansky & Associates, Boston

▶ \$6.73 M

Freeman, et al. v. Gainsboro Restaurant Inc., et al.
Bar patron dies after falling down concealed stairway
Action: Premises liability
Attorneys: Jeffrey A. Newman, Boston; and Joseph Sano, Prince, Lobel & Tye, Boston

▶ \$3 M

John Doe, et al. v. Dority
Boys abused by ex-priest awarded damages
Action: Negligence & tort
Attorney: Carmen L. Durso, Boston

▶ \$1 M

Maza v. Carlo Jr., et al.
Driver liable for man's death in multi-car pileup
Action: Motor vehicle negligence
Attorney: Travis J. Jacobs, The Jacobs Law, Boston

YEAR IN REVIEW

Million-dollar-plus arbitration awards**▶ \$29.4 M**

The Boston Foundation, et al. v. HR Gaugin, LLC
Cruise line operator attempted to squeeze foundation out of stake in co.
Action: Fraud
Attorneys: William A. Zucker and Kara A. Lynch, McCarter & English, Boston; Thomas Butters, Butters Brazilian, Boston

▶ \$5.28 M

Case name withheld
Sepsis victim's worrisome test results missing from record
Action: Medical malpractice
Attorney: Roger J. Brunelle, Sbrogna & Brunelle, Worcester

▶ \$2.6 M

Case name withheld
Laid-off workers: firm reneged on pledged support
Action: Contract
Attorney: Robert R. Berluti, Berluti, McLaughlin & Kutchin, Boston

YEAR IN REVIEW

Gov't settlements of more than \$1 million**▶ \$52 M**

Case name withheld
Bank subsidiary allegedly financed unfair home loans, fueling subprime mortgage crisis
Action: Consumer protection
Attorney: Martha Coakley, Attorney General's Office, Boston

▶ \$9.8 M

Case name withheld (Option One)
Mortgage company allegedly discriminated against African-American and Latino borrowers
Action: Civil rights
Attorneys: Gabriel O'Malley and Jonathan Miller, Attorney General's Office, Boston

▶ \$6 M

Case name withheld (UBS)
Swiss financial giant accused of fraudulent conduct in municipal bond derivatives
Action: Fraud
Attorneys: Martha Coakley, Mary B. Freely and Aaron B. Lamb, Attorney General's Office, Boston

▶ \$2 M

Case name withheld (J.P. Morgan Chase)
National bank allegedly engaged in bid-rigging, other anti-competitive conduct
Action: Fraud
Attorneys: Martha Coakley, Mary B. Freely and Aaron B. Lamb, Attorney General's Office, Boston

▶ \$24 M

Commonwealth v. Merck & Co., Inc.
Pharma giant allegedly reported inflated prices for asthma drug
Action: Fraud
Attorneys: Peter A. Mullin, K. Nathaniel Yeager, Robyn P. Dollar, John Pina III and Steven T. Sharobem, Attorney General's Office, Boston

▶ \$9 M

Case name withheld (CVS)
Pharmacy chain accused of violating third-party liability regulations
Action: Fraud
Attorneys: Nancy E. Maroney and Steven L. Hoffman, Attorney General's Office, Boston

▶ \$2.8 M

Case name withheld (Walgreens)
Pharmacy chain allegedly overcharged for prescription drugs
Action: Fraud
Attorneys: Peter W. Leight and Glenn S. Kaplan, Attorney General's Office, Boston

▶ \$1.3 M

Case name withheld (Maxim Healthcare Systems)
Health care firm accused of submitting false Medicaid claims
Action: Fraud
Attorney: Martha Coakley, Attorney General's Office, Boston

▶ \$14.5 M

United States, et al. v. Pfizer, Inc.
Drugmaker accused of illegally marketing urology medication
Action: Consumer protection
Attorneys: Thomas M. Greene, Michael Tabb and Ilyas J. Rona, Greene, Boston; Robert Patten, Attorney General's Office, Boston; Zachary A. Cunha, U.S. Attorney's Office, Boston

▶ \$7.5 M

Case name withheld (Wheelabrator)
Incinerator operator allegedly violated Hazardous Waste Management Act
Action: Environmental
Attorneys: Andrew Rainer, Christopher K. Barry-Smith, Betsy Harper, Emily M. Armstrong and Matthew T. Connolly, Attorney General's Office, Boston

▶ \$2.1 M

Case name withheld (Rite Aid)
Drugstore operator accused of overbilling
Action: Fraud
Attorney: Martha Coakley, Attorney General's Office, Boston

▶ \$1 M

Case name withheld (National Grid)
Utility accused of responding inadequately after snowstorm
Action: Negligence & tort
Attorney: Martha Coakley, Attorney General's Office, Boston

YEAR IN REVIEW

Reported settlements of \$1M and more in 2011

▶ \$31 M

Palomar Medical Technologies Inc., et al. v. Candela Corporation, et al.
Companies settle patent dispute over hair removal systems
Action: Patent & trademark
Attorneys: Wayne L. Stoner, Vinita Ferrera, Katie M. Saxton, Christopher R. Noyes, Dimple Chaudhary and Leslie Stierman, Wilmer-Hale, Boston

▶ \$12.4 M

DeLeo, et al. v. Bouchard Transportation Company, Inc., et al.
Barge spills 98,000 gallons of oil along Mass., R.I. coastline
Action: Negligence & tort
Attorney: Martin E. Levin, Stern, Shapiro, Weissberg & Garin, Boston

▶ \$7.2 M

Case name withheld
Plumber dies after decades of asbestos exposure
Action: Negligence & tort
Attorneys: Edward P. Coady, Christopher P. Duffy and David W. Fanikos, Coady Law Firm, Boston

▶ \$7 M

Zhuang, et al. v. Herlihy, et al.
Doctors allegedly fail to inform expectant mother of fetal genetic disorder test
Action: Medical malpractice
Attorneys: Frederic N. Halstrom, Halstrom Law Offices, Boston; Max Borten, Gorovitz & Borten, Waltham; and Catherine M. Geary, Geary & Geary, Lowell

▶ \$7 M

Case name withheld
Driver ejected after alleged pothole causes spinout
Action: Negligence & tort
Attorneys: Patrick T. Jones and Robert A. DeLello, Cooley, Manion, Jones, Boston

▶ \$7 M

Wechter/Black v. Cranwell Management Corp.
Resort allegedly failed to remit proceeds from tips to staff
Action: Employment
Attorneys: Paul Holtzman and Richard M. Bluestein, Krokidas & Bluestein, Boston

▶ \$5.45 M

Case name withheld
Health providers accused of missing signs of child abuse
Action: Medical malpractice
Attorneys: David A. Barry, Jeffrey S. Stern and Anthony V. Agudelo, Sugarman, Rogers, Barshak & Cohen, Boston

▶ \$5 M

Case name withheld
Ironworker falls through shielding on bridge project
Action: Negligence & tort
Attorneys: Douglas K. Sheff and Stephen J. Chiasson, Sheff Law Offices, Boston

▶ \$4 M

Case name withheld
Contractor hurls tiles off roof, strikes worker
Action: Negligence & tort
Attorneys: Paul F. Leavis and Deborah M. Santello, Leavis & Rest, Boston

▶ \$4 M

Case name withheld
Insurer refuses to cover building's five-floor collapse
Action: Insurance
Attorney: Valeriano Diviacchi, Diviacchi Law Office, Boston

▶ \$3.8 M

Case name withheld
Patient incurs brain damage after IV fails to function
Action: Medical malpractice
Attorney: Barry C. Reed Jr., Reed & Giordano, Boston

▶ \$3.5 M

Case name withheld
College student struck on campus by drunk driver
Action: Motor vehicle negligence
Attorney: Neil Sugarman, Sugarman & Sugarman, Boston

▶ \$3.5 M

Case name withheld
Timing of newborn's brain bleed disputed
Action: Medical malpractice
Attorneys: Andrew C. Meyer and Robert M. Higgins, Lubin & Meyer, Boston

▶ \$3.18 M

Case name withheld
Rusted scissor lift crumbles under workers' feet
Action: Negligence & tort
Attorney: Brian C. Dever, Keches Law Group, Taunton

▶ \$3.1 M

Case name withheld
CO leaks into residence from chimney, injuring mother
Action: Negligence & tort
Attorneys: Paul E. Mitchell and John C. DeSimone, Mitchell & DeSimone, Boston

▶ \$3.1 M

Case name withheld
Bar allegedly overserved patrons during vodka promotion
Action: Dram shop
Attorneys: Robert W. Casby, Benjamin Zimmermann and Allison M. Ciullo, Sugarman & Sugarman, Boston

▶ \$3 M

Case name withheld
Nurse gives unauthorized paralyzing agent to newborn
Action: Medical malpractice
Attorneys: Lisa G. Arrowood, Jed DeWick and Alexis D'Arcy, Todd & Weld, Boston

▶ \$3 M

Case name withheld
Patient's neck pain evolves into partial quadriplegia
Action: Medical malpractice
Attorneys: Andrew C. Meyer and Robert M. Higgins, Lubin & Meyer, Boston

▶ \$3 M

Case name withheld
Mother claims fetal monitor showed baby in distress
Action: Medical malpractice
Attorneys: Andrew C. Meyer and Krysia J. Syska, Lubin & Meyer, Boston

▶ \$3 M

Case name withheld
Patient's brain bleed mistaken for migraine
Action: Medical malpractice
Attorney: Jeffrey S. Raphaelson, Raphaelson & Raphaelson, Boston

▶ \$3 M

Case name withheld
Baby suffers brain damage after undergoing distress in labor
Action: Medical malpractice
Attorneys: Andrew C. Meyer and Krysia J. Syska, Lubin & Meyer, Boston

▶ \$2.82 M

Durlacher v. Leitner
Necrotic bowel removed from Crohn's patient
Action: Medical malpractice
Attorney: Keith S. Halpern, Wellesley

▶ \$2.8 M

Case name withheld
Laborer allegedly exposed to asbestos for 20 years
Action: Negligence & tort
Attorneys: Edwin L. Wallace and Andrew S. Wainwright, Thornton & Naumes, Boston

Continued on page 14

Personal Injury Settlements for Minors and Disabled Adults: How do you protect your client?

- Does your client need a trust?
- Can eligibility for public benefits be preserved?
- How do you determine structured settlement allocations?
- What type of investment planning is necessary?
- Is special education advocacy a necessary part of planning?
- Is a guardianship, conservatorship, and/or a guardian ad litem needed?
- What are your ethical obligations in cases involving a minor or an adult who has a brain injury or is mentally disabled?

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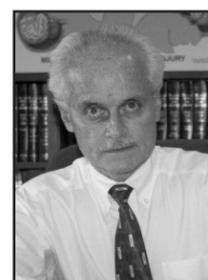


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YEAR IN REVIEW

Reported settlements of \$1M and more in 2011

Continued from page 13

▶ \$2.8 M

Case name withheld

Baby left brain-damaged after delayed delivery

Action: Medical malpractice**Attorneys:** Andrew C. Meyer and Krysia J. Syska, Lubin & Meyer, Boston

▶ \$2.5 M

Case name withheld

Forklift driver struck by pallet truck loses leg

Action: Negligence & tort**Attorneys:** Stephen W. Sutton and Donald P. Healy, Law Offices of Stephen W. Sutton, Brockton

▶ \$2.5 M

Case name withheld

Doctor awakens from spinal surgery with quadriplegia

Action: Medical malpractice**Attorneys:** Patrick T. Jones and Donna R. Corcoran, Cooley, Manion, Jones, Boston

▶ \$2.5 M

Case name withheld

Boy's untreated meningitis leads to lifelong disability

Action: Medical malpractice**Attorneys:** Andrew C. Meyer and Adam R. Satin, Lubin & Meyer, Boston

▶ \$2.45 M

Case name withheld

Bacterial infection spreads to patient's eye, causing blindness

Action: Medical malpractice**Attorneys:** Barry D. Lang, Newton; and Dr. Max Borten, Gorovitz & Borten, Waltham

▶ \$2 M

Case name withheld

Doctors mistake bowel perforation for constipation

Action: Medical malpractice**Attorneys:** Andrew C. Meyer and William J. Thompson, Lubin & Meyer, Boston

▶ \$2 M

Case name withheld

Anesthesia complications lead to patient's death

Action: Medical malpractice**Attorneys:** Andrew C. Meyer and William J. Thompson, Lubin & Meyer, Boston

▶ \$2 M

Case name withheld

Student has brain hemorrhage after 20 hours in ER

Action: Medical malpractice**Attorneys:** Andrew C. Meyer and Robert M. Higgins, Lubin & Meyer, Boston

▶ \$2 M

Case name withheld

Doctors allegedly fail to properly treat melanoma

Action: Medical malpractice**Attorneys:** Andrew C. Meyer and Robert M. Higgins, Lubin & Meyer, Boston

▶ \$2 M

Case name withheld

Insurer accused of mishandling malpractice claims

Action: Insurance**Attorneys:** Andrew C. Meyer and Adam R. Satin, Lubin & Meyer, Boston

▶ \$2 M

Case name withheld

Woman incurs anoxic brain injury while emerging from anesthesia

Action: Medical malpractice**Attorneys:** Andrew C. Meyer and Krysia J. Syska, Lubin & Meyer, Boston

▶ \$2 M

Case name withheld

Cancer patient alleges intentional spoliation of test results by PCP

Action: Medical malpractice**Attorneys:** Andrew C. Meyer and Adam R. Satin, Lubin & Meyer, Boston

▶ \$2 M

Case name withheld

Inexperienced worker electrocuted by live circuit

Action: Negligence & tort**Attorneys:** Ralph F. Sbrogna and Roger J. Brunelle, Sbrogna & Brunelle, Worcester

▶ \$1.95 M

Case name withheld

Laborer's post-fall brain damage disputed

Action: Negligence & tort**Attorneys:** Douglas K. Sheff, Frank J. Federico Jr. and Donald R. Grady Jr., Sheff Law Offices, Boston

▶ \$1.9 M

Case name withheld

Untrained worker struck by boom he disconnected

Action: Negligence & tort**Attorney:** Michael R. Rezendes, Rezendes Law Group, Quincy

▶ \$1.75 M

Case name withheld

Radiologist interprets only part of MRI; patient dies

Action: Medical malpractice**Attorneys:** Elizabeth N. Mulvey, Philip J. Crowe Jr. and Barbara M. Welch, Crowe & Mulvey, Boston

▶ \$1.75 M

Case name withheld

Vietnam vet's fall allegedly triggers latent PTSD

Action: Slip, trip & fall**Attorneys:** John J. Carroll, Leo V. Boyle, Valerie A. Yarashus and Victoria M. Santoro, Meehan, Boyle, Black & Bogdanow, Boston

▶ \$1.74 M

Case name withheld

Cardiologist allegedly misreads stress test

Action: Medical malpractice**Attorneys:** Andrew C. Meyer and Adam R. Satin, Lubin & Meyer, Boston

▶ \$1.7 M

Case name withheld

Worker loses partial hearing, vision in gas explosion

Action: Negligence & tort**Attorneys:** Amy G. Wanger, Stoneham; Stephen I. Lipman, Stoneham; and Robert D. Ahearn, Quincy

▶ \$1.65 M

Case name withheld

Worker catapulted from cherry picker in collision

Action: Motor vehicle negligence**Attorney:** Darin M. Colucci, Colucci, Colucci, Marcus & Flavin, Milton

▶ \$1.65 M

Case name withheld

Psychiatrist initiates sexual relationship with patient

Action: Medical malpractice**Attorneys:** Andrew C. Meyer and Krysia J. Syska, Lubin & Meyer, Boston

▶ \$1.55 M

Case name withheld

Woman who cared for aunt and uncle shut out of will

Action: Wills & trusts**Attorney:** Patricia Noyes-Corrigan, Gargiulo/Rudnick, Boston

▶ \$1.5 M

Case name withheld

Man's vision damaged in post-crash surgery

Action: Medical malpractice**Attorneys:** Michael J. Harris and Elizabeth N. Mulvey, Crowe & Mulvey, Boston

▶ \$1.5 M

Case name withheld

Doctor failed to offer cancer screenings to patient

Action: Medical malpractice**Attorneys:** Andrew C. Meyer and William J. Thompson, Lubin & Meyer, Boston

▶ \$1.5 M

Case name withheld

ER nurse misdiagnoses patient's life-threatening condition

Action: Medical malpractice**Attorneys:** Andrew C. Meyer and Adam R. Satin, Lubin & Meyer, Boston

▶ \$1.5 M

Case name withheld

Young man paralyzed after delay in spinal injury treatment

Action: Medical malpractice**Attorneys:** Andrew C. Meyer and Robert M. Higgins, Lubin & Meyer, Boston; and Daniel Shapiro, Boston

▶ \$1.5 M

Case name withheld

Doctors allegedly misread pap smear, patient has hysterectomy

Action: Medical malpractice**Attorneys:** Andrew C. Meyer and Robert M. Higgins, Lubin & Meyer, Boston

▶ \$1.5 M

Case name withheld

Postoperative wound infection leads to patient's death from sepsis

Action: Medical malpractice**Attorneys:** Andrew C. Meyer and Adam R. Satin, Lubin & Meyer, Boston

▶ \$1.45 M

Case name withheld

Clinic misdiagnoses woman's rare, blinding disorder

Action: Medical malpractice**Attorney:** Norman J. Kaplan, Boston

▶ \$1.4 M

Case name withheld

Physician accused of negligently treating blood clot

Action: Medical malpractice**Attorneys:** Andrew C. Meyer and Robert M. Higgins, Lubin & Meyer, Boston

▶ \$1.4 M

Fay v. Faytex Corp.

Father fires son from family business after 30 years

Action: Employment**Attorney:** Adam P. Whitney, Morisi & Oatway, Quincy

▶ \$1.35 M

Case name withheld

Livery driver crashes with boy riding in back seat

Action: Motor vehicle negligence**Attorneys:** Neil Sugarman and James M. Casby, Sugarman & Sugarman, Boston

▶ \$1.3 M

Case name withheld

Boston restaurant allegedly withheld tips from waitstaff

Action: Labor**Attorney:** Shannon Liss-Riordan, Lichten & Liss-Riordan, Boston

▶ \$1.25 M

Case name withheld

Job applicant injured at delivery co's warehouse

YEAR IN REVIEW

Reported settlements of \$1M and more in 2011

Action: Premises liability
Attorneys: Eric J. Parker and Susan M. Bourque, Parker Scheer, Boston

▶ \$1.25 M

Case name withheld
 Medication error allegedly leads to woman's fatal hemorrhage
Action: Medical malpractice
Attorneys: Andrew C. Meyer and William J. Thompson, Lubin & Meyer, Boston

▶ \$1.25 M

Case name withheld
 Doctors allegedly fail to diagnose lung cancer in elderly cardiac patient
Action: Medical malpractice
Attorneys: Valerie A. Yarashus, Peter Ainsworth and John J. Carroll, Meehan, Boyle, Black & Bogdanow, Boston

▶ \$1.25 M

Case name withheld
 Mammogram reading disputed in woman's advanced cancer diagnosis
Action: Medical malpractice
Attorneys: Andrew C. Meyer and Nicholas D. Cappiello, Lubin & Meyer, Boston

▶ \$1.23 M

Case name withheld
 Vehicle carrying twin brothers strikes tree, killing one
Action: Motor vehicle negligence
Attorneys: Ralph F. Sbrogna and Roger J. Brunelle, Sbrogna & Brunelle, Worcester

▶ \$1.2 M

Case name withheld
 Lifeguard allegedly scoffs at camper's distress call
Action: Negligence & tort
Attorney: Robert E. Mazow, Mazow & McCullough, Salem

▶ \$1.2 M

Case name withheld
 Patient dies in sleep without required air machine
Action: Medical malpractice
Attorney: Philip J. Crowe, Crowe & Mulvey, Boston

▶ \$1.2 M

Case name withheld
 Elderly driver hits parking attendant in 'nightmare' lot
Action: Motor vehicle negligence
Attorney: Martin Kantrovitz, Boston

▶ \$1.2 M

Case name withheld
 Doctors allegedly fail to recognize bacterial infection in 10-year-old girl
Action: Medical malpractice
Attorneys: Andrew C. Meyer and Robert M. Higgins, Lubin & Meyer, Boston

▶ \$1.16 M

Case name withheld
 Woman accuses uncle of depleting mother's trust fund
Action: Fraud
Attorneys: Steven E. Gurdin and John Miller, Sally & Fitch, Boston

▶ \$1.1 M

Case name withheld
 Detainees claim jail's strip search unconstitutional
Action: Civil rights
Attorney: Howard Friedman, Boston

▶ \$1.1 M

Case name withheld
 Stalled motorist struck by bus while changing tire
Action: Negligence & tort
Attorneys: Stephen Sugarman and David McCormack, Sugarman & Sugarman, Boston

▶ \$1.1 M

Case name withheld
 Patient dies of heart attack after EKG interpreted as respiratory illness
Action: Medical malpractice
Attorneys: Andrew C. Meyer and Krysia J. Syska, Lubin & Meyer, Boston

▶ \$1 M

Case name withheld
 Tenants suffer cognitive defects after lead exposure
Action: Negligence & tort
Attorneys: Benjamin Hiller and Edmund P. Daley, Moquin & Daley, Boston; Howard Sasson, Sasson, Turnbull, Ryan & Hoose, Northampton

▶ \$1 M

Case name withheld
 Woman dies from heart attack after EKG misinterpreted
Action: Medical malpractice
Attorneys: Andrew C. Meyer and William J. Thompson, Lubin & Meyer, Boston

▶ \$1 M

Case name withheld
 Misread pap smear results in delay in cancer diagnosis
Action: Medical malpractice
Attorneys: Andrew C. Meyer and William J. Thompson, Lubin & Meyer, Boston

▶ \$1 M

Case name withheld
 EMTs accused of negligence in preemie's death
Action: Medical malpractice
Attorneys: Andrew C. Meyer and William J. Thompson, Lubin & Meyer, Boston

▶ \$1 M

Case name withheld
 Patient left blind in one eye after sinus surgery
Action: Medical malpractice
Attorneys: Andrew C. Meyer and Robert M. Higgins, Lubin & Meyer, Boston

▶ \$1 M

Case name withheld
 Elderly woman dies from insufficient blood supply during gallbladder removal
Action: Medical malpractice
Attorneys: Andrew C. Meyer and Benjamin R. Novotny, Lubin & Meyer, Boston

▶ \$1 M

Case name withheld
 Failure to biopsy mole allegedly leads to delay in cancer diagnosis
Action: Medical malpractice
Attorneys: Andrew C. Meyer and Krysia J. Syska, Lubin & Meyer, Boston

▶ \$1 M

Case name withheld
 Doctors allegedly miss telltale signs of boy's

bowel obstruction
Action: Medical malpractice
Attorneys: Andrew C. Meyer and Robert M. Higgins, Lubin & Meyer, Boston

▶ \$1 M

Case name withheld
 Spinal compression behind boy's leg pain mistaken for diabetes
Action: Medical malpractice
Attorneys: Andrew C. Meyer and Benjamin R. Novotny, Lubin & Meyer, Boston

▶ \$1 M

Case name withheld
 Sigmoidoscopy fails to detect patient's cancer
Action: Medical malpractice
Attorneys: Andrew C. Meyer and Nicholas D. Cappiello, Lubin & Meyer, Boston

▶ \$1 M

Case name withheld
 Patient's untreated neurological condition leads to permanent injury
Action: Medical malpractice
Attorneys: Andrew C. Meyer and Nicholas D. Cappiello, Lubin & Meyer, Boston



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