

Top 10 jury awards of 1992

The largest jury awards in metro Denver in 1992, according to the Jury Verdict Reporter of Colorado and area lawyers, were:

- \$17.2 million in **Sieger v. Thomas Built Buses Inc. and The Boulder Valley School District**, Boulder County District Court.

Kristofer Sieger had nearly every bone in his face fractured when he was ejected through the emergency exit door of a school bus after it rolled over with 41 students aboard. One boy was killed. Sieger argued that the latch of the emergency door was faulty. Fault was attributed 99 percent to the bus company and 1 percent to the school district. The Aug. 7 verdict, which included \$8.5 million in exemplary damages, was reduced to about \$5 million by the judge, and both sides have appealed.

- \$14 million in **Life Care Centers of America Inc. et al v. East Hampden Associates Limited Partnership**, Denver District Court.

East Hampden, the owner of Cherry Creek Nursing Center, canceled its contract with Life Care in 1991. Life Care brought a breach of contract suit in which the complaint was rejected. But East Hampden's counterclaim — that Life Care had breached its fiduciary duty by opening competing nursing homes — went to trial. East Hampden was awarded \$8 million in actual damages and \$6 million in punitive damages in the Oct. 28 jury verdict. Life Care has filed a motion for a new trial.

- \$8.2 million in **Quintana v. United Blood Services of Albuquerque**, Denver District Court.

Susie Quintana contracted AIDS from a blood transfusion in Cortez in 1983. The blood was supplied by United Blood, allegedly negligently. She died before completion of final arguments, but the jury was sequestered and not advised of her death. Motions after the trial, which

ended Aug. 1, were denied, and United Blood has filed a notice of appeal. The trial court ruled that the death of Quintana did not affect the outcome.

- \$6 million in **Duffield v. First Interstate Bank of Denver**, U.S. District Court in Denver.

Duffield alleged he had an oral agreement with the bank to sell an oil property to bring him current on his loan payments, but the bank applied all the money to principal, keeping him in arrears. He also alleged that the bank broke a written contract by seizing the revenue from his oil wells. The trial ended Jan. 15, and the case is on appeal.

- \$6 million in **Schmutz v. Boulder Community Hospital and Codman & Shurtleff Inc.**, Boulder County District Court.

Brain surgery on 20-year-old Peter Schmutz in 1983 resulted in permanent paralysis and blindness. Schmutz alleged that a Codman & Shurtleff drill, used to penetrate his skull, malfunctioned and plunged into his head, causing massive bleeding and a stroke. Defendants won the first trial, in March 1986, and it was affirmed by the Colorado Court of Appeals, but in 1990 the Colorado Supreme Court unanimously reversed and ordered a new trial. In the second trial, ended March 26, the jury found the hospital 67 percent at fault and the drill-maker 33 percent at fault. Compensatory and exemplary damages were \$4.5 million and \$1.5 million, respectively. Including interest since 1983, the total owed by the defendants was more than \$11 million. The parties have settled the case for \$8 million.

- \$4 million in **Shomron et al v. Grynberg**, U.S. District Court in Denver.

Three Israeli citizens and their Israeli company alleged that Jack Grynberg, the uncle of plaintiff Amiram Grynberg, agreed to provide plaintiffs with financing and 50 percent of a new U.S. com-

pany in exchange for the plaintiffs' proprietary knowledge of a protection system to prevent unauthorized copying of software. They claimed they never received the promised financing or stock. The March 27 verdict included \$3 million in exemplary damages that were set aside by the judge, who also rejected \$550,000 granted to Amiram Grynberg because Jack Grynberg had dissuaded potential investors from putting money into another patented software protection system of Amiram Grynberg. The judge did not change the \$518,000 given to the plaintiffs for breach of contract and the \$10,000 to the defendant on his counterclaim of unjust enrichment. Both sides have appealed.

- \$2.3 million in **Fitzgerald and Hazard v. U S WEST**, U.S. District Court in Denver.

Laurie Fitzgerald, a white woman, and Aaron Hazard, a black male, claimed they lost contract income from U S WEST due to racial discrimination. In a training program for facilitators of U S WEST's "Leading a Diverse Workforce" course, Fitzgerald became emotional relating a past relationship with a black man, and Hazard gave her a hug of support. They claimed the scene resulted in hostility from one of the directors of the program, black U S WEST employee Debra Sapp. In the Aug. 22 verdict, the plaintiffs received \$845,000 for economic damages, \$500,000 for pain and suffering and \$1 million for exemplary damages. U S WEST's post-trial motions were denied. A spokesman for U S WEST declined to comment on whether the company plans to appeal the case.

- \$2.3 million in **Orjias et al v. Louisiana Pacific Corp.**, U.S. District Court in Denver.

Twelve plaintiffs from four families, living within a quarter-mile of the Louisiana Pacific waferboard plant in Olathe,

Colo., claimed upper respiratory problems, memory loss and depression caused by operations at the plant, including wood smoke containing formaldehyde. They also claimed the defendant covered up a meter to hide emissions and doctored temperature readings at the plant. Each plaintiff received exemplary damages of \$156,000 in addition to a variety of economic and non-economic damages in the March 13 jury verdict. The judge hasn't yet ruled on post-trial motions.

- \$1.9 million in **Taylor v. General Motors Acceptance Corp.**, Jefferson County District Court.

Golden lawyer Wyn Taylor was hired by GMAC to collect delinquent accounts on a contingency basis. But, after much of the work was done, with judgments rendered on 80 percent to 90 percent of the accounts, GMAC asked for its files back. Under a claim of "implied contract for services rendered," Taylor sued for the implied value of his services that were tied to the files, and the jury awarded him \$1.9 million on that claim in its verdict of Oct. 28. It also awarded another \$31,500 on a claim of unjust enrichment to GMAC on money it received. Post-trial motions by GMAC were rejected, and the parties have settled for an undisclosed amount.

- \$1.85 million in **Campbell v. Owens-Corning Fiberglass Corp. et al**, Boulder County District Court.

Donald Campbell, 64, developed cancer of the chest lining and brought a product liability suit, involving failure to warn about asbestos-containing products, to which he was exposed as a plasterer and insulation applicator between 1950 and 1976. Four other defendants settled before or during trial. Only 8 percent of the fault was attributed to Owens-Corning, while 92 percent was apportioned to 12 non-parties in the Aug. 4 verdict. Both sides have appealed.

Juries still like victims, but defense verdicts are on the upswing

By TOM LOCKE

Jury verdicts are not always what they

For instance, in Sieger v. Thomas Built Buses, Sieger won the largest metro Den-

tice cases unless they really think they're warranted."

tort reform from a different perspective "I think people wanted that."