

PROFILES AND PRECEDENTS

INSIDE

This is the first biannual report of Pajcic & Pajcic.

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NOTE: The accounts of recent trials, verdicts and settlements contained in this newsletter are intended to illustrate the experience of the firm in a variety of litigation areas. Each case is unique, and the results in one case do not necessarily indicate the quality or value of any other case.

Seven Million Dollars In Total Settlement

Linda Thompson was a dynamic and attractive medical software executive from Boston. She had come to Gainesville, Fla., to spend a week with

Every dollar of this recovery has made it easier for Linda and her family to cope with her situation.



Linda Thompson with Steve and Anne Pajcic after the settlement.

Dr. Jose Gallo and to meet his family. After an afternoon picnic at Blue Springs, Dr. Gallo was turning his Mazda left into a Publix shopping center when they were struck broadside by a Bronco driven by James Johnigean who had just left Bennigan's with his friend Tim Finnegan. Linda Thompson suffered catastrophic brain injuries.

Linda had several years of treatment which cost \$1 million. She will need future medical and attendant care which will cost even more. Her parents took Linda back to their home in the Ozarks, but were anxious about her future when they would no longer be able to care for her.

(Continued on page 2)

\$2.2 Million For Leg Injuries In Boat Explosion

Three Chicago executives were racing their champion power boat off the coast of Boca Raton when the engine began to sputter. They dropped out of the race and slowly headed back to shore. Just as they came into the harbor the engine room exploded sending all of them overboard. The driver broke his ankle and his leg; the navigator broke



Power boat before explosion

Pajcic & Pajcic and the Chicago firm of Bell, Boyd and Lloyd brought the suit against Mercury Marine which had recently reconstructed the engine and the engine room.

two bones in his leg; and the throttle man fractured his heel.

Pajcic & Pajcic and the Chicago firm of Bell, Boyd and Lloyd brought the suit against Mercury Marine which had recently reconstructed the engine and engine room.

After over 40 depositions and two mediations and with the help of a computer animation of the accident sequence, the plaintiffs settled their claims one week before trial for a total sum of \$2.2 million.

The Three Important Things

Gary Pajcic was invited to give the commencement speech at Robert E. Lee and Edward White high schools this year.

He shared the Pajcic philosophy of life with graduates and their families:

The Three Important Things
(and it's not money, sex and power!).

As any kid who has played on any of more than 100 teams coached by the Pajcic brothers knows,

The Three Important Things are:

- (1) *Ethics (being a good sport)*
- (2) *Hard Work (playing your best for the team)*
- (3) *Enjoying Life (enjoying the game)*

Gary added, "What employer would not want to hire someone who was honest, hard-working and a pleasure to be around?"

(Continued from page 1)

Although the drivers of the two vehicles involved in the accident had only limited insurance, Pajcic & Pajcic found seven different sources of funds for Linda. Over seven years, which included five separate appeals, Pajcic & Pajcic was able to collect a total of \$7 million for her.

The first \$800,000 came from insurance covering the Bronco. Johnnigan first claimed to have only a \$300,000 single limits policy with Southern Guaranty, but discovery revealed Johnnigan had leased his Bronco from Bush Leasing, a small Ohio Company. The lease required Johnnigan to purchase a \$500,000 single limit policy. Although Johnnigan never paid it a premium, State Auto ultimately tendered its \$500,000 limit because it never canceled the notice of additional insured it had sent to Bush Leasing.

Pajcic & Pajcic then discovered that Bush had \$1 million in excess coverage. In tandem with attorneys for Dr. Gallo, who had himself suffered a serious brain injury, Pajcic & Pajcic then demanded the \$1 million excess. Relying on the Florida statute which grants immunity for a lessor when the lessee has purchased a \$100/300/50 policy, Bush's excess carrier refused to pay the \$1 million.

Pajcic & Pajcic then accepted the \$800,000 from the auto carriers, but refused to give a full release. In order to preserve her claim against the excess carrier, Linda Thompson only executed a covenant not to record or execute any judgement against Johnnigan or Bush.

Bush's excess carrier finally tendered \$4,400,000 over its policy limits.



The lawsuit has resulted in new signs marking the entrance and exit.



The computer animation used ghost vehicles to show how the accident would have been avoided if the Bronco had not been speeding.

After the excess carrier lost the immunity argument on an appeal in the Gallo case which Pajcic & Pajcic argued as *amicus curae*, Bush's excess carrier finally tendered \$4,400,000 over its policy limits plus additional consideration at 10:30 p.m. on the Sunday night before trial in January of this year.

A third car, not mentioned in the accident report or traffic homicide investigation, proved to be the key to another \$1.4



The Bronco hit the Mazda right where Linda was sitting.

million of recovery for Linda Thompson. Because the shopping center entrances and exits were not clearly delineated, that third car was attempting to leave through the entrance at the time of the accident. According to one of the accident reconstruction experts hired by Pajcic & Pajcic, the presence of the third car caused Dr. Gallo to swerve toward the exit and remain in the roadway just long enough to be hit by the Bronco.

After reversal of its summary judgement on appeal, Aetna paid \$975,000 of its \$1 million policy for the dangerous design and maintenance of the center. After appellate reversals of two orders dismissing it from the case, the anchor tenant Publix paid \$447,000. The shopping center has now placed two-sided, illuminated signs to clearly mark the entrances and exits.

Every dollar of this recovery has made it easier for Linda and her family to cope with her situation. Linda has built a beautiful home in the Ozarks designed to accommodate her handicaps. Her father has retired to be her daytime companion. Despite her disabilities Linda volunteers several days a week to help others. Her true strength of character serves as an inspiration to everyone who is fortunate enough to witness the smile that Linda has finally mastered once again.

Multi-Million Recovery In Roll-Over Case

Damon Mason and two of his friends in the Fernandina Beach High School Band were on their way to a Pirate's football game when Stella Sloan pulled out in front of their open-top Jeep. When Damon's friend swerved to avoid the Sloan car, the jeep rolled over and Damon was thrown from the car. With his mother keeping constant vigil, Damon made it through a couple of life-threatening months at University Medical Center and St. Luke's Hospital.

After losing their summary judgement motion on a coverage dispute, State Farm tendered their full \$2.2 million in liability and underinsured motorist coverage. Pajcic & Pajcic then focused their attack on Chrysler and the dangerous roll-over tendencies of the 1979 CJ-5 Jeep vehicle.

Pajcic & Pajcic assembled a national team of experts in accident reconstruction, kinematics, statistics and biomechanics. They also obtained damaging internal documents from Chrysler which showed the CJ-5 to be one of the most dangerous

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of the utility vehicles with a death rate greater than that of a motorcycle. Pajcic & Pajcic was even prepared to show that if Damon had been in the CJ-5's replacement, the Jeep Wrangler, he would still be surfing today. Between mediation and trial, the crashworthiness case was finally settled for a confidential sum earlier this year.

Damon is completing his education at the University of North Florida and has become a championship contender in wheelchair races in the state.

*Top:
The Jeep
Damon was
thrown from*

*Bottom:
Damon
and
his dog
Mikey*



Teddy Scott *Pajcic Profile*



Before joining Pajcic & Pajcic three years ago Teddy had worked as a legal secretary with the IRS, as office manager at JCCI and as office manager of the department of pathology at University Medical Center. She now uses all of these skills as one of Steve Pajcic's legal assistants. Teddy's calm demeanor and even disposition have made her so popular in the firm and with clients that everyone was glad when her daughter Catrina also joined the firm.

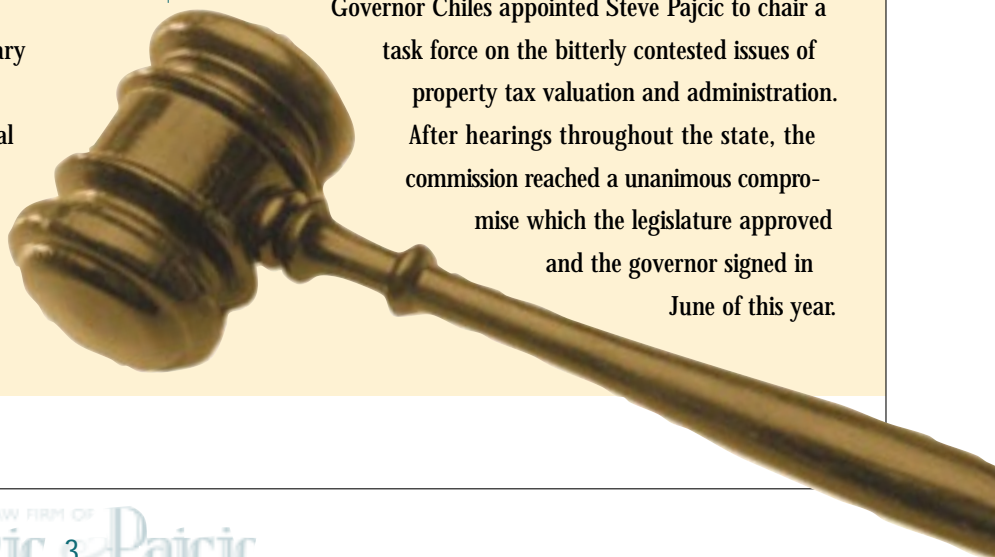
Teddy's husband Harold also contributes to his family's popularity with his rendition of the electric slide at firm parties.

Gary Pajcic Appointed To Judicial Nominating Commission

Senator Bob Graham has appointed Gary Pajcic to the commission which determines which candidates will be nominated for federal judgeships for the Northern, Southern and Middle Districts of Florida. While Gary is on the commission his primary role will be to help select judges for any Middle District vacancies.

Task Force Reaches Unanimous Compromise

Governor Chiles appointed Steve Pajcic to chair a task force on the bitterly contested issues of property tax valuation and administration. After hearings throughout the state, the commission reached a unanimous compromise which the legislature approved and the governor signed in June of this year.



Bobbie Rudin

Pajcic Profile



After Gary and Steve, the person with the most seniority at Pajcic & Pajcic is Bobbie Rudin.

Her familiar face and voice have been greeting our clients for over 20 years. Bobbie has other major responsibilities, such as running the office sports pool.

Perhaps because of her irrational attachment to the Georgia Bulldogs, she has never been lucky enough to be accused of manipulating the pool so that she could win. Her daughter Sumer's football allegiances fit in better with the Pajcics since she is now an honor student at FSU.

Security Patrols Make A Difference

(Taken from the Wall Street Journal, 4/23/97)

In one year, a Tampa store had 226 car thefts, 25 purse snatchings, 32 burglaries and 14 armed robberies. Then a golf cart patrol cut crime in the parking lot to zero, according to Wal-Mart's vice president of loss-prevention in a 1996 article in *Security Management*, a trade journal. He added that the increased surveillance, by encouraging shopping at night, helped business.

Wife And Daughter Put Steve In Volvo

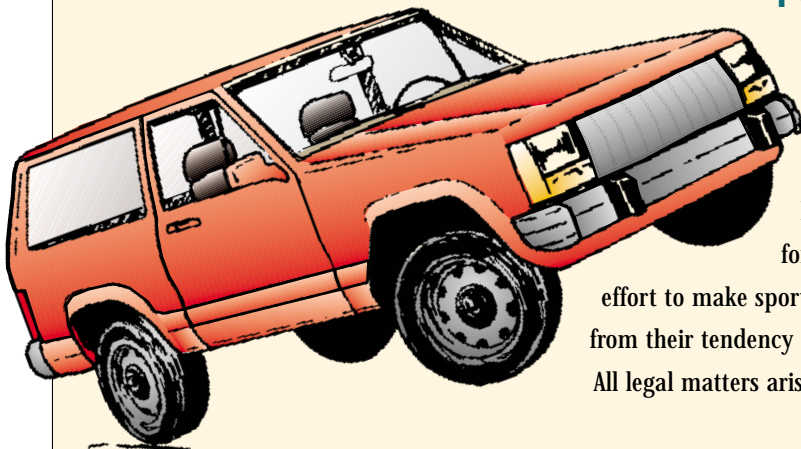
Steve Pajcic and his son Michael were with Michael's team, the Jaguars, at a soccer tournament downstate. They had gone in Anne's Mercedes because they felt it was safer than Steve's Jeep. While down there Steve called home to tell his daughter Helen that he and Michael had bought her a T-shirt at the tournament. Without missing a beat she told him, "Thanks. We just bought you a new car." After hearing so much about the dangers of sport utility vehicles, Anne had traded Steve's Jeep for a Volvo station wagon. Steve does not feel so sporty anymore, but he's happy that he and the kids feel safer.



Steve Pajcic and his new Volvo

Former Mayor Seeks Help Of Pajcic & Pajcic In Warning The Public Of Dangers Of Sport Utility Vehicles

After the sudden and unexpected death of his beloved wife Patricia in an accident involving a sport utility vehicle last year, former Mayor Ed Austin sought the help of Pajcic & Pajcic in his effort to make sport utility vehicles safer and to warn the public about the danger from their tendency to roll-over in correction and vehicle avoidance maneuvers. All legal matters arising out of the accident have been resolved on a confidential basis.



\$425,000 Recovery In School Security Case

It was a tragedy that touched the hearts of all Jacksonville citizens. 14-year-old Jeff Mitchell was gunned down while sitting on a chair at Terry Parker High School waiting for his father to pick him up. The criminals were caught and sentenced to death or life imprisonment for their acts, but Jeff's parents were not satisfied.



Glen and Margaret Mitchell at a memorial to Jeff

They wanted to do all they could to protect other students from the same fate. They hired Pajcic & Pajcic to bring suit against the school system for its inadequate attention to the safety of children.

Discovery revealed that for several years before Jeff's death, Terry Parker was one of the more dangerous high schools despite its presence in a safe neighborhood. Two years before the shooting, the principal had taken down a security fence that his predecessor had erected around the school. At the same time he had installed an even higher fence around one parking lot to protect the school's drivers education cars.

The school had not hired any security for the after school event even though it had provided security for similar events. All sponsors of

the event had left the school grounds even though Jeff and his friend were still waiting for their ride.

According to Jeff's friend, the evening education principal had refused Jeff and him access to the school's telephone but instead told them to use the pay phone outside. The school premises were dimly lit and bulbs were missing from the exterior lights in several areas of the school.

On the eve of trial in February of this year, with a new school superintendent, the school board

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finally agreed to settle the case for a total of \$425,000. Pajcic & Pajcic was able to recover more than the \$100,000 per person limit on sovereign claims because it had filed a federal civil rights action against the principal and school board which was still pending before the 11th Circuit Court of Appeals at the time of the settlement.



Jeff Mitchell

Jeff's parents, Glen and Margaret Mitchell, are devoting much of the settlement and their time to the work of the Jeff Mitchell Foundation which works to keep underprivileged kids out of the criminal world. The school board has implemented most of the security measures advocated by the plaintiffs in all high schools in Jacksonville. Pajcic & Pajcic and the referring attorney Bill Birchfield gave a discount in their fee to help fund the Jeff Mitchell Foundation.

Pam Blincoe

Pajcic Profile



The fastest rising star at Pajcic & Pajcic belongs to Pam Blincoe. Hired three years ago as a runner, she is now operations administrator for the entire office. Among many other duties, she handles all equipment purchasing and maintenance, manages the mail and copy room, and supervises all runners. Without question, however, her greatest asset to the firm is as mediation coordinator. Her buffets and lunches help keep everyone in the right mood for a successful mediation. Pam has apparently passed on her culinary skills to her son Darek who is a student at the prestigious Culinary Institute of America.

Bill Burns

Pajcic Profile



Bill Burns spent 20 years at one of Jacksonville's most prominent insurance defense firms, Marks, Gray, Conroy & Gibbs, including several years as managing partner. After two more years at Peak & Cobb, Bill joined Pajcic & Pajcic in 1996. Most of Bill's work at Pajcic & Pajcic has been on malpractice cases where the perspective from his years in malpractice defense has proven to be a good balance to the more aggressive bent of others in the firm. Bill's engineering degree has also come in handy helping everyone understand the intricacies of some of the more complex product liability cases. His management and computer expertise have also been a help, but not as much as his ability to pick out the best wine for firm functions.

Emergency Room Fails To Diagnose Young Woman's Evolving Heart Attack

Wanda Stanford was an energetic, 42-year-old hairdresser who went to the emergency room because of pain in her chest and arm. She told the emergency room doctor that she was concerned about her heart because her father had just died of a heart attack and she was a smoker.

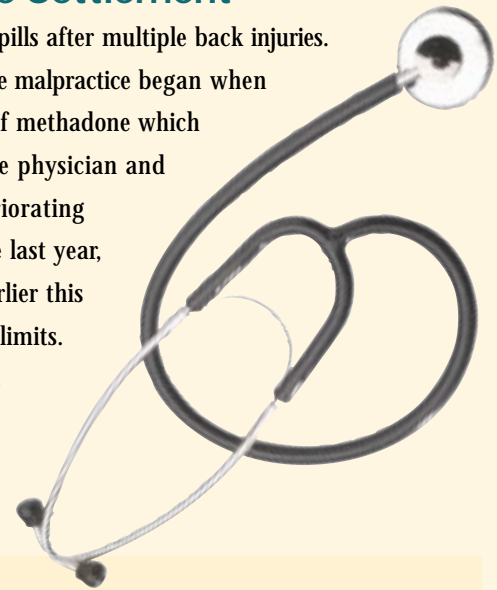
The doctor's reaction to Wanda's symptoms may be indicative of a lingering attitude on the part of some in the medical community to treat women and men's heart problems differently.

The doctor performed an EKG which was abnormal. Nonetheless, the doctor told Wanda her pains were caused by something she had eaten, and he sent her home and told her to take antacids if needed.

The next night Wanda's evolving heart problems culminated in a massive heart attack. The doctor's insurance company paid \$400,000 at mediation to settle the claim which Pajcic & Pajcic had filed on behalf of Wanda. Although the heart attack has limited Wanda's activities and reduced her life expectancy, she has been able to continue as one of the most popular hairdressers in Orange Park.

Seven-Figure Medical Malpractice Settlement

John Doe had become addicted to prescription pain pills after multiple back injuries. He admitted himself to the hospital to break the habit. The malpractice began when the admitting physician prescribed excessive amounts of methadone which depressed his breathing. Then, to compound matters, the physician and the hospital nursing staff failed to note Mr. Doe's deteriorating condition until he had lapsed into a comatose state. Late last year, the hospital settled first for a confidential sum. Then, earlier this year, the physician's insurance company paid 95% of its limits. Pajcic & Pajcic obtained both recoveries during pursuit. Mr. Doe expired several months after the settlement.



Substantial Six-Figure Recovery For Surgical Delay

Jane Doe ran toward the backyard swing to keep her 2-year-old son out of range of the swings. She tripped and dislocated her knee. When the emergency room physician popped the knee back into place, he lost the pulse in her foot. Although he was called immediately, the cardiovascular surgeon did not attempt the popliteal artery bypass surgery for over 36 hours. Jane ended up losing her leg just below the knee. Pajcic & Pajcic found no fault with the emergency room physician, the radiologist or the orthopedic surgeon. The claim against the cardiovascular surgeon was resolved for a substantial six-figure sum in the week before trial in the spring of 1997.

UNF Now Has 35 Pajcic Scholars

Thirty-five former Paxon High School students now attend UNF under full scholarships as Pajcic scholars. Under the program begun four years ago by Gary and Steve Pajcic, any student of their alma mater, Paxon High School, who gains admission to the University of North Florida is guaranteed a full scholarship including room and board.

The program has dramatically increased the number of Paxon students going to college. The students are doing better at UNF than the average entering freshmen. Since Paxon has now been designated a magnet school, the program will no longer extend to all Paxon students. Beginning in the 1997-1998 school year only students living within the historical Paxon boundaries will be eligible for the Pajcic Scholarship.



The first class of Pajcic scholars

Anita Lake

Pajcic Profile



After 11 years with the law office of Sheldon Schlesinger in Broward County, Anita Lake joined Pajcic & Pajcic in 1995 as its medical malpractice coordinator. Her judgement in medical malpractice matters, ability to dissect medical records and extensive contacts with expert witnesses have proven to be invaluable assets to the firm. She and her husband Gary are raising their two young sons, Cameron (7) and Spencer (5). During 1997 Anita has been working at home two days a week because she has taken on the new responsibility of caring for her infant niece Haven. Anita is also one of the funniest kibitzers in the Pajcic lunchroom audience of *The Young and the Restless*.

Five Crashworthiness Cases Settled In Past Year

In the last 12 months, Pajcic & Pajcic has reached confidential settlements totaling several million dollars in five cases against auto manufacturers for defects in their vehicles. The cases have included four different manufacturers and defects which range from roofs which crush down on passengers' heads, to doors which open in crashes, to seat belts which do not restrain their occupants, to trucks and sport utility vehicles which roll over in situations where standard passenger cars would slide to a stop.



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