

PROFILES AND PRECEDENTS

INSIDE

This is the second 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.

\$5 Million for Fall through Chicago Skylight

The Sharpes and the Cothorns grew up next door to each other in Callahan. Frank Sharpe married Betty Cothorn, and Betty's brother Bobby married Frank's sister Gail. Bobby and Frank both went into the construction business. Bobby was a founding partner in one of Jacksonville's most prestigious construction companies, The Stellar Group. He brought Frank in shortly after, and Frank became a valuable project superintendent.

On February 25, 1994, Frank went to Chicago to repair a refrigeration unit on the roof of L. Karp & Son's headquarters. The roof was covered with two feet of snow. As Frank and the Karp maintenance manager walked across the roof, Frank stepped on a hidden skylight and plunged 36 feet to the concrete floor below.

Frank stepped on a hidden skylight and plunged 36 feet to the concrete floor below.



Pajcic & Pajcic's investigation discovered neighboring property with properly protected skylights.

Frank suffered severe facial and skull fractures, a closed head injury, fractures of his left hip and shoulder, and other multiple fractures and internal injuries. After numerous surgeries and extensive rehabilitation Frank was left partially blind and disfigured. He cannot talk or walk normally. He has past medicals of over \$350,000, and he faces a hip replacement in the near future.

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Death on Boat from Silent Killer

Dr. Alan Ling and his wife, Theresa, had everything they had dreamed of: their first child, one-and-a-half-year-old Christopher; a new job for Alan as provost of the University of North Florida; a new house being built on the intracoastal and a new 34-foot Thompson Santa Cruz cabin cruiser.

The boat did not start sometimes, but the marine mechanic had said running it periodically would eliminate the problem. Dr. Ling had planned a weekend cruise to St. Augustine to celebrate Theresa's birthday. When his Friday morning meeting was canceled, he saw the opportunity to make sure things would go smoothly for the trip. He went over to the new house to run the boat which was docked at its bulkhead.

For Theresa and Christopher, the 3-million-dollar recovery will not replace father and husband.

running it periodically would eliminate the problem. Dr. Ling had planned a weekend cruise to St. Augustine to celebrate Theresa's birthday. When his



Dr. Ling with Theresa and Christopher.

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Christine Clark Leads Legal Aid



Christine Clark receives plaque from Michael Figgins, Executive Director of the N.E. Florida Legal Aid Society.

Christine Clark served as president of the Jacksonville Area Legal Aid board of directors for 1997.

During her tenure the board conducted a highly successful fund-raising campaign which raised over \$200,000 primarily from the Jacksonville legal community. Pajcic & Pajcic pledged \$10,000 a year and individual lawyers contributed an additional \$2,300.

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It was a typical summer morning, so Dr. Ling turned on the boat's air conditioning and left up the canvas and plastic covering which enclosed the top deck. A few hours later Dr. Ling was found dead from carbon monoxide poisoning. The boat's engines and air conditioning were still running and the boat's carbon monoxide alarm was sounding.

After Alan's death, Theresa could no longer make payments on the house or the boat and had to sell them at a loss. She and Christopher moved back to California to be near her parents. She hired Pajcic & Pajcic to figure out what happened and to protect her and Christopher's financial interests.

Dr. Ling's death was a mystery at first. Where did the carbon monoxide come from and why did he stay on the boat with the alarm sounding?

Pajcic & Pajcic's testing pinpointed the source of the carbon monoxide as the exhaust from the boat's engines coming in through the rear entry flap of the boat's deck covering. This is sometimes called the station-wagon effect, and automotive manufacturers have addressed the problem by eliminating the rear window opening. Despite over a decade of Coast Guard

Further testing by Pajcic & Pajcic solved this part of the mystery, too. The carbon monoxide alarm was miscalibrated and did not go off until almost an hour after it was supposed to.

Carbon monoxide, sometimes called the silent killer, is a clear, odorless gas which gradually induce a sleep-like stupor. By the time the alarm sounded Dr. Ling could no longer help himself.

After proving how Dr. Ling died, Pajcic & Pajcic sued the manufacturer of the boat, the manufacturer of the carbon monoxide alarm and the marina which installed the air conditioning, the deck covering and the alarm.

Pajcic & Pajcic proved the boat manufacturer had given no consideration to the carbon monoxide hazard in its design and had given no warnings to dealers and customers. Pajcic & Pajcic's experts also criticized the marina for how they installed the alarm and the air conditioning.

Most helpful to the resolution of the case was the discovery of damaging internal documents from the alarm manufacturer. Boat manufacturers complained about the unreliability of the alarm.

The defendant's own testing showed repeated malfunctions in the alarms.

Prior employees and component part makers criticized the defendant for changes in the manufacturing process which allowed contamination of sensitive components. The defendant could not find test records for this alarm.

Based on all this evidence Pajcic & Pajcic sought punitive damages from the defendant

alarm manufacturer.

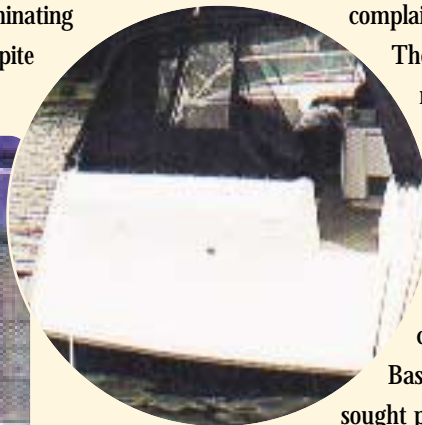
The case settled at the second mediation in September 1997 for cash and annuities with an expected payout of \$5.4 million and a present value of \$3 million. Theresa and Christopher have been able to pay for their home in San Jose, California. Theresa has the financial ability to be a full-time mother to Christopher, whose education and financial support are fully assured. The University of North Florida has set up a scholarship in Dr. Ling's honor.



Computer animation shows the path of carbon monoxide.

industry has not made any analogous design changes.

As a careful and educated man, Dr. Ling was aware of the hazard of carbon monoxide poisoning and had paid extra to have a carbon monoxide alarm installed on the cabin cruiser. Since the alarm was sounding, why had Dr. Ling not gotten off the boat?



publications on carbon monoxide hazards, the boating

continued from cover

Pajcic & Pajcic constructed an exemplar guard for the skylight which would have prevented the fall and a large scale model which dramatically illustrated the magnitude of the fall. A skeleton was marked to show the many injuries all over Frank's body, and x-rays, MRIs and CT scans were enlarged and colorized.

A key break in the case occurred when Pajcic & Pajcic discovered that a similar accident had occurred at Karp nine years earlier. Pajcic & Pajcic amended its complaint to add punitive damages against Karp.

Pajcic & Pajcic settled Frank's tort case for cash and annuities with a present value of \$4.9 million in January 1995. His worker's compensation settlement in October 1997 brought his total to over \$5 million.

Frank has not been able to return to work with Bobby but, inspired by Casey Martin, he is trying to play golf again. He is also continuing to pursue his lifetime interest in classic cars and hopes and dreams of opening his own business in the future.

Inga Rease *Pajcic Profile*



Inga Rease probably has the most demanding job at Pajcic & Pajcic. She is Steve and Gary's personal assistant responsible for coordinating their charitable and political work and assisting them at trial. Inga started out with the firm as a runner, and worked as a receptionist and office clerk before her recent promotion. Inga proved her dedication during her recent medical malpractice trial when she worked on the weekend and until 2:00 a.m. the night before the opening statements and until 5:00 a.m. the night before closing arguments. Right after the trial, Inga was wed to Larry Simmons and is reportedly going home earlier than

Former Client Leads Community Effort

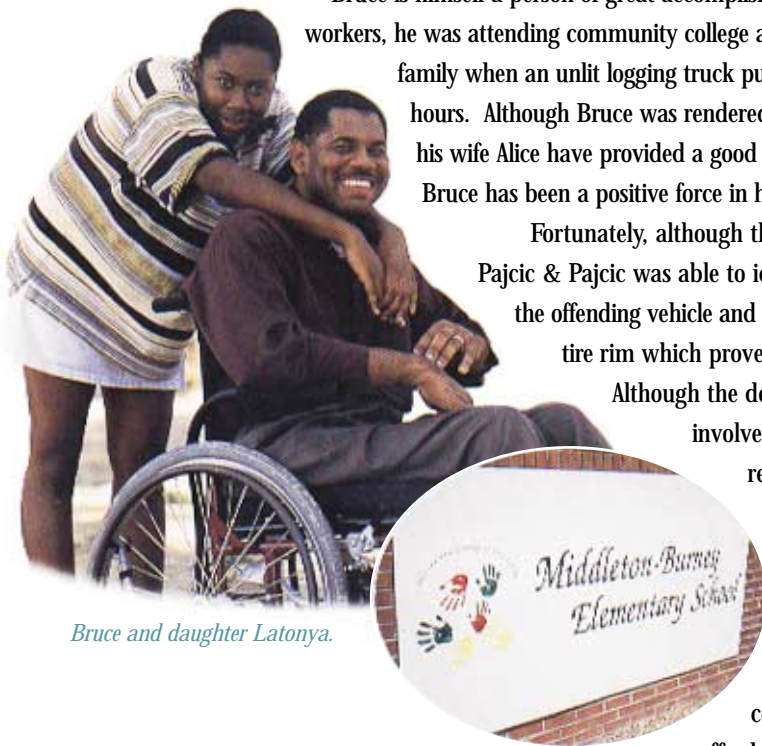
One of Pajcic & Pajcic's former clients, Bruce Barnes, was in the Palatka and Putnam County newspapers in October for leading the effort to rename the Crescent City elementary school. Bruce fashioned a compromise so that the new name would include both Robert Middleton, who donated the land for the school, and Harry Burney, who was instrumental in providing better education for African-American children.

Bruce is himself a person of great accomplishment. The son of migrant farm workers, he was attending community college and working nights to support his family when an unlit logging truck pulled out in front of him in pre-dawn hours. Although Bruce was rendered paraplegic by the accident, he and his wife Alice have provided a good upbringing for their children and Bruce has been a positive force in his church and community.

Fortunately, although the logging truck fled the scene, Pajcic & Pajcic was able to identify the potential trucks, locate the offending vehicle and surreptitiously secure a scraping off a tire rim which proved contact with Bruce's motorcycle.

Although the defendants continued to deny involvement, a Putnam County jury returned a seven-figure verdict for

Bruce in September 1991, which, while inadequate to replace his losses, was the largest verdict in Putnam County. Gary and Steve have pledged to be Bruce's biggest contributors if he is ever willing to offer himself for public office.



Bruce and daughter Latonya.

Nancy Burke

Pajcic Profile



Nancy Burke came to Pajcic & Pajcic with Bob Link eight years ago. She is loyal and dependable and can often anticipate what Bob wants even before he asks. Nancy's experience and willingness to do whatever is needed make her a real asset in trials. She uses her charm to keep witnesses happy and has keen insight into juror reactions. Nancy organizes the Pajcic & Pajcic team for the Cancer Walk each year and puts the photograph in the reception area. She is not so forthcoming with the photograph she recently had made with her Greyhound "Buck Ooh" or with her collection of pig statues.

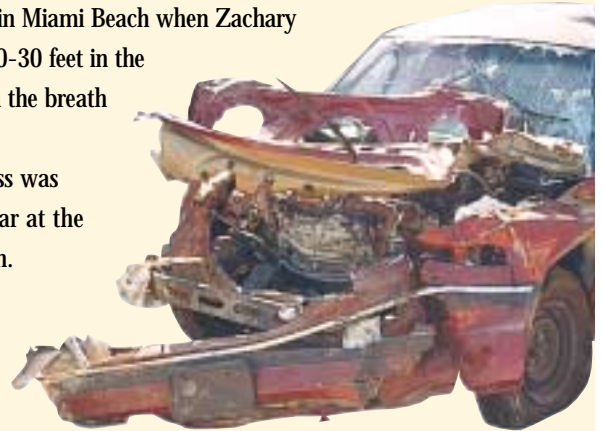
Companies Pay for Allowing Drunks to Drive

Among the drunk-driving cases concluded by Pajcic & Pajcic during 1997 were three cases where companies had to pay a total of \$910,000 because they allowed drunks to drive.

Car Rented to Underage Drunk

Stefano Protonotarios was crossing 8th Street in Miami Beach when Zachary Strauss turned right onto 8th Street, knocked him 20-30 feet in the air, and broke his arm and leg. Strauss blew .220 in the breath test, almost three times the legal limit.

Pajcic & Pajcic presented evidence that Strauss was underage and already drunk when he rented the car at the airport. The case settled for \$150,000 at mediation.

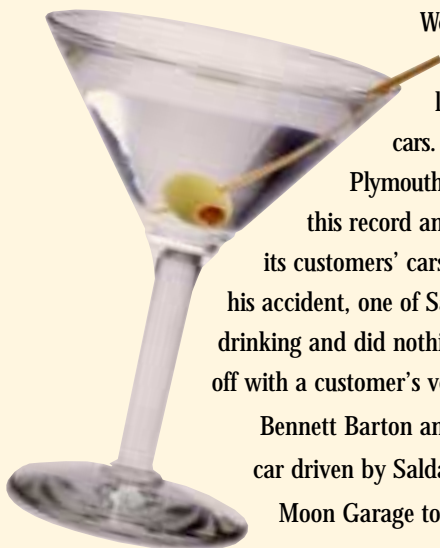


Bouncer Returns Keys to Drunk

Linda Swanson was so drunk she ran two red lights before broadsiding Shedrick Harris at I-10 and McDuff Avenue in Jacksonville. Shedrick had to be cut out of his car and suffered orthopedic injuries and post-traumatic stress disorder. His medical bills and lost wages exceeded \$100,000. Since Swanson had no assets and no insurance, Pajcic & Pajcic had to look for other negligent parties.

The investigation revealed that Swanson was so drunk that her boyfriend had given her car keys to a security officer at Gator's Dockside. Unfortunately, Swanson then prevailed on another bouncer to retrieve and return her keys. The second bouncer, who knew Swanson, said that even though she "had a buzz on" he thought she could drive safely. Faced with this evidence at mediation, the insurance company for the bar agreed in November 1997 to a structured settlement with a present value of \$260,000.

Dealership Allows Drunken Employee to Drive Customer's Car



Westside Dodge had fired Sebastian Saldate for lying about using customers' cars. River City Chrysler Plymouth hired him without checking this record and then allowed him to use its customers' cars. Indeed, on the evening of his accident, one of Saldate's supervisors saw him drinking and did nothing to stop him from driving off with a customer's vehicle.

Bennett Barton and Guy Barton were in the car driven by Saldate when he tried to pass a Moon Garage tow truck on Normandy

Boulevard in Jacksonville. The tow truck driver claimed he had turned on his blinker, but not yet begun his turn at the time of the collision. However, the accident reconstruction by Pajcic & Pajcic proved the Moon Garage truck had turned left into Saldate's path as he was passing.

Bennett Barton suffered minor injuries, but Guy Barton's ankle was severely fractured and has not yet fused back into place. The insurance companies for River City and Moon first paid Bennett \$50,000 and then finally, in August 1997, paid Guy Barton \$450,000 shortly before the third mediation of the case.

\$970,000 South Carolina Recovery

David and Heidi Sneath were young, hard-working entrepreneurs making their own success in Columbia, South Carolina. David's main business was a sound and light equipment company which handled shows all across South Carolina. On February 29, 1996, David was driving the company truck from Columbia to a show near the coast.

As David drove down a two-lane rural highway just after sunset, he came around a bend in the road and saw a pre-fabricated tobacco barn stopped



crossways blocking the highway. David was able to swerve left just in the nick of time so that his truck barely grazed the barn, but then in the other lane David encountered a companion truck following the barn. David could not avoid hitting the second truck and ended up pinned inside his truck in a ditch on the side of the road.

David's left leg was all broken up and his pelvis was shattered. After several surgeries and months of rehabilitation David has been able to return to running

his company, but he still has to use a cane because of his "drop foot." He also faces future hip replacement surgeries and will never again be able to set up sound and light systems by himself. Past medicals and lost wages total \$180,000. Expert reports show future medical expenses and lost income could be several times the amount lost in the past.

Fortunately, the Sneaths retained Pajcic & Pajcic early in the case so that the facts could be well documented. Pajcic & Pajcic obtained pre-litigation statements from all participants and had an accident reconstructionist record the evidence at the scene. Trial exhibits included a table-sized model of

After swerving to avoid the barn in the road, David ended up pinned in his truck in a ditch. the accident scene and colorized enlargements of x-rays and MRIs.

On the question of fault, Pajcic & Pajcic was able to effectively pit the barn company against the farmers. Pajcic & Pajcic and its accident reconstructionist were able to successfully rebut the defense's nighttime visibility experiments conducted to prove that a defective headlight on David's truck contributed to the accident. The case settled in October 1997, a month after an early mediation for \$760,000 from the barn manufacturer and \$210,000 from the farmers. David and Heidi's company has prospered over the past six months as intelligent investment of the settlement proceeds has more than offset the loss of David's physical labor.

\$2.5 Million for Fall into Industrial Pit

Bruce Atkins gave up lobster fishing in Maine to come to Palatka to work with some Vietnam War buddies at the Seminole Power Plant. Hames Contracting was relining the walls of a 22-foot-deep pit at the Seminole plant.

After finishing one part of the pit, Hames put the metal gratings back on top of the pit and took down the barricades around it. Unfortunately, Hames did not replace the bolts and clips which held the gratings in place.

As Bruce was walking across the pit one evening, an unsecured grating flipped like a trap door and Bruce plummeted 22 feet to the bottom of the pit. After several hours another employee finally heard Bruce's cries for help, and he was life-flighted to University Hospital's trauma center. Bruce suffered internal injuries and fractures to his legs, arms, back and ribs. He was hospitalized for several months and underwent numerous surgeries. His medical bills are already over \$600,000, and he faces more surgery in the future.

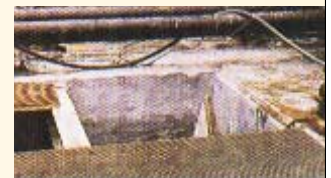
Hames claimed it did not replace the bolts and clips because they were corroded and unusable. Hames claimed it had reported the problem to Seminole and they should have installed new bolts and clips. Seminole cooperated with Pajcic & Pajcic in the investigation and presentation of the case which settled for \$2.5 million in September 1997. Despite the best intentions of Bruce and his Seminole supervisors, Bruce has not been able to return to work. He has, however, recovered well enough to enjoy Florida fishing, bicycling and his grandchildren.

Melanie Homer

Pajcic Profile



After a six-year absence Melanie Homer rejoined Pajcic & Pajcic as Steve Pajcic's senior legal assistant five years ago. She was promoted to products liability coordinator two years ago and is already a valuable source of current information on crashworthy issues and expert qualifications. Melanie is probably the most organized and diligent person in the office. She always gets her document from even the most fractious and dilatory defense attorneys (all out-of-towners, of course). Melanie is a Certified Legal Assistant and paralegal member of AFTL and ATLA. Socially, Melanie leads the reading faction in their on-going feud with the soapers during lunch time. She also is the one who taught Steve how to dance to "YMCA" at the firm party, though to her and his children's embarrassment he continues to make it look like YWCA.



The unsecured grating flipped like a trap door.

Nancy Locke

Pajcic Profile



Nancy Locke is Pajcic & Pajcic's most experienced legal assistant. She started out working for both Steve and Gary over 20 years ago and now serves as Gary's senior legal assistant. Nancy remembers facts of old cases and the usual practices of insurance companies better than anyone. She is also the most productive assistant year in and year out and does it in a way that makes her everyone's friend. Nancy ties Gary for the honor of most children (five) but easily leads on grandchildren (14). Her husband, Tom, is the firm's best singer, best known for "Oh, Holy Night," and worst golfer, best known for "Oh, Hole, Where Art Thou."

Recoveries For Faulty Industrial Equipment

In the last half of 1997 Pajcic & Pajcic recovered \$1.4 million for three workers injured by faulty industrial equipment.

Legs Crushed in Pipe Factory

Ronald Gillins worked at Price Brothers factory in Palatka which makes big concrete pipes. While Ronnie was locking a steel pipe into a machine so that it could be coated with concrete, the operator turned the machine on.

The machine rolled up onto Ronnie and broke both his legs and injured his knee and back. Ronnie cannot ever return to manual labor, and his medical bills already exceed \$130,000.

Trotwood Corporation, the manufacturer of the machine, blamed Ronnie and his co-employees. Trotwood's primary defense was that the machine had been substantially modified by Price Brothers when it added the lock Mr. Gillins was fastening when he was injured.

Trotwood obtained an order of dismissal for lack of jurisdiction, but Pajcic & Pajcic obtained a reversal on appeal. Pajcic & Pajcic retained a widely respected engineering expert who identified design changes which could have prevented the accident, including a better view of the machine for the operator, audio and visual warnings before the machine begins to move, lock-out devices and more.

In December 1997 Trotwood paid \$575,000 for Ronnie's injuries.

Employee Plugged Between Eyes

John Doe was a mechanic employed by a manufacturer of baling machines. As he was removing a plug from a hydraulic cylinder for one of the machines, the plug exploded out of the cylinder and struck Mr. Doe right between the eyes. Mr. Doe suffered facial fractures and brain injuries.

Experts employed by Pajcic & Pajcic could find no fault in the design or manufacture of the cylinder. Instead, investigation and testing proved that it was a customer of Mr. Doe's employer who created the hazard. The experts were able to recreate the accident showing exactly how it happened. The customer had returned the cylinder because it was the wrong one for his machine, but the customer had not told anyone that he had filled the cylinder with hydraulic fluid and sealed the plug with pipe dope. The sealing was unnecessary and prevented the gradual release of pressure as the plug was unscrewed.

At mediation in July 1997, the customer's insurance company agreed to a structured settlement with a present value of \$475,000. Mr. Doe has a good employer who has rehired him in a part-time, light-duty position.

Hi-Lift Bucket Falls with Employee Inside

Trindell Morrison was trimming tree branches from the bucket of a hi-lift truck 20 feet off the ground when the boom suddenly collapsed and Trindell and the bucket crashed to the ground.

Trindell's colon and liver were lacerated in the fall and required surgical repair. Trindell also suffered significant psychiatric injuries.

Pajcic & Pajcic's investigation and reconstruction of the accident showed that the boom had collapsed because of missing and loose screws. Although the boom was less than a year old, the manufacturer blamed the collapse on poor maintenance by Trindell's employer.

Pajcic & Pajcic discovered that the manufacturer had only recently eliminated a steel wire that tied the screw caps together and prevented loosening. The manufacturer claimed its new enamel seal was better, but Pajcic & Pajcic proved that there had never been a failure with the old tie wire system and the new seal system was only a warning system which required frequent inspections of hidden screw caps.

The manufacturer paid \$330,000 to settle the case at mediation in November 1997.



Pajcic attorney Tom Slater reviews model with client.



Broken bolts show point of failure.

Patient Never Given Biopsy Results

John Doe was a 70-year-old widower whose doctors referred him to a cardiovascular surgeon to do an open lung biopsy on a suspicious mass. The surgeon decided to have a radiologist do a needle biopsy instead. The report on the biopsy showed lung cancer, but through an error in the surgeon's office Mr. Doe was never informed.

Fifteen months later on Christmas Day, 1996, Mr. Doe went into the hospital and found out that his cancer was now inoperable. The case settled for \$300,000 around Thanksgiving of 1997. Mr. Doe died in January of 1998.

Tad Griffin Scores Hole-in-One for Charity



Tad left putter in the bag on this hole.

Tad Griffin proved he can perform under pressure on the golf course as well as in the courtroom. With a brand new 1998 Ford Explorer sitting behind the green as a prize, Tad shot a hole-in-one in the fall of 1997 Deerwood Member Guest Tournament. (It was a four-iron 187 yards into the wind.)

Tad also proved that he is a man of principle and heart. As Pajcic & Pajcic's lead attorney in three roll-over and roof crush cases involving Explorers, Tad felt he could not take the truck. Instead he used his lawyering skills to get a \$19,000 check, \$14,000 of which Tad and his wife Gisela donated to local charities for underprivileged children.

Tad's other charitable interest is Habijax, for which he annually organizes the Pajcic & Pajcic volunteer homebuilding team. Tad has committed the remaining \$5,000 of his prize to match dollar-for-dollar every Jacksonville lawyer's contribution to Habijax.

Pajcic & Pajcic Runner a Seminole

Pajcic & Pajcic is really proud of Atreus "Pedro" Bell who earned a full football scholarship at Florida State University last fall. Pedro worked as a runner at Pajcic & Pajcic during his high school years. He had first



Gary shows Pedro how Seminoles did it in the old days.

become involved with Gary and Steve when he was a student at Eugene Butler Middle School and played in the basketball program with special incentive for good grades and graduation which they run for kids in the North Riverside neighborhood. While Pedro was quarterback at Robert E. Lee High School, Gary and Steve worked with the School Board to start Camp Pajcic, a computer-oriented summer program at Lee to help athletes and other students to raise their SAT scores. In less than a year Pedro doubled his SAT score and qualified for Division I athletics. Now if only Pedro can help the Seminoles (continue to) beat the Gators.

Gary Pajcic to Chair Glover Campaign

Four years ago no one else wanted the job when Gary Pajcic agreed to be chairman of Nat Glover's campaign for Sheriff of Duval County. This time it appears that, as the chairman of Nat's re-election campaign, Gary may have no job to do. It is unlikely that Nat will have any opponent since the campaign has already raised more money than last time, and Nat has the highest approval ratings ever given any elected official by Duval voters.

Duval County Sheriff Nat Glover and Campaign Chairman Gary Pajcic.



Curry Pajcic

Pajcic Profile



Like his proud father Gary, Curry Pajcic started out his career as an award-winning assistant State Attorney. In 1997 he obtained convictions in 23 felony jury trials, the most in the Fourth Judicial Circuit. Unlike his dismayed father, Curry has Gator ties. He graduated from the University of Florida Law School where he authored the school's first honor code. After joining Pajcic & Pajcic this year, Curry promptly continued his aggressive pursuit of justice. He is currently lead attorney in 31 fil cases, the most in the firm. Curry's charming wife, Annie Daley Pajcic, is sometimes confused with Steve's wife, Anne, but to the chagrin, no one has yet mistaken Gary or Steve for Curry.



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