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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.

# PROFILES & PRECEDENTS

This Report Summarizes Cases Concluded from March 2010 to December 2010



THE LAW FIRM OF  
**Pajcic & Pajcic**  
Since 1974

## INSIDE

*This is the twentieth periodic report of Pajcic & Pajcic.*

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## \$2.1 Million from Valet Company for Crash into Hotel Lobby

*The hotel's security camera captured all of the shocking events. The car crashed right through the double glass doors and ran right over John Doe, a banquet captain in his hotel uniform walking through the lobby.*

The valet had left the car running in reverse instead of park and, when he jumped back in, he hit the gas instead of the brake.

*continued on page 2*



## VERDICT & SETTLEMENT

## \$1.9 Verdict and \$1.9 Settlement in Separate Cases on Same Day

**THE VERDICT:** *The plaintiff was a struggling waitress who had the stop sign at the rural Westside intersection. The defendant was a dump truck whose attorney guaranteed a defense verdict 10 times out of 10.*

**THE SETTLEMENT:** *The family of four was on its way to church when a teenager crossed the center line and demolished their van.*

*continued on pages 6-7*

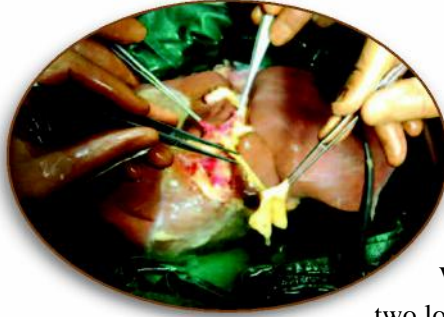
Ben and Ethan Richard

### Baby Shower for the Guys

It was a happy event to start the holiday season at Pajcic & Pajcic – a baby shower for two of the guys. Ben Richard is Pajcic & Pajcic's appellant specialist. He and his wife Sarah endured anxious years as their first child Ryan underwent sophisticated ophthalmological procedures to ensure that he has good vision. Their second, perfectly healthy child Ethan was born December 17, 2010. Damon Otto started with the firm as a runner 14 years ago when he was a single, pony tailed, college surfer. He is now a key member of the finance department, and he and his wife Michelle are proud parents of their first child Luke born on December 2, 2010. The two proud fathers brought their babies to the office for a holiday picture. Yes, Damon still has his pony tail.

Damon and Luke Otto

### \$2.1 Million from Valet Company for Crash into Hotel Lobby *(continued)*



*John's leg was broken, necessitating multiple surgeries. He developed life threatening infections and ultimately required a liver transplant.*

With the support of his girlfriend and his two loving adult children who flew into town, John survived it all to look and feel amazingly normal, but unable to handle all the demanding duties in the hospitality industry where he had worked all his life.

From a legal perspective there were two major issues. With the initial client call Pajcic & Pajcic identified worker's compensation immunity as a potential barrier to fair recovery. Fortunately, the hotel contracted out valet services to a separate, national company with plenty of insurance. The defense still raised worker's compensation as an affirmative defense and their summary judgment motion was pending at the time of mediation.

The second major issue was medical causation for the liver transplant. Pajcic & Pajcic anticipated the defense arguing that the transplant

was based on prior medical conditions rather than the trauma of the accident. Pajcic & Pajcic traveled to South Florida to confer with the prominent transplant surgeon who proved to be a strong advocate for John. He opined that, although John had early cirrhosis, the crash was the direct cause of the transplantation.

The case settled at mediation for an amount that gives John the financial security he deserves and something to leave his grandchildren. He still enjoys seeing his friends at the hotel and helping its guests as a part time concierge.



John Doe and Curry Pajcic.

### Four Judgments in 2010 Total \$68 Million

During 2010 Pajcic & Pajcic had two multimillion verdicts and two other multimillion judgments finalized. They range from \$9 million to \$35 million, and totaled \$68 million.

# VERDICT

# 7 Figures from 7 Defendants for 6<sup>th</sup> Wreck in 6 Nights

During the day the road work at the busy T-intersection did not present any hazard, but at night, when the work crews went home, it became deadly.



*The construction equipment and barricades blocked the view of anyone trying to turn left onto the stem of the T. And the construction plan did not call for a protected turn with a green arrow.*

Each of the first five nights resulted in an accident involving a vehicle making that obscured, unprotected turn. The conscientious police officer who investigated the first night's accident testified that he went to the construction site the next day to warn the contractors, but nothing was changed. The accidents continued each night, but with no serious injuries until the sixth night when

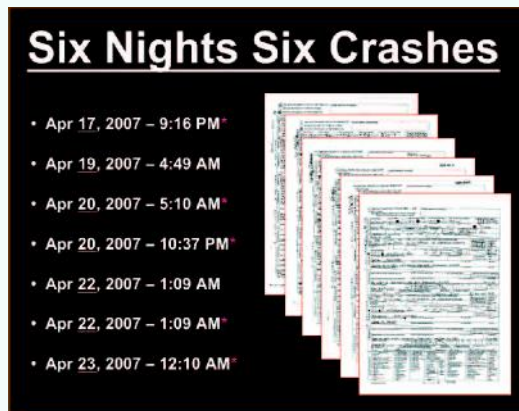
Jane Doe was killed as her nephew cautiously tried to negotiate the turn.

Ms. Doe was the matriarch and business guru for her extended family who had started nail and dry cleaning businesses soon after immigration to the United States. After Ms. Doe's death the businesses suffered, but those family members had no legal claim. Under Florida law Ms. Doe's only legal survivor was her husband of three decades. Mr. Doe speaks little English and moved back to their native country shortly after his wife's death.

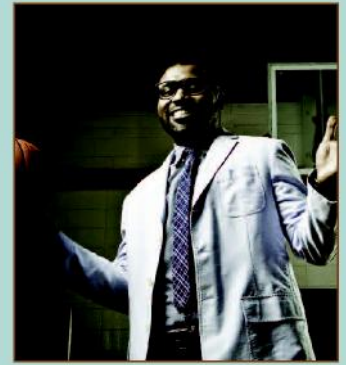
Despite the absence of economic damages and only a single survivor, Pajcic & Pajcic was able to make a fair recovery for Mr. Doe. Very little of the recovery came from the two drivers because of their minimal insurance.

*Almost all of the recovery came from the companies involved in the road contract: The project manager, the general contractor, the design engineering firm and the barricades companies, all of which Pajcic & Pajcic argued could have prevented this tragedy.*

The settlement provides Mr. Doe with a comfortable retirement in his native country, but he also plans to use it to make sure the grandchildren receive the best possible education.



- Apr 17, 2007 – 9:16 PM\*
- Apr 19, 2007 – 4:49 AM
- Apr 20, 2007 – 5:10 AM\*
- Apr 20, 2007 – 10:37 PM\*
- Apr 22, 2007 – 1:09 AM
- Apr 22, 2007 – 1:09 AM\*
- Apr 23, 2007 – 12:10 AM\*



## Atreus "Pedro" Bell

Atreus "Pedro" Bell was the unofficial leader of the hundred North Riverside teenagers who played on the Pajcic youth basketball teams. Tragically, a number of Pedro's friends ended up in prison or as one of Jacksonville's homicide victims. Happily, many others have gone on to healthy adulthood with stable jobs. Some have even graduated college with the help of Gary and Steve's pledge of full financial support for any educational endeavor. Pedro continues to lead the pack. After graduating from FSU as a Seminole football captain, Pedro is now close to completing his master's degree while working full time as a social worker. No doubt, through his career and his unofficial mentoring, Pedro will help many future teenagers follow his footsteps to a productive place in society.



## Legal Aid

It is a tough time for legal aid and public interest law firms. Low interest rates have decimated funding usually provided by interest earned on certain law firm trust accounts. Pajcic & Pajcic has always tried to provide strong support for the Jacksonville Area Legal Aid (JALA). In the past, two Pajcic & Pajcic attorneys have served as president of the JALA board. One of those, Tom Slater, recently represented the firm when it was one of 12 firms honored for 100% pro bono participation through JALA.

Tom used the occasion to present a check to Jane Doe and John Doe of JALA for 2011 in the amount of \$7,000, double the bar's suggested contribution per lawyer.

## \$1 Million for Negligent Discharge of a Suicidal Patient

*It is hard to know why Jane Doe was suicidal. She had a good job with a prominent medical clinic, a loving husband of many years, and close family. Yet Jane struggled with depression, melancholy, and paranoia.*

Jane and her husband realized her medication was no longer working when she started thinking and talking about drowning herself. He drove her to the hospital associated with her clinic, where she was evaluated, and hospitalized under the Baker Act. She was then transferred to Ten Broeck, a Jacksonville mental health hospital.

At Ten Broeck Jane was seen by a physician only once and there was no attempt to adjust her medication. After three days she was discharged by a physician's assistant with a follow up appointment in one week. Two days after her discharge Jane slipped out of the house in the middle of the night and jumped off a bridge.



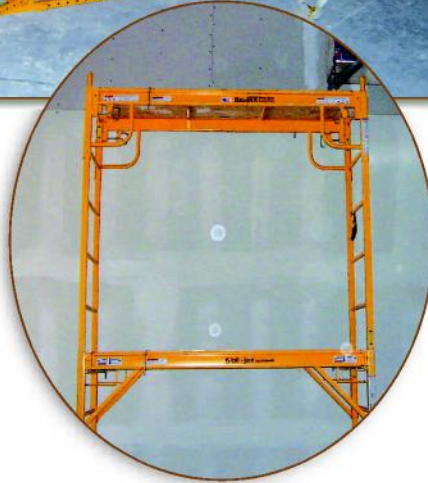
*Discovery by Pajcic & Pajcic revealed that the psychiatrist was distracted by other business ventures, including a drug rehabilitation facility he owned in Las Vegas, Nevada, where he also performed shows as a magician.*

The physician's assistant who discharged Jane had a history of drug abuse. He had been disciplined by the Florida Board of Nursing for prescription fraud and arguably was impaired while treating Jane.

Despite arguments over vicarious liability and the admissibility of the damning evidence, and even with legislative caps on medical malpractice damages, the case settled for \$1 million at mediation. The physician's assistant has been fired; the psychiatrist has been in the news because of his exorbitant water bills that he says are related to his plan to open another treatment center to be surrounded by ponds; Jane Doe's family is still trying to cope, but with a better sense of justice done.

# Laborer Gets \$1 Million Policy Limits after Fall from Scaffold

The owners of a Yulee bar decided to remodel and expand. They rented equipment and hired John Doe to do the sheetrock. Despite Doe's blindness in one eye, he was left in a room



alone atop a rented scaffold 20 feet in the air.

The bar owners heard a scream and a crash and ran in to find the scaffold on the floor next to Doe, motionless and bleeding from his head. Although Mr. Doe now looks good, he has never fully recovered from the fall, especially the traumatic brain injury.

The bar owners had no worker's compensation or liability insurance of any kind and refused to cooperate with Pajcic & Pajcic or its investigators. The Fernandina Beach store that had rented the scaffold also ignored all letters and inquiries.



*It was only by filing suit and notifying the manufacturer of the scaffold that Pajcic & Pajcic found out that the rental company did have insurance. The company was at fault because it had rented the scaffold without guard rails, stabilizers or outriggers. Upon demand by Pajcic & Pajcic the insurance company timely paid its full limits.*

With the recovery Mr. Doe no longer feels like a burden to his family. When it came time for the Yulee bar to put up dance lights and decorations, the owners rented a scaffold again. This time it came with safety equipment and a packet of instructions.

## PAJCIC PROFILE



### Michael Pajcic

Michael Pajcic is the newest lawyer to join Pajcic & Pajcic. Like all the second generation Pajcics, Michael had to get a couple of years of trial experience before joining the firm, but, while the other Pajcics got theirs as Jacksonville prosecutors, Michael chose to be a public defender in Gainesville. Whereas the other Pajcics played football at Episcopal High School and went to college in the South, Michael played soccer at Stanton High School and went to Princeton University. Even so, he claims to be just as ardent a Seminole fan as any Pajcic. At Stanton Michael was selected scholar athlete for the school in his senior year. At Princeton his senior thesis reanalyzed Jacksonville's Ax Handle Saturday as an emblematic sit in and race riot of the 1960s.

The thesis illuminated the previously overlooked reverse vigilante role played by African American youth gangs. Shortly after they both graduated from the University

of Florida Law School, Michael married Katy Debriere who practices public interest law.

PAJIC PROFILE

# \$1.9 VERDICT AND \$1.9 SETTLEMENT I



### Janice Allen

Yes, she looks way too young and stylish to retire, but Janice Allen decided to head home to Kentucky while she could still tailgate like the Wildcat she is. Janice worked for Gary Pajcic for almost two decades and was his last assistant. When she retired right before

Christmas, the firm presented Janice with a check for an extra \$1,000 for each of the 22 years she had been with Pajcic & Pajcic. Unless it conflicts with a Kentucky basketball game, Janice has promised to return for all the firm's weekend retreats at Amelia Island.



## \$1.9 Million Verdict

Jane Doe worked the breakfast and lunch shift at The Waffle House on Jacksonville's Westside. To get to and from work Jane drove her boyfriend's pickup east on Commonwealth Avenue. About half way to work she would cross

over Bull's Bay Road. Both roads are well travelled for what is still a rural neighborhood, but Commonwealth has the stop sign.

*One foggy morning Jane collided with a dump truck in the middle of the intersection. Jane's pickup was demolished and the dump truck ended up 350 feet northeast of the intersection in the middle of the woods.*

Jane was in intensive care for weeks with multiple fractures and a brain injury. She could not remember anything about the crash. The accident report put all of the blame on her.

Pajcic & Pajcic decided the dump truck had to be speeding through the fog and, thus, shared responsibility for Jane's devastating injuries. Discovery revealed that the dump truck driver had previously wrecked a school bus full of children and that the truck was overweight for the bridge over Six Mile Creek just north of the intersection. The trial court allowed a negligent hiring claim, but decided neither the details of the prior wreck nor the bridge's weight limits was admissible.

Jane tried to return to work, but could not hold a job and had to move in with her parents. Defendants had extensive surveillance showing Jane's social life after the wreck, including video of her dancing at a biker bar and a photograph of her holding a beer in one hand while giving the finger with the other. The court decided that was admissible.

The defendants offered \$25,000, and their attorney guaranteed a zero verdict 10 times out of 10. At trial the jury put 1/3 of the fault on the dump truck driver and awarded \$1,900,000 in damages. The judgment has been paid, but still pending is plaintiff's motion for costs and attorney's fees pursuant to a proposal for settlement, which should almost double plaintiff's recovery.

The verdict has given Jane some financial security and independence, but, just as importantly, personal vindication following the attack on her character.



## N SEPARATE CASES ON SAME DAY



### \$1.9 Million Settlement

After giving themselves to mission work in Zimbabwe, John and Jane Doe came home to the U.S. to raise their two sons and start a family business. Then, on the way to church one Sunday morning, a teenager crossed the center line and hit their van head on.

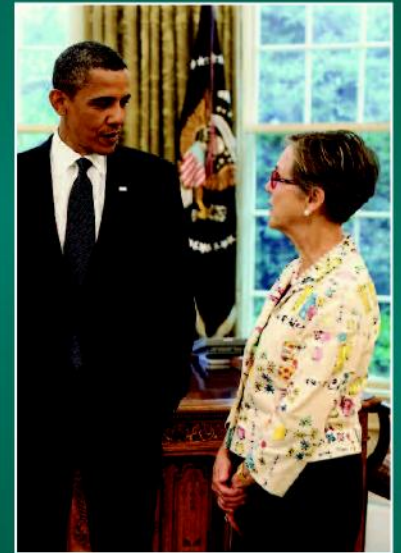
*The whole family was injured, but Brian had to be cut out of the vehicle and the brake pedal was imbedded in his left leg.*



After extended hospitalization and multiple surgeries, John could no longer compete in triathlons, and Jane had to give up her dream of becoming a pharmacist to take over some of John's duties in the family business.

At mediation the insurance company agreed to pay \$1,900,000. The agreement was signed just 45 minutes after the jury returned a verdict for the same amount in Jane Doe's trial.

The Does have collected the full amount of their settlement and feel blessed for the financial security our American system of justice has afforded them. Jane is back in school pursuing her pharmacy dream.



### Christmas at the 'Ohit~ Y4u

Almost four years ago at a fundraiser early in his presidential campaign, Senator Barack Obama led the singing of happy birthday to Anne Pajcic from the stairs of Anne and Steve's Jacksonville home.

This December Anne and Steve joined the President and Mrs. Obama for a holiday reception at the White House.

*It was a fun visit, but not nearly as special as Anne's private audience with the President in the Oval Office this past summer.*

Steve had to miss that visit because of work, but, for whatever it's worth, he claims the same August 4th birthday as the President.