

THIS REPORT SUMMARIZES CASES CONCLUDED FROM NOVEMBER 2003 TO OCTOBER 2004

INSIDE

This is the eleventh periodic report of Pajcic & Pajcic.

Verdict Affirms Faith in System
page 3

Verdict Against Trucker
page 6

One Million from Drunk Driver
page 7

Two Million for Death of Wife & Mother
pages 7

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.

Trucker Pays \$7 Million Even Though Not Charged With Accident

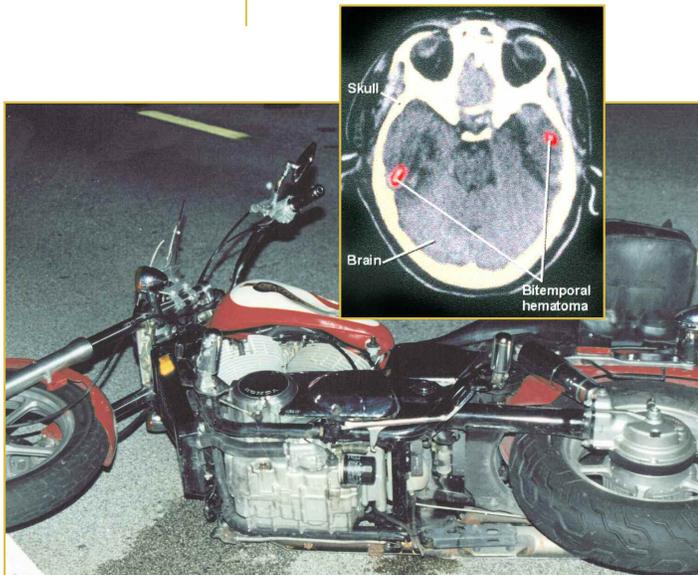
As so often happens in an interstate crash involving a tractor trailer, the truck driver in this case blamed a phantom vehicle, which he claimed pulled out right in front of him from the median on I-95 in Brevard County. The driver lost control of his big truck which careened across the median and crashed into several vehicles in the opposite lane of traffic killing three people and catastrophically injuring Pajcic & Pajcic's client John Doe.

In most cases the phantom vehicle is a figment of the trucker's imagination, but in this case eyewitnesses confirmed the existence of the vehicle and the general outlines of the trucker's story. In fact, the crash report



Gary Pajcic with Jane and John Doe.

continued on page 2



Motorcycle crash caused brain hemorrhages shown in inset.

Insurance Company Pays \$1 ¼ Million on \$25,000 Policy

Jane Doe was the passenger on a motorcycle when the Camaro pulled out right in front of it. The crash broke bones from her skull to her ankle. She was life flighted to Shands Jacksonville and remained in a coma for almost a month.

Unfortunately, the Camaro only had \$25,000 worth of insurance which was grossly inadequate considering the magnitude of Ms. Doe's injuries. As soon as Pajcic & Pajcic could obtain the Shands medical records and the

continued on page 3



Christine Clark

Some public service is more fun than others, and one of Pajcic & Pajcic's attorneys has found a special way of giving back to the community. Christine Clark combines her passions for service, travel and music as a board member of Proclaim! International. Proclaim! supports Christian missionaries throughout the world communicating the gospel through the arts. Christine has been on the board for many years providing legal counsel and fund-raising assistance. She has the most fun, though, when she gets to moonlight on her vacation time as a wannabe jazz keyboardist. Although trained as a classical concert pianist, she has no trouble getting down with street people in Lima or Skopje. Her favorite memory is sitting next to the President of Macedonia at a luncheon where she played with a Latin-fusion group, Los Vecinos. The real reward for Christine is bringing a message of hope and compassion to people around the world.

Trucker Pays \$7 Million Even Though Not Charged With Accident *(continued)*

absolved the trucker from any responsibility. The key to proving the trucker's liability lay in the details of the deposition testimony and the accident reconstruction based on those details, and in the egregious violations revealed by the trucker's logs and the company's personnel and maintenance records.

In a cooperative effort with other plaintiff's counsel, including Sammy Cacciatore and Charlie Roberts, Pajcic & Pajcic was able to prove that the truck had brakes out of adjustment; that the driver lied about his driving record on his application and the employer knew it but hired him anyway; and that the defendant had driven over hours for two of the three days leading up to the crash.

Although the defendant and two fellow truck drivers claimed the defendant "had no chance" to avoid the phantom vehicle, reconstruction of the accident based on the details of their accounts proved otherwise. The defendant was aware of the car in the median 1400 feet or 15 seconds before it pulled out and had 600 feet or six seconds to react once it did. Yet the trucker never even slowed down.

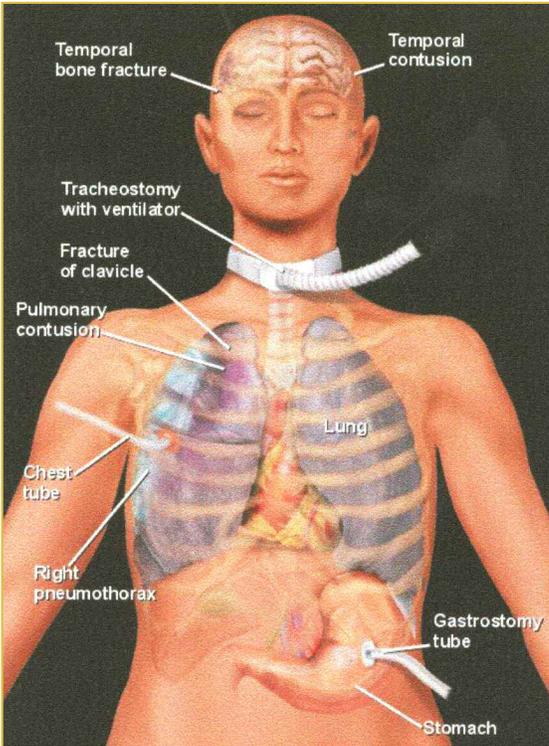
What made Pajcic & Pajcic's reconstruction especially impressive to potential jurors was the 16 foot long scale model of the roadway and a separate computer animation. The animation showed not merely how the accident happened, but also how if the defendant had simply taken his foot off the gas the accident never would have happened.

Although Mrs. Doe's injuries were extensive and catastrophic, Pajcic & Pajcic had concern that a jury might not appreciate their magnitude since Mrs. Doe is naturally radiant and remained so after the crash. To address this concern Pajcic & Pajcic prepared a day in the life video and a comprehensive life care plan. The best evidence on damages, however, was Jane's husband John who projects a caring and loving attitude despite his constant duties attending to Jane.

The case settled on the first day of trial for a total recovery in excess of seven million dollars. The recovery not only holds the defendant trucker accountable, but also gives Jane and John the means to live comfortably and with the care Jane requires.



Computer animation depicts crash.



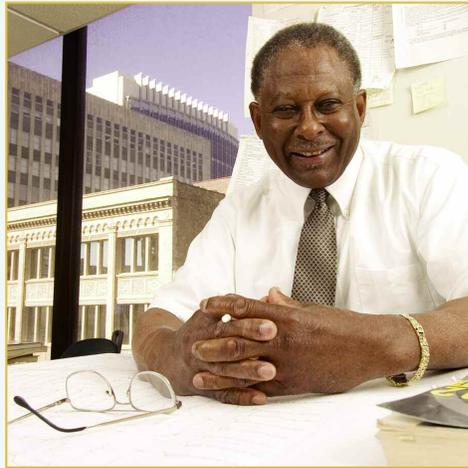
Model showed injuries from skull to ankle.

accident report, it forwarded them to the defendant's insurance company with an offer to settle for the \$25,000 policy limits. The insurance company did not respond until after the offer had expired and Pajcic & Pajcic had filed suit.

With its insured facing a multi-million dollar excess judgment because of its bad faith failure to settle, the insurance company agreed to \$1,225,000 over its policy limits at the second mediation of the case. Since Ms. Doe has not been able to return to work, the extra money will give her badly needed financial security and will also ensure that she can receive the extensive medical treatment she will need for the rest of her life.

Verdict Affirms Plaintiff's Faith in Jury System

Jahn Doe is a proud and poised African-American engineer and entrepreneur. A head-on crash fractured his right knee and knocked him unconscious. Although Mr. Doe conscientiously rehabilitated his knee and soon returned to work he worried about future surgery and felt he had lost business opportunities for his new firm. Mr. Doe was willing to accept \$400,000 in compensation, but the defense insurance company refused. They argued Mr. Doe never would have gotten the business for his new firm and hired Dr. Richard Roe from the University of Florida Medical School who testified that Mr. Doe had a zero percent impairment rating. The jury agreed with Pajcic & Pajcic and Mr. Doe and returned a verdict for over \$400,000. Mr. Doe has successfully invested some of that money in his new firm which is now thriving.

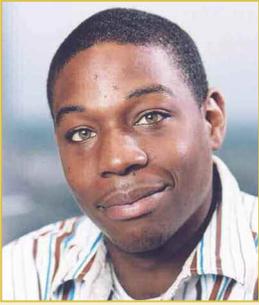


PAJCIC PROFILE



Hona Head

Over the years Pajcic & Pajcic has had dozens of interns, many from Tad Griffin's paralegal class at FCCJ. Hona Head is the first of those interns to be so impressive that she earned a permanent spot at the firm, helping with trial preparation and substituting for other legal assistants when they are off. Hona needed the job so she could support her three year old daughter Breeanna, who was born a year after Hona graduated from high school. Hona and Breeanna live with Hona's mother, best-friend Michelle. It was Michelle's support that made it possible for Hona to earn her paralegal degree with honors, even while Michelle worked as a nurse and she and Hona cared for Hona's 17 year old brother Joseph who has not been able to walk or talk since birth. Breeanna and Hona go to ballet lessons together several times a week. All three "girls" go to their neighborhood church several times a week. Hona says they are "dancing Baptists", just not the kind who dance in church.



Antonio Kirkland

It may look like Antonio Kirkland got his job with Pajcic & Pajcic because of its “good old boy” system, but his experience really was perfect for the job. Antonio’s aunt, Harvetta Jackson, supervises the Pajcic & Pajcic support staff. She needed help with phone coverage and Antonio had worked at a call center for two years. She needed help with catering for mediations and Antonio had been a pastry chef at an Italian restaurant. For deliveries Antonio’s experience was even more impressive. Antonio was player of the year for his division I high school football team in San Juaquin Valley, California. He also earned play of the year honors for his scramble as quarterback on a “discombobulated flea flicker,” which he turned into a 85 yard touchdown pass, 45 of that in the air. As former FSU quarterback Gary Pajcic says, “now that’s somebody who knows how to deliver.”

\$1.5 Million from Truck Speeding through Flashing Yellow

As has been the case in many million dollar recoveries by Pajcic & Pajcic, the accident report only charged our client, whose version is unknown because the



crash rendered her comatose. Jane Doe was partially at fault because she did have a flashing red light, but Pajcic & Pajcic’s accident reconstruction showed the truck was going 15 miles per hour over the speed limit through a construction zone and a flashing yellow.

Although Jane Doe recovered so that she now makes a normal first impression, she will require a lifetime of care with a multi-million dollar cost. Facing the potential of a much larger verdict, the defense settled at mediation for a total of \$1,500,000.

\$750,000 for Infant Drowning in Apartment Pool

Tragically, Pajcic & Pajcic seems to get another infant drowning case every summer. The stories are heart rending because they are so senseless and preventable. Baby Doe was only two and a half and could not help himself. His parents were unmarried and had left him with his paternal grandmother who had lost sight of him for only a short time when he slipped through a hole in the pool fence. Pajcic & Pajcic’s extensive investigation proved the fence was in a constant state of disrepair. The case settled for \$750,000 at mediation. Hopefully, one day, drowning will no longer be the number one cause of death for children under five in Florida.





Annette Ritter

Two weeks after Annette Ritter received her acceptance to medical school, she got even better news: she was pregnant with her first son Levi. The bad news was now Annette could not afford to give up nursing. Eight years later, Annette decided on law instead of medicine because her nursing experience had convinced her that patients need better advocacy in a system that seems set up to serve the medical profession. Annette has now spent 15 years in plaintiff's medical malpractice, including stints with some of Jacksonville's best: Brown, Terrell and Hogan and Gentry and Phillips. She had just the experience and skills Pajcic & Pajcic needed. Pajcic & Pajcic's emphasis on family gave Annette the flexibility she was looking for in order to keep up with her three sons, all chips off the old block. Levi is the competitive lawyer with Holland and Knight. Jonah is an inventive chef in culinary school. Sam is a six foot, five inch, 260 pound football player at Princeton University, with an interest in science and medicine. Husband Lew claims they at least look more like him.

Seven Figure Recovery for Patient Given 50 (Instead of 15) CCs of Insulin



When the doctor said 15 ccs, the nurses heard 50 and claimed he said yes when they repeated it back.

The triple dosage sent Mrs. Doe into shock with resulting permanent brain damage eliminating her chance of returning home.

The biggest hurdle to a fair recovery was the action taken by the facility to limit its insurance and its solvency. Pajcic & Pajcic overcame this through the aggressive pursuit of the income and assets of the affiliated management company and its principals.

Jane Doe had almost completed her rehabilitation following hip replacement and was scheduled to go home soon. Although she had a history of controllable diabetes, her chart had no orders for insulin in case her blood sugar spiked.

When it did, the nurses paged the rehabilitation facility's medical director. He called them back on his cell phone from a Wal-Mart.

DAILY SUPPORTIVE NOTE:

11/9/02 @ 4:30pm - BS via acuv = 453

Glipizide 10mg p.o. given per orders
 When questioned if resident had eaten anything sweet earlier she replied "I just had some cake earlier!"

Lopressor 50mg p.o. given per orders -
 tx HTN. VS 7-98, p-68, R-29, B/P 112/66 A & O X2.

11/9/02 @ 9pm - BS via acuv results = 496
 AT 9:55pm DR. John Doe was notified of BS readings for 7-3/3-11 to day including her present acuv reading.

DR. John Doe gave orders via telephone to give Regular Insulin 50 units q Now and to retake the Blood Sugar in 1 hour. This order was repeated back to DR. John Doe 9:5 written on P.O. sheet and confirmed by him to be correct. AT 10pm Regular Insulin 50 units given by another nurse working in N-wing. AT 11:00pm a repeat acuv was 68. AT 11:55pm report given to oncoming nurse to observe resident for any possible hypoglycemic reactions during night by observation and acuv rechecks q 1-20. Advised nurse if BS ↓ significantly to give 0.7/milk. Resident A & O X2. NO complaints voiced. NAD noted @ present

Signature _____ Date _____

LNM 001



Kathleen Pajcic

Gary Pajcic asked his daughter-in-law Kathleen to fill in as a substitute receptionist for a few weeks. Her poise and intellect so impressed Steve Pajcic that he persuaded her to become a permanent employee. Kathleen now coordinates the firm's on-the-job injury, third party litigation cases. Kathleen's intelligence could have been predicted since she is an English graduate of Georgetown University. Her poise and business acumen is a reflection of her mother Rita, who is now running the family plumbing business in Chevy Chase, Maryland, after the untimely death of Kathleen's father. The perfect match between Kathleen and her husband Seth Pajcic had been foreseen for many years by Kathleen's eight grade dance partner, who became Seth's college roommate. After he finally got them together, they were engaged in six months and married in a year. Kathleen and Seth are now expecting what will be Gary Pajcic's ninth grandchild - and yet another potential outstanding employee of Pajcic & Pajcic.

Verdict Against Trucker After Defense Denies Liability and Targets Plaintiff

Jane Doe and her adult son were moving to Florida hoping for a new start on life when a tractor-trailer struck them from behind on I-95 in Georgia. Mrs.

Doe had arthroscopic surgery on her shoulder and faced potential future surgery for herniated discs and increased treatment for her psychiatric problems.

The trucker's insurance company only offered \$25,000 at mediation and \$50,000 prior to trial. The defense claimed the crash was caused by Mrs. Doe's son who was driving their rented truck and trailer too slowly and erratically. They claimed Mrs. Doe's injuries pre-existed the accident and emphasized that her psychiatric treatment stretched back 20 years. They presented a surveillance video showing Mrs. Doe walking home to her modest apartment carrying her groceries.

While the jury was out the defense gradually increased its offer, finally to plaintiff's pre-trial demand of \$250,000 just as the jury rang the buzzer. Mrs. Doe decided she had gone too far to settle for that. The verdict was for \$641,000. It was reversed on appeal based on improper expert testimony from the investigating trooper. The case then settled for an amount which the defense requested remain confidential.

VERDICT

We, the jury, return the following verdict:

1. Was there negligence on the part of Defendant John Doe, which was a legal cause of loss, injury or damages to Plaintiff Jane Doe?

YES NO

If your answer to question 1 is NO, your verdict is for the Defendant and you should not proceed further, except to sign and date this verdict form. If your answer to question 1 is YES, please answer question 2.

Scholarship to Honor Border Guard Hit by Tractor Trailer

For the family of John Doe it was always about justice and respect for his memory. A highly respected and honored member of the United States Border Patrol, John was capturing illegal immigrants when the truck hit him on a highway outside Laredo, Texas. The trucker claimed he could not avoid John, but meticulous investigation and a reconstruction by Pajcic & Pajcic showed that John actually ran into the road trying to avoid the truck which had drifted off of the road. Defendant also faced the threat of exemplary damages under Texas law after Pajcic & Pajcic proved the trucker was way over hours with fictitious logs and a prior traffic homicide. The case settled for a confidential amount just as the trial was beginning. John's mother Jane Doe donated \$50,000 to the University of North Florida in his memory, which was matched by an equal donation by Pajcic & Pajcic.



*Curry Pajcic, Jane Doe
and Pierre Alliare at UNF*



Fran O'Connor

For over 30 years Gary and Steve Pajcic have credited part of their success to a \$10,000 bank start-up loan. Now the bank has been the source of something even more important — Pajcic & Pajcic's new business manager, Fran O'Connor. As the firm's banking contact over the past few years, Fran had impressed Steve Pajcic with her commitment, competence and cheerfulness. But what really sets Fran apart is her extraordinary ability to manage contentious situations with aplomb and diplomacy. When Gary and Steve finally acknowledged they needed help running the firm, Fran's name naturally sprung to mind, and her performance has exceeded expectations. Fran is the ninth of ten children and one of three sets of twins. She stayed home until her children were in their teens. The children are grown now, so Fran and husband Kevin lavish their attention on their puppy "Paddy", who even gets a dog-nanny while they are at work.

Two Million for Death of Wife and Mother

When Jane Doe's father-in-law broke down on I-95, he called her for help. Following her father-in-law's instructions, Jane was trying to push his car to the next exit when her car was hit from behind by a U.S. Postal Service truck. Jane did not survive the impact and her death devastated her husband John and their three small children.

Pajcic & Pajcic's accident reconstruction showed substantial liability on the truck because it never slowed down or took evasive action before impact. After discovery revealed the truck driver had a long-standing sleeping disorder, Pajcic & Pajcic hired an expert from Harvard's sleeping disorder clinic whose testimony showed even more fault on the trucker.



At mediation the government agreed to pay \$2,000,000, which will allow John to stay home to raise the children the way he knows Jane would like.



One Million from Drunk Driver

John Doe was a 70 years old army veteran living out his golden years with his wife Jane. He was returning to his home in Gainesville after a family reunion and church service in Atlanta when a drunk salesman spun out of control and smashed into Doe's van.

Mr. Doe suffered fractures to his hip, back and wrist and incurred almost \$100,000 in medical bills. Even after surgery and rehabilitation Mr. Doe still walks with a cane. Although a hardened veteran of two wars, Mr. Doe wanted to avoid the stress of trial and agreed to settle for \$1,000,000 when the defense finally offered it two weeks before trial.



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