

PROFILES & PRECEDENTS

This Report Summarizes Cases Concluded from January 2007 to July 2007



THE LAW FIRM OF
Pajcic & Pajcic
Since 1974

INSIDE

This is the fifteenth periodic 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.



John Doe and his family

\$2.2 Million Recovery for Warehouseman Crushed Between Truck and Dock

John Doe was crushed to death between the loading dock and the tractor trailer backing up to it. How did it happen? Was it John's fault or the driver's? How would John's four young children and widow get by without their breadwinner?

John had helped load the truck and then jumped down to stop the driver as he started to pull away because there was one more package.

John and the truck driver reopened the trailer doors, and John went to grab the package. Instead of waiting for John, the driver got back into the truck and began backing up to the dock. John was standing on the ground holding the package as he was pinned between the truck and the dock.

It was obviously a case of miscommunication, but no one would ever know John's side of the story. Moreover, John's company confirmed that all merchandise was supposed to be loaded from the dock, not the ground.

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\$1 Million Because Accident Affects Golf Swing of All Star Pitcher

As Michael Jordan's attempt to play minor league baseball has shown, even the best athletes have trouble crossing over to a new sport after an all star career. John Doe is one of those rare successes. After 150 wins, two all star appearances with the Dodgers and a World Series ring with the Pirates, John took up golf and became the leading money winner on the Celebrity Golf Tour.

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Jennifer Heape

Jennifer Heape is a nice fit as Raymond Reid's legal assistant. They are both technology oriented and have musical backgrounds. Raymond is an accomplished pianist, and Jennifer went to college on a music scholarship. She played the bassoon in a symphony orchestra before giving up music for the legal world. Jennifer has kept up her artistic endeavor through her purse business, itsagirlygirlbag.com, which she created with her mother Elizabeth. Jennifer's parents raise alpacas, and her house is on the family farm near Hilliard. Jennifer's main job with the alpacas is to spoil them rotten, especially the new baby cria. Jennifer and Elizabeth use alpaca fiber to create some of their specialty purses. After Jennifer was hired, Steve Pajcic learned that Elizabeth sang with him in the Paxon High School chorus many years ago. Though Steve is impressed with their purses, he is not quite ready for a girly girl bag.

\$2.2 Million Recovery for Warehouseman Crushed Between Truck and Dock *(continued)*



John was between the trailer and dock

Of course, the driver had to bear some of the blame for backing where he could not see and failing to honk or turn on his flashers. But the real breakthrough in assigning fault to the truck driver came from discovery that impeached his credibility.

First, Pajcic & Pajcic discovered another backing accident caused by the driver but not disclosed to his employer even though it happened only one month before he was hired. Then, using the satellite GPS data detailing the history of the truck's movements, Pajcic & Pajcic was able to prove that the driver had repeatedly falsified his logs. The evidence was so incriminating that the driver took the Fifth instead of testifying about his logs in his video deposition.

Pajcic & Pajcic also moved to amend to add a count for negligent hiring and supervision. The trucking company had hired the driver based on a telephone interview with no signed application and without investigating his prior employment, prior accidents and medical problems, which included both vision and hearing deficits.

Perhaps the most important factor in the ultimate resolution of the case was the compelling testimony that John was a conscientious worker and exemplary family man. John was the kind of father who took two weeks off to be home for the birth of his children. His pastor testified that he was at church every time the doors opened, sang in the choir and played the Angel Gabriel in the church Christmas play.

The case settled for \$2,200,000 after the amendment adding negligent hiring and supervision. The settlement provides educational funds for all the children and enough financial support to allow Jane to continue as a full-time mother and homemaker.

\$1 Million Because Accident Affects Golf Swing of All Star Pitcher *(continued)*



Tournament videos demonstrated the change in John's swing

until two years later, when he noticed the neck pain was changing his golf swing and keeping him off the leader board.

Champions Tour Key Stats										
Events Played	1st	2nd	3rd	Top 10	Top 25	Cuts Made	Scoring Avg.	OWGR	Money List	Official Money Total
Career	30			3	5	27	--	--	211	\$335,199

examined John for the cement company said that John had no injuries related to the accident.

Fellow professional golfers were ready to testify about the difference in John's game since the accident and how well they had expected him to do on the tour before his swing changed. Moreover, the operating neurosurgeon and a prominent Philadelphia sports surgeon testified that the surgery was causally related to the accident.

Despite the problems with liability and medical causation, facing a big potential claim for lost income, the two defendants finally offered \$1 million a few weeks before trial.

The surgery has helped John's swing. Look for him on the Champions Tour.

PAJCIC PROFILE



Sarai Griffin

Sarai Griffin, the newest person in the Pajcic & Pajcic reception area, has the intelligence and the sparkle necessary for the job. Her intelligence is evident from her grades at the University of North Florida where she is a junior with plans to become a psychologist. Sarai's scintillating personality probably reflects the joy she gets from all of life, especially shopping. Sarai and her best-friend/one-year-older sister Clarissa make a "major" shopping excursion three to four times a month, but every day they go to at least one store looking for shoes. Sarai owns over 100 pairs, including 60 stilettos and zero tennis shoes. Clarissa gave Sarai her first pair of stilettos before her seventh grade dance, telling her "Ladies always wear heels". Doing self-analysis using her psychology education, Sarai opines that her shoes are not an addiction. In fact, she is proud to report that she put all of the surprise \$1,000 summer bonus into her education savings account, without even a penny for loafers.



Tom Slater

Jacksonville Area Legal Aid referred Esther Thomas to Tom Slater because of Tom's reputation as an advocate for the hearing impaired. Esther's deafness and advanced age had made her vulnerable to others seeking financial advantage. With the able assistance of Ben Richard, Tom got all of Esther's money back for her. Tom has a long history of involvement with the hearing impaired. Both of his parents and his sister are deaf, and for six years Tom served on the board of trustees for the Florida School for the Deaf and Blind, where his parents had taught during his childhood. More recently, Tom just finished his term as president of the board of the Jacksonville Speech and Hearing Center, which for over 50 years has been the provider of last resort for people in need of assistance with speech and hearing problems.

\$1 Million for Family Injured in 100 MPH Police Chase

It was just before midnight and John and Jane Doe and their two-year-old son Baby Doe were almost home from their trip to see family in Atlanta when a South Georgia sheriff's deputy blocked the exits on I-95 and dispatched vehicles to catch a stolen car.

As soon as they heard the sirens, Jane pulled over to the left of the travel lanes, and the stolen vehicle and several police cars sped by. Then, a trailing cruiser traveling over 100 mph slammed into the rear of the Doe's vehicle and propelled it 100 feet into the grassy median.

John suffered some minor fractures. Jane's biggest concern was her rib contusion because she was five months pregnant. Although Baby Doe was strapped into a baby seat in the back, he suffered the worst injuries with fractures of his arms, legs and skull and a traumatic brain injury.

If the crash had happened in Florida, the county would have sought refuge behind the state's \$200,000 cap on damages. In Georgia the cap is equal to whatever the county obtains in insurance, and fortunately, McIntosh County had a \$1,000,000 policy.

After carefully reviewing the proof of Baby Doe's injuries and after Pajcic & Pajcic filed suit, the county's insurance company tendered the policy limits. The proceeds will not only ensure that Baby Doe receives necessary medical care and educational opportunities, but it also appears that there will be enough to buy a home in Baby Doe's name for the family to live in while he grows up.



Jane, John, and Babies Doe

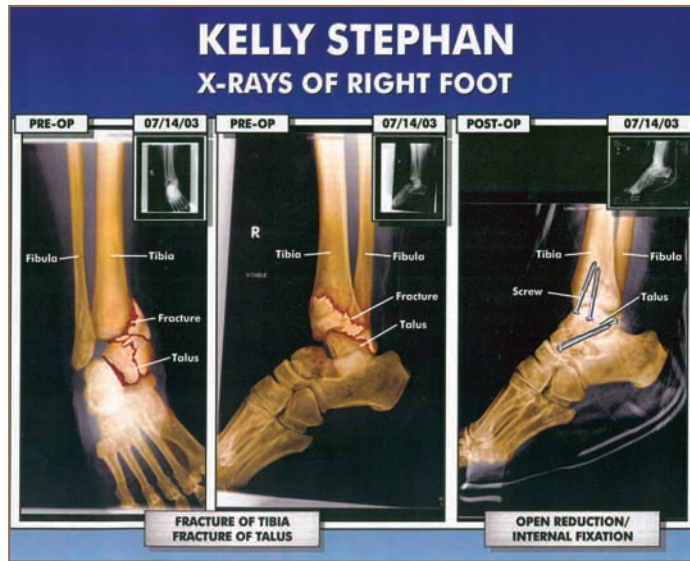


The crash demolished the Doe's car

\$950,000 for Fractured Ankle Because Truck Driver on Cocaine

The garbage truck driver pulled out from a stop sign onto US1 directly into the path of Jane Doe. Jane, who was heading to her job as operating room nurse, instead ended up on the operating table for repair of a complex fracture of her right ankle.

Incredibly, the driver claimed he never saw Jane's vehicle. But then drug tests after the accident showed cocaine in his system.



When the defense minimized the evidence of cocaine, Pajcic & Pajcic had further tests done under the supervision of its nationally recognized expert from UCLA medical school. Moreover, Pajcic & Pajcic discovered the driver's criminal history including illegal drug possession and a recent violation of probation stemming from illegal drug use.

The sanitation company had discharged the driver when he went to jail for the probation violation. But the company had then rehired him before Jane's accident without ever discovering that the probation violation was illegal drug use.

Jane's ankle fracture healed well, but she is left with limitations of motion, early arthritis and persistent pain. While she can no longer stand long enough to be an operating room nurse, her intelligence and work ethic have allowed her to move up to a higher paying position in nursing administration and teaching.

When the defense argued Jane failed to wear her seatbelt, Pajcic & Pajcic pointed to Florida case law holding that punitive conduct nullifies the effect of comparative negligence. The case settled for \$950,000 during the pendency of the motion to amend to add punitive damages.



Leigh Anne Morrill

Leigh Anne Morrill is Pajcic & Pajcic's newest legal assistant in the medical malpractice area. She is well prepared not only by her six years as a legal assistant and ten years in the medical field, but also by her three years in the Navy, where she was one of the first women ever to serve on the flight deck of an aircraft carrier. As a "plane captain" on the carrier Kennedy in 1993, Leigh Anne learned the life and death importance of detailed attention to one's duties. She also learned not to be intimidated by people who may not want you around when, during "Man Overboard" drills, sailors would often appear on the deck straight from the shower. Leigh Anne's passion, which she shares with husband Randy and their children Ashleigh and Alec, is history, especially Scottish history. Leigh Anne and Randy met in the Navy, though not during one of the "Man Overboard" drills.

MRO	FINAL RESULT POSITIVE
OTHER INFORMATION 99999 - SPECIAL PANEL	CERTIFYING SCIENTIST DeJoree Frison, <i>Ag 6/13/05</i> <i>Don Shearor</i>
The results for the above identified specimen are in accordance with recognized forensic practices and were tested at the cutoff levels listed below:	
Class	Result Screening Cut Off Confirmation Cut Off
COCAINE	POSITIVE ng/mL 20 ng/mL
POSITIVE for Cocaine metabolite by GC/MS at 10940 ng/mL	
Comments Positive for parent cocaine at 34 ng/mL by GC/MS	

Multimillion Policy Limits for Death of Son in Fiery Rural Crash

It was nighttime on a rural two-lane highway in North Florida. A pickup, whose bumpers had been jacked-up by a prior owner, lawfully slowed to turn into a restaurant. The following car, a Saturn whose driver had 14 prior speeding violations and had already caused five other wrecks, submarined the pickup.

The night lit up with flames because the impact punctured the pickup's fuel tank. Both drivers died, and the Saturn's passenger was seriously injured.

The driver of the pickup was 23-year-old John Doe, who had recently moved from his parents' farm outside Fort White, Florida. In addition to his pickup, John loved hunting and fishing with his friends and family.

Representing John's parents, Pajcic & Pajcic insisted their claim was worth more than the available policy limits despite no economic loss and the homicide report claiming John's bumper was higher than the legal limit. Pajcic & Pajcic was able to persuade the firm representing the passenger of the Saturn to join with them and present a united front to the underlying and excess insurance carriers. Facing the threat of an excess judgement for bad faith, the carriers tendered their limits at an early mediation. The family and Pajcic & Pajcic are now investigating a potential claim against entities responsible for jacking up the truck without adequate guarding of the fuel tank.



John with his proud family



John's pick-up after the crash



Anne Pajcic, Shanna Carter, Sallyn Pajcic

Habijax House

Gary Pajcic's widow Sallyn Pajcic and Steve's wife Anne asked the firm to co-sponsor a new Habijax home with the Jacksonville Bar Association. The home's proud new owner Shanna Carter is a single mother who works for the Florida Department of Health and is already speaking out about improving her new neighborhood.

Obama Fund Raiser



Anne and Steve Pajcic raised almost \$200,000 for Presidential candidate Senator Barack Obama at their home in March of this year. In introducing Senator Obama, Steve pointed out that while he finished in the top of his class at Harvard Law School, he could not make the law review; whereas Senator Obama not only made the Harvard Law Review, but was selected to be its top editor.

This summer Anne and Steve's daughter Helen has been to Iowa, New Hampshire and Florida working with the Obama advance team, who are the campaign employees who go into a community a few days in advance of the candidate to handle all the logistics, including press contacts, site preparation, volunteer coordination and crowd control.

Pajcic & Pajcic Aids JCCI Studies on Murder and Air Quality



JCCI, the highly regarded Jacksonville think tank, recently completed two of its comprehensive year-long studies of local problems. One analyzed Jacksonville's homicide epidemic. The other evaluated the implications of global warming for Jacksonville's air quality. Raymond Reid co-chaired the homicide study. Sallyn Pajcic, Gary's widow, advocated the study on climate change, and the firm co-sponsored the climate study with Sallyn. Steve Pajcic is a former president of JCCI.



Gary Pajcic

Gary Pajcic has received posthumous awards from the Jacksonville Chapter of ABOTA, which has named its annual ethics seminar after him, and from the Jacksonville Bar Association, which made Gary the fifth recipient of its Raymond Ehrlich Trial Advocacy award recognizing true professionalism. At the Jacksonville Bar luncheon honoring Gary, Steve Pajcic highlighted parallels between the careers of Justice Ehrlich and Gary Pajcic as accomplished trial lawyers with deep interest and behind-the-scenes involvement in politics for altruistic motives. Steve also talked about what true professionalism meant to Gary. It was not intricate knowledge of the rules so that you can come as close to the line as possible. For Gary true professionalism was as simple as being a decent, honest human being who treated every person with genuine respect and natural friendliness.



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