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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.

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This Report Summarizes Cases Concluded from January 2012 to December 2012



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This is the twenty second periodic report of Pajcic & Pajcic.

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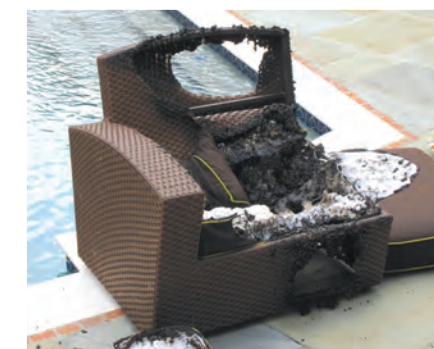
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Lawsuits Force Dangerous Product Off the Market



NAPA fuel gel was sold to an upscale market as a liquid candle for the porch or patio that smelled good and kept insects away. For some unsuspecting consumers, it turned out to be a napalm explosion waiting to happen.

Jane Doe is one of Jacksonville's prominent citizens living in one of its most prestigious neighborhoods. On April 15, 2011, Jane was enjoying a cool, quiet evening on her back patio when she decided to use the NAPA product.



Jane filled the cold ceramic firepot from a gallon jug of NAPA fuel gel. Then she put the jug down and lit the pot. As she turned to sit down, invisible vapors from the fuel gel still

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\$2 Million in Policy Limits from Another Deadly Log Truck

Poorly lit log trucks continue to be the curse of North Florida. They prowl North Florida's rural roads in predawn hours so as to be first in line when the mill opens. One of those deadly menaces recently claimed young father John Doe as yet another victim.

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PAJCIC PROFILE



Support for Education, Troops, Lawyers & Kids

Two of Pajcic & Pajcic's \$25,000 contributions to education this year went to the Duval County School Board for summer ROTC training (at the request of Jacksonville Mayor Alvin Brown) and to the University of North Florida for prelaw education (at the request of program director Martin Edwards). The firm also gave multiple contributions to Gary and Steve's old elementary school Annie R. Morgan in an effort to help student test scores. The scores did not really improve this year, but at least the kids had a place to go on Saturday with a hot lunch to eat. And maybe the country will get more good soldiers (but hopefully no more lawyers).

Lawsuits Force Dangerous Product Off the Market (continued from page 1)

hanging in the air led the flame back to the gallon jug, which exploded, spewing napalm onto Jane and all around the patio.

The explosion rocked the neighborhood, incinerated Jane's sun dress, and left a fire that was still burning in the walls of the house when fire and rescue arrived. Jane ended up with second and third degree burns all down her left arm resulting in multiple surgeries for debridement and grafting.



Jane was scarred for life, but her main concern was that other unwary consumers not suffer the same shocking explosion that she did. When Pajcic & Pajcic filed suit, Jane willingly showed her burns to the cameras so as to warn others and to speed the removal of the dangerous product from the market.

A rash of lawsuits like Jane's quickly resulted in the recall of the dangerous product and the bankruptcy of the seller. On behalf of Jane, Pajcic & Pajcic has made claims against everyone involved in the production and sale of this deceptively dangerous product.

The retailer paid its policy limits to Pajcic & Pajcic on demand. NAPA itself had \$15 million in insurance and \$3 million in assets, but a hundred claims for deaths and injuries around the country. Although NAPA's insurance company raised coverage defenses based on NAPA's failure to disclose prior incidents, the full policy limits have now been distributed among all the claimants following arbitration hearings.

All of the injured consumers have also made claims against the fuel manufacturer, Fuel Barons and the packager of the product, LOSOREA. Fuel Baron's \$7 million in insurance will soon be distributed. A joint demand of \$8 million against LOSOREA is still pending.

While the recoveries on behalf of Jane will exceed \$1 million, that will be only a fraction of the true value of her damages. More importantly, Jane rightly feels proud of the role she played in getting the dangerous product off the market and saving the life and limb of other unwary consumers.



\$2 Million in Policy Limits from Another Deadly Log Truck (continued from page 1)

Tragically for John and his family, the log truck traveling down US1 in Nassau County at 5:10 a.m. on May 11, 2012, did not have a strobe beacon light on the end of the logs, but only a weaker pancake light. John, who was on his way to work from his home in Hilliard to his job on Jacksonville's northside, did not see the log truck in time and plowed into its rear.



Because the log truck had just turned on US1 after bypassing the DOT weigh station just inside the Georgia state line, the truck was going less than 45 mph. The logs shattered John's windshield and impaled him.

John was only 27 years old. He was married to his high school sweetheart Jane and had four young children. Jane was able to be a full time mom because John had a good paying union job at the JEA plant.

This was actually the second time a log truck had played a devastating roll in Jane Doe's life. When she was only 11, she was hit by a log truck, which shattered her legs, resulting in 35 surgeries before she ever left the hospital.

There were potential arguments about comparative negligence based on speed and seatbelt usage and because John hit the log truck in the rear. Nevertheless, the insurance company timely paid its \$2 million limits after a demand from Pajcic & Pajcic. Perhaps the company was aware of another Nassau County log truck accident where an insurance company failed to timely pay its \$2 million limits to Pajcic & Pajcic and ended up with a \$13 million verdict against its insured (see Newsletter 21).

The tragedy is almost unbearable, but at least the settlement allows Jane to continue to be a full time mother to her and John's children. Regrettably, the traffic homicide report cleared the log truck of any fault because its legal counsel concluded (wrongly - in the opinion of Pajcic & Pajcic) that the weak pancake light was all that the law required from these log truck menaces.

PAJCIC PROFILE



Susie Pohlhammer

It was a major event at the firm. Everyone stopped working and came to Steve's office (or Tom's or Bill's ... anyone with a west window ... but Steve had a telescope). People were actually rappelling down the east face of the 31 story Everbank Building (formerly AT&T, formerly Bell South ...) What idiots, who would do that? Not, ... Susie Pohlhammer - who works at Pajcic & Pajcic??? Later on that month Susie regained her senses and went skydiving.

PAJICIC PROFILE



Voting

Pajcic & Pajcic gave everybody time off to vote this November. The firm includes both Democrats and Republicans, but everyone in the firm supported merit retention of all the Justices and judges, which turned out not to be nearly as close as feared despite the opposition of the Florida Republican Party. Even though Steve dressed as Mitt Romney for a firm costume party (all the way down to the Temple Garments), the Pajcics and many others in the firm were enthusiastic Obama supporters again. But the only firm member going to the inauguration this time is case manager Brenda Bagley, who along with Michelle Sweeney worked the polls on election day for both POTUS and the Supreme Court.



\$1 Million from Truck that Hit Bicyclist Despite Crash Report

John Does' only source of income was picking up aluminum cans for recycling. His only means of transportation was his bicycle. He was not homeless because his brother Richard let John stay with him in his trailer back in the country just outside Starke, Florida.

John rode the highway picking up cans seven days a week. Thursday, August 16, 2012, was like any other summer day, including an afternoon rainstorm that left John a little wet. John had about 150 cans in a bag in his basket on his handlebars, heading back toward Hampton from the Waldo Flea Market along U.S. 301. The last thing John remembers is that the traffic was heavy and he was thinking about stopping for a few minutes to let all the craziness pass.



The crash report said the tractor trailer switched lanes and struck John's bicycle with the tractor's right rear tire.

The truck ended up on its side in the middle of the northbound lanes. John ended up in Shands Gainesville with fractures to both legs, a fracture with nerve damage to his left arm and multiple skin debridements to his back and stomach.



PERSON RECORD	
Non-Motorist #	Person Type
1 NMS01	NON-MOTORIST / OTHER PEDESTRIAN
Name	John Doe
Date of Birth	Sex
11/01/1954	M
Address	
17301 NE 21ST LN, STARKE FL 32091	
Non Motorist Action / Circumstance Prior To Crash	Non Motorist Location at Time of Crash
WALKING/CYCLING ALONG ROADWAY WITH TRAFFIC (IN OR ADJACENT TO TRAVEL LANE)	SHOULDER/ROADSIDE
Non Motorist Action / Circumstance at Time of Crash	Non Motorist Action / Circumstance
FAILURE TO OBEY TRAFFIC SIGNS SIGNALS OR OFFICER	
Non Motorist Safety Equipment 1	

Driver 1 said the Bicyclist was in the road, just over the white fog line. Sgt. Bennett, who informed me the bicyclist had a strong odor of an alcoholic beverage on his breath while investigation of the scene, I found a scuff mark on the east side of the roadway. The scuff tire and followed the path of the bicyclist's final rest position. This indicated that the bicyclist struck by Vehicle 1.1 was able to match the bicycle's left handlebar with the area of collision.

The crash report noted a strong odor of alcohol on John's breath. It blamed John for the crash because his bike was on or just inside the fog line. It exonerated the truck and driver.

Pajcic & Pajcic's investigation and analysis showed the crash report had the facts right, but the fault wrong. The truck had to be out of control to end up as it did. And the bicycle had the right to be exactly where it was.

The trucking company only had \$1 million in insurance. Pajcic & Pajcic promptly demanded that those limits be paid within 30 days. The insurance company wisely tendered its limits before the deadline.

John will not be able to ride the highways picking up cans anymore, but the settlement will keep him off welfare. Who knows what will happen to all the litter along U.S. 301?

Million Dollar Recovery for Fall Going from Kitchen to Garage

When Jane Doe walked through her kitchen door to go into her garage, her whole life plummeted off a cliff. A new employee of a service company that Jane had used for years had moved Jane's garage steps without telling her. Underneath the step platform was a two and half foot hole down into the dirt below.



The fall broke Jane's right ankle so badly that her shin stuck out through the skin and mud. Over the next eight months, Jane had eight different surgical procedures to insert or remove plates and screws from her ankle, not to mention dealing with complications of osteopenia, peptostreptococcus, and osteomyelitis. Much of this time Jane was not allowed to put any weight on her right foot. Even today Jane still has pain and carries a cane with her everywhere.

Through all of this Jane held her head high and kept her spirits up. Of course, nothing less would be expected from someone blessed with Jane's aplomb and grace. Despite the cane she still manages to look and act youthful and energetic.



The defendant company had ample insurance and the employee was honest about not telling Jane what

he was doing. On the other hand, it was disappointing that the company owner refused to accept responsibility or even acknowledge the error in the conduct. Indeed, the defense even blamed Jane for her injuries.

But that was mostly legal posturing. At mediation the defense agreed to a fair settlement of \$1.25 million. Jane does not need the money, but feels justice has been served and will put it all to good use.

PAJICIC PROFILE



Whiffle Ball Yard Golf

For Michael Pajcic's fifteenth birthday party, he and his dad designed a whiffle ball golf course in their yard. Fifteen years later, after yearly design changes, the course was host to a fundraiser for Jacksonville Area Legal Aid (JALA). The event raised over \$10,000 for JALA. For Michael and Steve, one of the thank you notes said all they wanted to hear: "I had no idea how much fun that would be."



PAJCIC PROFILE



Summer Break

The Itchetuknee, a Florida icon, the perfect place for the Pajcic & Pajcic 2012 summer weekday getaway. The bus trip down went so fast because everybody seemed foolish and funny playing "name the person who just wrote down an embarrassing fact about herself." Then the bus driver missed the turn off to pick up inner tubes; then no one could remember which tube they had picked out; then the park ranger caught somebody with a flask; then Antonio and Steve tried to tip everybody out of their tube (thank goodness for all the life preservers); then it was very beautiful and quiet as we floated down the Itchetuknee; before we knew it, it was over. And everybody slept on the bus ride back. What to do next summer?

Verdict Upholds Justice for All

It was a tractor trailer accident with admitted liability and low back surgery - the kind of case that usually merits a significant settlement before trial. But the defense dug up some dirt on the plaintiff and decided to put his character on trial instead of settling. Reassuringly for our civil justice system, the jury saw through the mud and returned a fair verdict, 12 times more than the last defense offer.

John Doe was a hard working auto mechanic on his way from work to his home in rural Baker County when a tractor trailer changed into his lane, clipped the side of his pickup and sent him spinning off the interstate. John tried to work through his pain, but ended up having a lumbar discectomy. Then, when his pain persisted, John began a longterm program of invasive pain management.



Pajcic & Pajcic advised John that he would have to be ready to compromise for settlement because of two problems with medical causation. First, John had pre-existing low back problems, made worse because he had not remembered the prior treatment accurately at his deposition. Second, John was in a subsequent accident where the vehicle ended up in a ditch.

It appeared that the defense was ready to negotiate a reasonable compromise until, during the course of the day long mediation, it discovered that since the accident John and his wife Jane had begun having marital problems resulting in criminal difficulties for John. The defense drew a line in the sand and would not offer more than \$75,000, which hardly covered the past medical expenses.

Pajcic & Pajcic dropped Jane's consortium claim, which made much of the dirty laundry inadmissible. Nevertheless, the defense still went after John at trial. The truck driver blamed John for the crash; the defense orthopedist said John had no permanent injury; their radiologist said all his injuries pre-existed the accident; John's former employer testified that John never looked hurt to him; and the defense impeached John with his record of a criminal conviction.

The key testimony probably came at the end of the trial when the defense called a surprise witness, a fellow mechanic who had been in the vehicle with John at the time of the subsequent accident. After a brief recess for his deposition, the court allowed the witness to testify. After the defense questioned him about the second accident, Pajcic & Pajcic called him as their only rebuttal witness. He provided compelling testimony of his observations of the pain John had been exhibiting on the job ever since the first accident.

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PAJCIC PROMOTIONS

Pajcic & Pajcic takes great pride in the success and progress of its employees, especially when so many started their legal career with the firm.



Hona Censon, who started eight years ago as an intern from Tad Griffin's paralegal class, was this year promoted to presuit assistant. Michelle Sweeney, who came to the firm seven years ago through the referral of her sister, Steve Pajcic's personal assistant, was recently promoted to Raymond Reid's legal assistant. Catrina Stewart, who came to Pajcic & Pajcic 17 years ago when her mother worked with the firm, has recently become the head of front office and reception. Damon Otto, who started 16 years ago as a ponytailed teenage surfer making deliveries, is now our ponytailed CFO.

PAJCIC PAYROLL TAX HOLIDAY



As part of the fiscal cliff deal, Congress repealed the Obama payroll tax holiday. Beginning January 1, 2013, all employers have to withhold an additional 2% in taxes from everyone's wages. As our own small effort to preserve the fairness and economic stimulus of the tax break, Pajcic & Pajcic increased the salary of all employees by 2.04%. In other words, Pajcic & Pajcic made the Obama payroll tax holiday permanent for all its employees.

PAJCIC PROFILE



Bicycle Festival

Steve and Michael Pajcic bicycle to work every day. They usually bike home together, but in the morning Michael comes in a little too early for Steve. So, of course, Pajcic & Pajcic readily agreed to be a prime sponsor of the inaugural Bicycle Festival in their neighborhood to encourage more bike riding and promote bike safety.

Pajcic & Pajcic is certainly cognizant of all the safety problems for both motorcyclists and bicyclists since they represent so many with tragic injuries. In fact, during the past year Pajcic & Pajcic settled two bicycle cases for over a million dollars and obtained several recent multi-million dollar judgments for motorcyclists.



(continued from page 6)

The jury said no on comparative negligence and returned a verdict for \$920,000. The case finally settled after the denial of defense motion for a new trial or remittitur, but before the hearing on costs and attorney's fees based on plaintiff's proposal for settlement. John is still trying to work through his pain and he and Jane have happily reconciled.

Plaintiff,	FILED
vs.	FEB 27 2012
WERNER ENTERPRISES, INC., a foreign corporation, and MARK KIRKLAND,	<i>Eric J. Fulton</i> CLERK, CIRCUIT COURT
Defendants	
VERDICT	
We, the jury, return the following verdict:	
1. Was there negligence on the part of Plaintiff John Doe, which was a legal cause of his damage?	
YES	NO <input checked="" type="checkbox"/>
6. What is the total amount of Plaintiff's damages for pain and suffering, disability or physical impairment, loss of enjoyment of life, inconvenience, aggravation of a disease or condition, and loss of capacity for earning money, which were legally caused by the accident?	
a. in the past?	\$ 7,000
b. in the future?	\$ 150,000
TOTAL DAMAGES OF CHRISTOPHER GAY \$ 920,000 (add lines 3 through 5, and, if applicable, 6a and 6b)	
SO SAY WE ALL this 24 day of February, 2012.	