

THIS REPORT SUMMARIZES CASES CONCLUDED FROM APRIL 2005 TO DECEMBER 2005

INSIDE

This is the thirteenth periodic report of Pajcic & Pajcic.

\$2 Million for Failure to Protect Elderly Woman
page 5

Multi-Million Dollar Recovery for Woman Requiring Heart Transplant
page 6

Saving Lives
page 7

Rivals Unite to Help Katrina Victims
page 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.

Trucking Company Pays \$9.65 Million for Death

It was every driver's worst nightmare. On a sunny Sunday afternoon a southbound tractor trailer hit the concrete divider on I-95 and catapulted into the northbound lane.

John Doe never had a chance. The trailer landed on top of his pick-up which burst into flames.

John's wife and childhood sweetheart Jane and their two

children were blindsided and bewildered. The Does were in the midst of building their dream home. John's boss wrote that he was "a ray of sunlight" on the job with "limitless potential". But family came first to John. He changed diapers, coached the kids in three sports, and was Jane's best friend and companion.



Steve Pajcic uses model to demonstrate crash.

continued on page 2

Insurance Company for Trucker Pays \$4 Million on \$1 Million Policy

John Roe's life and death was eerily similar to John Doe's (*see story above*).

John Roe had his own successful homebuilding business. He was an adoring husband and involved father, who played with and coached his two boys. His charismatic personality made him the center of the family and their social circle.

John Roe was driving South on I-95 to the family's lake home when a northbound tractor trailer spun out of control, jackknifed through the median and slammed head-on into John Roe's pick-up. John Roe tried to avoid the truck, but was hemmed in by the guard rail of an overpass.

While the truck driver did not do drugs, he did ultimately plea guilty to vehicular homicide for "driving the semi tractor trailer at a high rate of speed,



The truck pinned the pick-up against the guard rail.

continued on page 4



Michelle Sweeney

In her own unobtrusive but effective way, Inga Simmons quietly lobbied to bring her sister Michelle to Pajcic & Pajcic. When the opportunity finally arose, Michelle Sweeney proved she is not only smart, but also dependable and a no-nonsense hard worker. Michelle is part of the Pajcic & Pajcic reception team and oversees the case inventory lists. Michelle is a mother of three. Mariah is 14 and loves to read and draw and helps take care of Michaela, who can already add at four years of age. Malcolm is 13 and thinks he's the man of the family, but he is learning that, as Inga says, "Michelle is stronger than any mere man".

Trucking Company Pays \$9.65 Million for Death *(continued)*



The truck catapulted over the concrete median.

John was the center of his family's life.

How could this happen? Jane was devastated but determined to get answers and find justice. Her Daytona attorney Gary Ballard referred her to Pajcic & Pajcic.

The answers Pajcic & Pajcic discovered proved just as shocking as the crash itself, and, though imperfect and inadequate as in all cases of fatal and catastrophic injuries, justice was served.

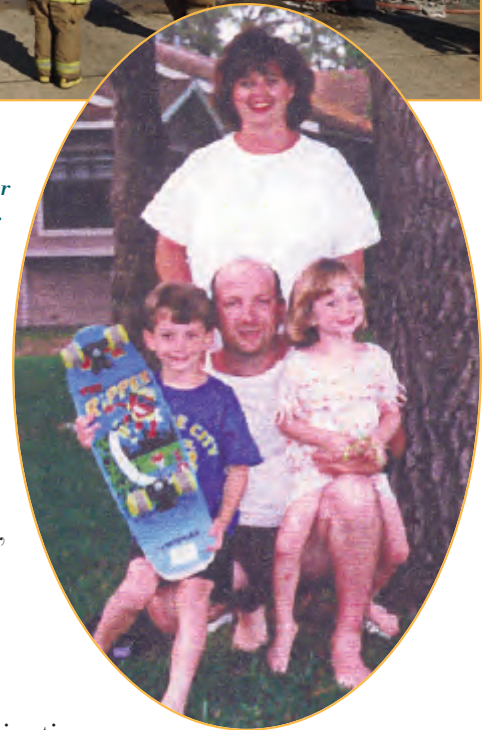
Of course, the driver John Roe blamed a phantom vehicle, and the investigating officers found him credible and unimpaired.

The truth was that John Roe was a stay-up-all-night, sleep-all-day crack cocaine addict who fell asleep at the wheel. He had previously been fired for failing a drug test after an accident.

The trucking company, Pacer Cartage, could easily have found out about John Roe's prior problems with drugs and driving. But, instead of actually checking John Roe's record, its terminal manager fabricated a background check and made up a road test.

It was not easy to get these answers. Pacer and its trucking associates hired four of Jacksonville's best defense firms to assist an Atlanta firm which took the lead.

That formidable legal team, while always ethical and professional, ingeniously pursued every imaginable defense to suppress drug testing and personnel records and then to challenge their relevance and admissibility. Both sides expended considerable time and effort locating every lay witness with material information and retaining the best qualified expert witnesses.



Negotiations were complicated by insurance coverage questions and the intricate interplay of insurance layers and retentions. After two mediations and post-mediation negotiations, the defense, emboldened by an order denying punitive damages, drew the line at \$8 million.

Jane had the courage to follow Pajcic & Pajcic's recommendation and insist that \$10 million was the fair value.

The case finally resolved for \$9,650,000 just before a hearing on plaintiff's renewed motion for punitive damages.

Jane says, "no amount of money could ever replace John, but I hope this settlement sends a message to trucking companies. My prayer is that the settlement will make our highways safer so that other families won't have to suffer this kind of tragedy".

Pajcic & Pajcic and its clients go through so much together. Although there is no comparison in intensity, we share in the initial feelings of grief and anger. And then there's the determined quest for justice. By the time the verdict or settlement comes, we have forged and fused a feeling of family between client and firm. While not expected and certainly not solicited, we are always touched by expressions of appreciation such as Jane's:



Steve, Tom & Juli,

How does one begin? As I sit here, 'Thank You' seems so trivial in comparison to the gratitude I have.

Each one of you have in so many words expressed I was an 'ideal' client. You made it easy. Your professionalism, your extensive knowledge, your compassion, and the never-ending drive you consistently display, allowed me to trust in you and your firm when I doubted all that was around me. During the lowest and darkest time in my life, I practically relied on you. It couldn't have been easy at times when I doubted or feared what all was taking place, or I had those several momentary melt downs. I appreciate the special characteristics that each of you have, to work calmly and directly with me. You will forever remain close to my heart, as you were solely responsible for the new chapter that I am getting ready to begin in my life. As well, you are equally a large part of the chapter I just turned.

I cherish each of you, and hope that I have been able to convey what my 'Thank You' really means.

With my deepest sincerity,

Jane Doe



Delivering the Spirit of Christmas

In addition to giving ham and turkey certificates to needy clients at Thanksgiving and Christmas, last year Pajcic & Pajcic began a new Christmas tradition of allowing each of its employees to pick a family to play Santa Claus to.

The employee gets \$100 per family member, and picks out and delivers the gifts herself.

The program has not only proven the old adage that it is more blessed to give than to receive, but it has also spread the Christmas spirit around the firm.



Sharon Glennon

It is hard to imagine a more auspicious beginning to a career as a legal secretary than how Sharon Glennon began: taking shorthand dictation of Ladd on Evidence from Dean Mason Ladd himself. Since then Sharon has gone on to work for other Florida legal legends, including Earl Hadlow, Bob Beckham, Wayne Hogan and Wayne Myers. While in Bob Beckham's office Sharon was across the hall from Pajcic & Pajcic for ten years. And Sharon and Steve Pajcic both worked for Earl Hadlow in the early 1970s — Sharon taking shorthand dictation of wills while Earl exercised on his twist-a-board and Steve carrying Earl's briefcase while answering his pointed queries about the brief for Southern Bell or Barnett Bank. Sharon now coordinates Pajcic & Pajcic's practice representing injured workers in civil tort actions. Her unparalleled experience, poised professionalism and the twinkle that remains in her eye make her a proud asset of the firm and its clients.

Insurance Company for Trucker Pays \$4 Million on \$1 Million Policy *(continued)*



The truck squashed the pick-up.

tailgating other vehicles on rainy, wet roads with bald tires and faulty brakes after having driven from Augusta, South Carolina to Miami, Florida and back to just north of County Road 210 on I-95 within 12 hours contrary to Florida law”.

John Roe's corporate attorney Richard Hathaway referred his distraught but strong widow Jane Roe to Pajcic & Pajcic even though he knew the trucking company had only \$1 million in insurance. It was four years before the guilty plea, and the trucker had the prototypical phantom vehicle to blame, but Pajcic & Pajcic still realized that the value of the case was many times the insurance limits.

Fortunately for Jane Roe and the children, the truck's insurance company mishandled the claim. It sent an investigator to the house to get information on John Roe's income without offering the limits which were clearly due. Then the insurance company ignored Jane Roe's request for an early resolution until after her own carrier had tendered its UM limits and sought a blanket release.

Jane Roe authorized Pajcic & Pajcic to file suit. Then the truck's insurance company tendered its limits. It was too late.

Pajcic & Pajcic told Jane Roe the underlying case was worth \$10 million. The problem was how to collect it. The trucking company was fly-by-night with no assets. It would not be a typical bad faith case against the insurance company for the excess judgment over the limits because there was no time-limited demand for the limits. Moreover, the insurance company itself was small with its own financial difficulties.

The case was finally resolved just before trial for \$4 million with some of the money paid over time with interest. While less than fair value, the settlement gives Jane Roe the financial security she needs to raise the two boys John Roe was so proud of. Despite the settlement, the principal of the high school where Jane Roe has been teaching since John Roe's death has persuaded Jane Roe to stay on because her students need her too. Jane Roe's class of 90% minority students has the best results on standardized tests in all of Putnam County.



John Roe was never too busy for Jane Roe and the boys.

\$2 Million from Alarm Company and Apartment Complex for Failure to Protect Elderly Woman

Jane Doe was a 78 year old retired banker living alone in a apartment complex. Out of concern for their mother's health and safety, Mrs. Doe 's children got her an emergency alarm to wear around her neck.

Mrs. Doe was alone in her apartment when another tenant suffering from a delusional episode forced her way into Mrs. Doe's apartment and viciously attacked her — biting her ears, gouging her eyes and finally stabbing her in the back with a knife.

While Mrs. Doe screamed and cried out in obvious pain and anguish for over two long minutes, the emergency alert operator repeatedly asked whether Mrs. Doe needed help. Then, instead of alerting police or rescue, the operator merely called Mrs. Doe's son-in-law and asked if he could check on her.

The alarm company's defense was that it could not have prevented any of the injuries because the attack was already under way when they received the call. However, Pajcic & Pajcic's prompt preservation of the recording and a detailed, sequential analysis of its sounds by experts proved that the attack could have been stopped before some of the worst injuries.

In the case against the apartment complex, Pajcic & Pajcic was able to prove that the police had been called numerous times in the past because of similar violent incidents involving the attacker. In fact, Mrs. Doe had herself complained about her assailant and requested a chain lock, which had been refused. Pajcic & Pajcic also effectively highlighted the lease's reference to a violence free environment and eviction of violent criminals.

While Mrs. Doe had a good recovery from some of her injuries, proof of the egregiousness of the liability helped Pajcic & Pajcic to resolve the case at mediation for \$2 million. Mrs. Doe died a few months after the settlement, but the settlement not only enabled her to have the skilled nursing care she needed during those months, but also allowed her to leave a legacy for her children and grandchildren.



Mrs. Doe suffered injuries all over her face.



The delusional assailant used a kitchen knife in the attack.



Benjamin Richard

Over the years Pajcic & Pajcic has had scores of law students serve as interns with the understanding that no permanent job could be offered because every Pajcic & Pajcic attorney had to have years of experience, including serving as lead attorney in numerous jury trials. But, when Ben Richard finished his internship, the unanimous opinion of all Pajcic & Pajcic lawyers was Ben had to be the exception to the rule. In six short months as an intern Ben's intellect and work ethic had already made him an indispensable asset. Ben was valedictorian of his class of 146 at Florida Coastal School of Law, but his research and appellate skills were honed in his six months as a student clerk for Justice Peggy A. Quince. Ben worked his way through undergraduate school managing 16 fast food restaurants at Cedar Point Amusement Park which has 17 of the tallest roller coasters in the world. Ben never met a roller coaster he didn't like, but says their thrills don't compare to the rush he gets when Gary calls from the courthouse for urgent research in the middle of trial.



Connie Thomas

While Pajcic & Pajcic has legal assistants who commute from South St. Augustine, Glen St. Mary, Green Cove Springs, and St. Mary's, Georgia, Paul Shorstein's new legal assistant gets the prize for the longest trip. Connie Thomas has been a legal secretary for almost 30 years, most if it in her hometown of Palatka, but she now drives 120 miles a day because she wants to work for Pajcic & Pajcic. Connie's quiet competence and contagious giggle have made it easy for her to fit right in at the firm. Connie has not only lived her entire life in Palatka, she is part of the town's fabric. Connie is treasurer of the Palatka Arts Council and last year finished her term as one of the 12 Elders of the First Presbyterian Church of Palatka. As further proof of her deep roots in Putnam County, Connie and husband Ranny spend their free time tailgating Gator games and fishing from their 15 foot "stump knocker".

Multi-Million Dollar Recovery for Woman Requiring Heart Transplant Following Hospital's Failure to Treat on a Sunday



Two persistent failings of our health care system came together to deny Jane Doe the medical care she desperately needed in September 2002.

Jane was a young mother who on a Sunday morning began to feel pain and tightness in her chest radiating to her left arm and shoulder. Her husband rushed her to the emergency room at 8:30 a.m. where she

had an abnormal EKG showing evidence of a heart attack.

Yet Jane did not get the care she needed — first, because she was a woman, and second, because it was a weekend.

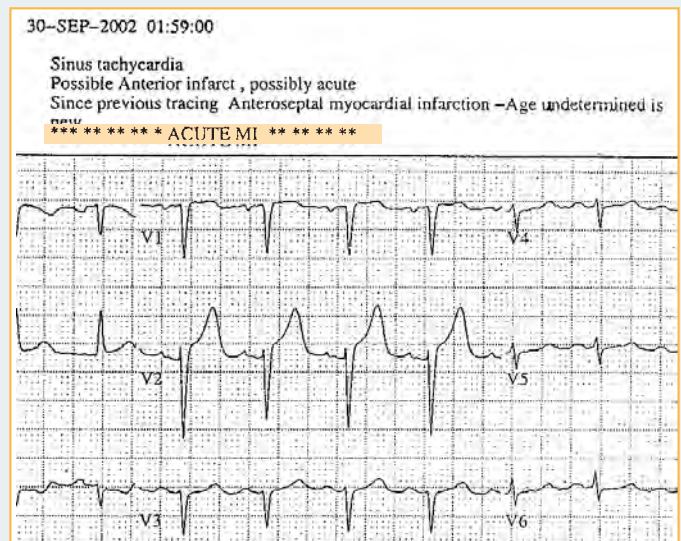
The medical community routinely minimizes the cardiovascular problems of women, especially young women, and the weekend is the worst time to go to an emergency room or be in a hospital. Doctors do not like to come in on the weekends and the emergency room physicians, hospitalists and nurses are discouraged from calling them.

Despite the initial abnormal EKG, another one at 2:00 a.m. showing an evolving heart attack, and documented severe chest pain throughout the night, Jane did not see a cardiologist until almost 10:00 a.m. Monday morning.

Although the cardiologist immediately performed a catheterization and stent, it was too late. Jane had suffered such extensive damage to her heart muscle that she had to have a heart transplant, extremely rare for someone so young.

The case against the doctors and the hospital settled for a multi-million dollar amount after discovery and mediation.

The transplant has given Jane a new lease on life, but, like all heart transplant patients, it is a limited lease. She now treasures every precious moment with her young daughter and strives to forget about the other children she and her husband can no longer have.



The second EKG at 1:59 a.m. showed an evolving heart attack.

Saving Lives

Except for an appreciative client, nothing pleases Pajcic & Pajcic more than to see our work result in new safety procedures that will save lives. Pajcic & Pajcic is proud that one of our cases before the Florida Supreme Court, Clay Electric Cooperative, Inc. v. Johnson, 873 So. 2d 1182 (Fla 2003), is now making streets all around our state brighter and safer, as indicated by ads such as shown below:



Rivals Unite to Help Katrina Victims

When New Orleans was devastated by Hurricane Katrina, Gary Pajcic searched for the best way to help.

As a former quarterback at FSU, Gary remembered that former Gator quarterback and Heisman trophy winner Danny Wuerffel is working with under-privileged and needy youngsters in New Orleans through the Desire Street Ministries where he is Director of Development.

In the days building up to FSU's participation in the ACC Championship game in Jacksonville, Danny came to Jacksonville and the two quarterbacks met at midfield in the old Gator Bowl, where Gary gave Danny a \$100,000 check to help with his ministry.

As Gary said, "When it comes to helping kids, there is no Florida State or Florida, we're all on the same team."



Former FSU quarterback Gary Pajcic and former UF quarterback Danny Wuerffel.



Bobbie Rudin Retires

Pajcic & Pajcic has been fortunate to have the four great employees pictured above for more than 25 years. Unfortunately, the second from the left, Bobbie Rudin, who for 28 years has been the face and voice of Pajcic & Pajcic, is retiring and returning to her Georgia roots. Bobbie's Dolly Parton personality and Della Street intuition have helped Gary and Steve build the firm to what it is today. Bobbie will be sorely missed, not only by everyone at the firm, but also by the thousands of former clients whom she instantly recognized when they called in to refer a friend. Bobbie is moving back to Georgia into a new house she and her mother built with the help of her Christmas bonus and a special retirement bonus of \$28,000. The house is in Waycross — that's the big city just down the road from Blackshear, their hometown. Bobbie plans on doing most of the cooking because she can't get her 80 year old mother Alice off the computer. And, as Alice says, if you worry about what she does on the computer, "it's your mind that's dirty."



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