

# PROFILES & PRECEDENTS

THIS REPORT SUMMARIZES CASES CONCLUDED FROM JANUARY 2006 TO DECEMBER 2006



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

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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.



*Steve Pajcic with Jane Doe.*

## Over \$11 Million for Driver Wrongly Charged with Accident

Eleven years after she was wrongly charged with an accident that left her face down, unconscious and barely breathing in the middle of I-95, Jane Doe and her attorneys have finally resolved the last of her accident claims, which have over the years totaled in excess of \$11 million.

The crash report put all the blame on Jane, who could not dispute it since she was comatose for several weeks and never regained any memory of the crash. Pajcic & Pajcic could not believe that a 36-year-old mother of two, who was a medical professional with a perfect driving record, could be as reckless as the crash report suggested.

The legal battle to unravel the enigma of how and why this tragedy occurred involved eight different lawsuits, nine mediations, one jury trial and seven different settlements.

The earliest recoveries came from the two tractor trailers which had struck Jane's car. The manufacturer of Jane's car also agreed to a substantial settlement because the seat and seat belt system allowed Jane to be ejected through a back window.

*continued on page 2*

## \$1.2 Million Recovery After Neurologist Ignores CT Scan



*John and Jane Doe.*

John and Jane Doe were a young couple in small town, South Georgia, living the good, old-fashioned Southern life. John coached their children in sports and worked with his mother at a Target distribution center. He and Jane had their own trailer on land adjoining her parents in the countryside outside Adel, Georgia.

Then John started having headaches. They got so bad he went to see his family physician who immediately referred him for a CT scan of the brain to rule out anything life threatening. The radiologist who looked at the CT scan reported significant abnormalities consistent with hydrocephalus.

*continued on page 3*





### Brandon Quaintance

One of Gary Pajcic's clients could not help but brag about his 15 year old grandson Brandon Quaintance, who was an honor roll student at Paxon High, Gary and Steve's alma mater. Within a few weeks Brandon was working in the Pajcic & Pajcic copy room, demonstrating the poise and intelligence that, five years later, now makes him a valuable part of the front office reception team. Brandon is also a full-time UNF student majoring in English with plans to become a lawyer. He has shown the directorial instincts essential for a successful trial lawyer in his design and weekly production of the multi-media presentations at his church, St. Paul AME. Brandon's success is especially remarkable since he was diagnosed with sickle cell anemia at three months and even this year had to endure two extensive hospitalizations. To ease the stress Pajcic & Pajcic has given Brandon a full scholarship but he still insists on being at the office a few hours a day for the experience and comradery.



Jane was ejected through the back window into the middle of I-95.

### Over \$11 Million for Driver Wrongly Charged with Accident (continued)

The major recoveries came after a breakthrough when Pajcic & Pajcic met with a traffic homicide investigator who had assisted in the investigation of the accident. Buried in his field notes and not a part of the final accident report were ten additional witness statements, including one from an armored car driver with a suspicious denial of involvement:

*I was northbound on I-95. I tried to make a lane change to the right when I heard a Hard Bump. I got back into my original lane and saw a red car turn left into 2 semi trucks. I made no contact with anybody.*

Pajcic & Pajcic deposed the driver and got a recorded statement from his shotgun passenger before adding the armored car company to the suit. Their admissions provided compelling evidence that the whole accident sequence had actually been started when the armored car suddenly cut in front of Jane and caused her to swerve and lose control of her car.

Jane's case against the armored car and its driver evolved into bad faith cases against their insurance companies when they refused to pay their policy limits on a timely basis. The final bad faith case was tried last summer and resulted in a jury verdict against the insurance company. The case settled later, shortly after the hearing on attorney's fees. Pajcic & Pajcic then negotiated the final settlement with the manufacturer of the armored car for leaving a blind spot in the passenger's side view mirror.

Jane is building a large, handicapped accessible house and will have a lifetime of income, which will give her financial security and independence.



### \$1.2 Million Recovery After Neurologist Ignores CT Scan (continued)

*Neuroimaging Studies: The patient brought with him a report of a CT of the brain that apparently shows some prominence of the temporal horns. At the same time, the reports mentions increased intracranial pressure. Increased intracranial pressure usually provokes slit-like ventricles and not increased size of ventricles. Therefore, that is a contradictory on itself.*

*Plan: His wife is going to come back today and bring the films for me to see. In the meantime, I am going to treat this man as if he had migraine headaches.*

*John all he had was migraine headaches and prescribed some pills.*

John's physician immediately referred him to a neurologist. But the neurologist, without even looking at the CT films, decided the radiology report was "contradictory on itself." He told

In a few months the headaches got so bad John had to go to the ER.

John started having blackouts. Each time the neurologist diagnosed headaches and told John not to come back for three months.

Right before Christmas John collapsed on the job. He was rushed to the ER at a hospital which had no neurosurgeon on staff and would not call one of its neurologists at night.

The ER physician knew it was more serious than migraines. He ordered another CT scan and also a lumbar puncture, which is tragically dangerous for a patient with hydrocephalus. As a result John suffered a brain stem herniation and died Christmas Day, 2003.

Jane and the family were referred to Pajcic & Pajcic by a great aunt who had seen the work of Pajcic & Pajcic as a witness in a nursing home case. Experts retained by Pajcic & Pajcic not only criticized the neurologist and the hospital doctors, but also testified that John could have lived a normal life with timely treatment of his chronic hydrocephalus.

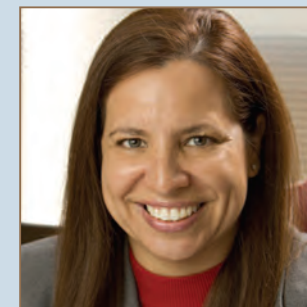
The case against the neurologist, who is now a professor at the University of South Alabama, was especially compelling.

*He was not only so arrogant as to override the radiologist without even looking at the CT scan, but he also denied the films showed any significant abnormality when he finally looked at them during deposition.*

Mediation adjourned with defendants offering \$1,050,000 and plaintiff insisting on \$1,200,000. Defendants finally agreed to plaintiff's demand one day before it was to expire. As a result of the settlement the children have college funds, the family has a new home and sufficient monthly income to allow Jane to stay home and raise the children.



The family physician had circled the abnormality on the film.



### Nancy Andujar

Nancy Andujar is a cosmopolitan testament to the diversity at Pajcic & Pajcic. Nancy was born in Puerto Rico, but knows not only Spanish and English, but also some Dutch, French and Italian. While living in Europe, California and Florida, Nancy has worked in journalism, medicine, law and even as a store detective. Nancy only works part time at Pajcic & Pajcic so that she can be more available to her children and have time for her mission work as a Jehovah's Witness. She works in the discovery section of the firm, which fits her naturally inquisitive nature. Nancy's biggest discovery was when she was the store detective at a military base in the Netherlands and found a hidden doorway leading through tunnels to an underground bunker and secret exit. The bunker was full of pilfered merchandise and Nancy later caught a captain shoplifting and a manager embezzling.





### Brenda Bagley

When Raymond Reid needed a new assistant, he had no hesitation. He wanted Brenda Bagley, who has fit right in at Pajcic & Pajcic and with Raymond, whom she considers a soul brother who enjoys “geek talk” about computers as much as she does. Brenda has always gotten along well with the guys. Since their mother died when Brenda was ten, she has had special bond with her one- year- younger brother Ken, who is now a vice president at CitiStreet. As a side business Brenda and Ken have had their own recording studio since 1986. Brenda gets along great with the guys, but it was a girlfriend who introduced her to her main man. The girlfriend insisted Brenda come to her barbeque because she needed a blender. Brenda met James and Brenda says it was “lust at first sight.” The wedding was four months later and the marriage is still going strong after 11 years.

## \$1.925 Million from ER Doctor for Prescribing Excessive Dosage

Jane Doe slipped in her bathtub and broke her arm. The ER doctor prescribed some pain pills and sent her home. When the arm was still hurting the next day, Jane went back to the ER and the same doctor changed her pills and added a pain patch.

The next morning when her sister and neighbor, Jane Roe, came over to drive Jane Doe to the doctor, Jane Roe found Jane Doe unconscious and barely breathing. When Jane Roe contacted Pajcic & Pajcic about Jane Doe’s case, she was in a nursing home, mentally confused and wheelchair bound.

How could all this happen from a broken arm?

Pajcic & Pajcic’s investigation and medical research showed the pain patch to be the culprit. It was a 100 ug/h Duragesic (fentanyl) patch. Fentanyl patches are not really appropriate for traumatic injuries, but are usually reserved for long term, intractable pain such as with cancer.



Jane Doe with her sister Jane Roe.

**DURAGESIC®**  
[Dər 'ā-jēsīk]  
(fentanyl transdermal system)

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Full Prescribing Information

**BECAUSE SERIOUS OR LIFE-THREATENING HYPOVENTILATION COULD OCCUR, DURAGESIC® (FENTANYL TRANSDERMAL SYSTEM) IS CONTRAINDICATED:**

- In the management of acute or post-operative pain, including use in out-patient surgeries
- In the management of mild or intermittent pain responsive to PRN or non-opioid therapy
- In doses exceeding 25 µg/h at the initiation of opioid therapy

(See **CONTRAINDICATIONS** for further information.)

**SAFETY OF DURAGESIC® HAS NOT BEEN ESTABLISHED IN CHILDREN UNDER 2 YEARS OF AGE. DURAGESIC® SHOULD BE ADMINISTERED TO CHILDREN ONLY IF THEY ARE OPIOID-TOLERANT AND AGE 2 YEARS OR OLDER (See PRECAUTIONS—Pediatric Use).**

**DURAGESIC® is indicated for treatment of chronic pain (such as that of malignancy) that:**

- Cannot be managed by lesser means such as acetaminophen-opioid combinations, non-steroidal analgesics, or PRN dosing with short-acting opioids and
- Requires continuous opioid administration.

**The 50, 75, and 100 µg/h dosages should ONLY be used in patients who are already on and are tolerant to opioid therapy.**

Jane Doe is out of the wheelchair and will soon be living independently in a nice, new condominium with a good monthly income for life.

*Worse still, 100 ug was way too much for a first time user, especially when combined with the Oxycotin pills the ER doctor had also prescribed. In fact, discovery showed that the doctor had originally prescribed a 25 ug patch, but changed it to 100 ugs when that was all the hospital pharmacy had.*

The case settled for a small discount off the policy limits after one mediation and shortly before the deadline on a final policy limit demand.

Fortunately, Jane Doe has continued to gradually improve. Although she has not been able to return to work or to driving,



### Susie Pohlhammer

Susie Pohlhammer has real roots in Florida. She grew up using the outhouse on her father’s orange grove in Wauchula, Florida. Susie met her husband Steve when she was a substitute blind date at a country and western bar in Illinois. She knew he was the one when he followed her home just to make sure she got there safely. Susie works in the pre-suit section of the firm where she has impressed clients and fellow employees with her competence and cheer. Life outside the firm is all about the kids: Cassi, 23, a champion coxswain who finished her psychology degree in Europe, Jonathan, 21, who will soon be a biology teacher, and the baby Rhianna, 14, who is a talented vocalist at Douglas Anderson. Rhianna was a surprise gift when Susie and Steve were stationed at Guantanamo Bay. Susie says Rhianna was inevitable since in those days there really was nothing else to do at Gitmo.

## FOUR SETTLEMENTS WITH CAR MANUFACTURER

*While the jury was deliberating in one case and the appeal of a \$10.2 million verdict was pending in another, Pajcic & Pajcic reached confidential settlements with a car manufacturer in these cases involving four different defects:*

### ROOF CRUSH AND SEAT BELT SPOOL OUT



### DEFECTIVE DOOR LATCH



### DEFECTIVE WINDSHIELD AND ROOF CRUSH



### SUV ROLLOVER







### Seth Pajcic

Gary Pajcic would be very proud to see his son Seth join the firm this January. Seth may be the baby boy, but at 6'4", 220 lbs no one pushes him around. Seth started on his varsity high school basketball team beginning in the eighth grade. Like his dad, Seth was also an all-state football player and Northeast Florida Scholar-Athlete but, believe it or not, at 260 he was not big enough for the Seminole offensive line. Seth ended up going to Sewanee, then got a Masters in political management from George Washington and his law degree from FSU. After two and a half years and 22 jury trials, State Attorney Harry Shorstein says Seth is just as good as those other Pajcic stars he helped train and is ready to take on the big insurance companies. Seth and wife Kathleen had their first child Patrick a year ago and just bought the house next door to his oldest brother Curt, who now thinks his neighborhood is going to the dogs, especially since Seth's basset hound Owen has been known to bark late into the night.

## Big Truck Case Settles Just Before Jury Selection for \$2.75 Million

The trucking company continued to fight liability to the very end even though the crash report showed its truck had plowed into the back of John Doe and seven other vehicles in rush hour traffic on I-95 in Jacksonville.

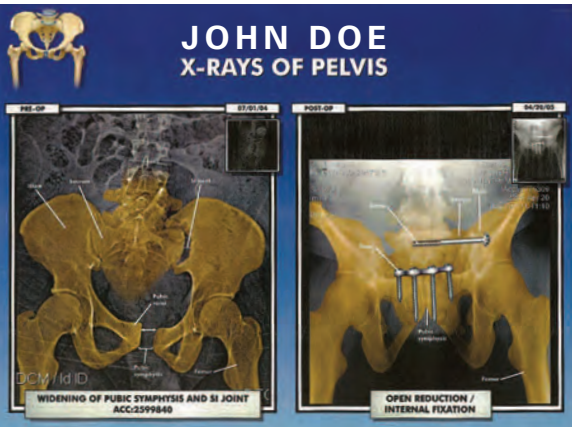
Pajcic & Pajcic welcomed the defense strategy because it opened the door for evidence concerning driver fatigue, the primary cause of big truck crashes today. In this case the defendant driver had driven 1,700 miles to make deliveries in three cities over a six day period. The defendant trucking company was unable to produce the driver for deposition or trial.



Rescue had to use the jaws of life to extract John from the cab of his pick-up. John had transverse process fractures at five levels of his back. More seriously, he had a pelvic fracture which required screws and plates to hold the shattered bones together.

The severity of the injury to John's abdominal organs did not manifest itself until months after the crash when John had to go back to the ER with a complete bowel obstruction. The surgery removed part of his intestines and left him with adhesions and an ugly scar.

Despite the severity of his injuries John returned to work on a limited basis providing care-taking services for an affluent widow, who provided compelling testimony as to John's character and the impact of the accident. Indeed, Pajcic & Pajcic felt that the strongest part of the damages case was the appealing personality and character of not only John, but also his wife Jane.



Even though the case was hotly contested, Pajcic & Pajcic and the defense attorneys were able to maintain cordial relations and open communications throughout the litigation. This relationship was critical to the last minute negotiations, which resulted in a settlement of \$2.75 million in the courtroom as prospective jurors waited in the hallway outside.



*The Doe family with Steve and Curry Pajcic.*



## Gary Curtis Pajcic 1947 - 2006

### THE FLORIDA TIMES UNION *Editorial (excerpts)*

Jacksonville lost one of its shining stars with the passing of Gary Pajcic.

He lived a life that many people only achieve in dreams:

- » *Florida's Scholar-Athlete at Paxon High School*
- » *FSU starting quarterback for 3 years*
- » *fortune and fame as a trial lawyer*
- » *important roles in local and state politics.*

But it was Pajcic's big heart that perhaps distinguished him most of all:

- » *\$1 million for Paxon graduates [to] attend college*
- » *separate million to boost teaching salaries at [his] elementary school*
- » *youth basketball teams for underprivileged children*
- » *Warrick Dunn and Danny Weurffel's foundations to help New Orleans victims of Hurricane Katrina.*

Pajcic did even more for others outside of public view.

He leaves behind a legacy of caring that everyone can emulate in one way or another.

### A CLIENT'S CONDOLENCE

When we met I was laid low by a horrific accident that had occurred to my son. I was unable to stand and fight for my family. You embraced me, tended my needs, and encouraged me to lay my troubles at your feet. You stood for me when I could not stand for myself. You fought the good fight and won the day for us. Afterwards you continued your vigilant watch over my family and me until I was able to stand once more. I never told you how your personal acts of kindness and fellowship with my family and me touched my very soul.

### A JUROR'S REMEMBRANCE

I met Mr. Pajcic at a lengthy trial when I served as a juror.

During the trial his professionalism and talent could not be missed, and neither could his genuine warmth and sincerity.

I appreciate having met this legend.

During the brief hospitalization before his death, the working diagnosis for Gary's sudden illness was acute meningoencephalitis. However, testing through the CDC and separate DNA testing have failed to identify any infectious agent. Analysis is continuing.



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