

# PROFILES & PRECEDENTS

This Report Summarizes Cases Concluded from June 2008 to July 2009



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

## INSIDE

*This is the eighteenth periodic report of Pajcic & Pajcic.*

Another Verdict Over Policy Limits **page 3**

\$1.75 Million for Hand Injury After Car Skids Underneath Truck **page 4**

\$1.85 Million from Truck that T-Boned Police Car **page 5**

\$1 Million from Truck that Caused Bridge Backup **pages 6**

Landowner Pays \$1 Million Policy Limits to Teenager on ATV **pages 7**

## Apartment Complex Pays \$1.75 Million for Teen Killed by Stray Bullet

*The 13 year old honor student lay in her bed reading a book that she and her mother had just purchased when shots rang out in their apartment complex. The mother yelled to both her children to get down, but it was too late. One of the bullets pierced the bedroom window and fatally wounded her daughter.*

The killing devastated the mother who had carefully selected the apartment as a safe haven miles away from the crime ridden inner city.



*continued on page 2*



## Jury Awards \$3/4 Million to Prominent Former Public Defender

In his storied career as an assistant public defender, John Doe had received hundreds of jury verdicts, including one in a trial that was the subject of an Oscar winning documentary. But John had never been through a civil trial until he was involved in an accident with a drunk driver on his way home after one of those criminal verdicts.

When John ended up having arthroscopic surgery on his right wrist and shoulder, Pajcic & Pajcic told him he ought to get all the insurance money that was available (\$25,000 from the drunk driver plus \$300,000 of underinsured motorist coverage (UM) on John's own policy).

To the surprise of Pajcic & Pajcic, John's insurance company decided to offer only \$60,000 and to defend aggressively.

*continued on page 3*



## Perry Nichols Award — Gary Pajcic

"Gary Pajcic was a man that did everything in his power to help enhance the quality of life for those around him. He lived by three rules: to be ethical, to work hard, and to have fun. The Florida Justice Association misses him incredibly, though his legacy continues to live on even two years after his passing as we honor him with this most prestigious award. He was an exemplary attorney, and an ideal member of the Florida Justice Association, but most importantly, he was an even greater human being. Gary Pajcic was the embodiment of all that is good in our profession. He touched each of our lives through his deeds and service and it is my esteemed honor to dedicate the 2008 Perry Nichols Award in his name."

Excerpt from the January 2009 Florida Justice Association Journal, by Scott Carruthers, FJA Executive Director

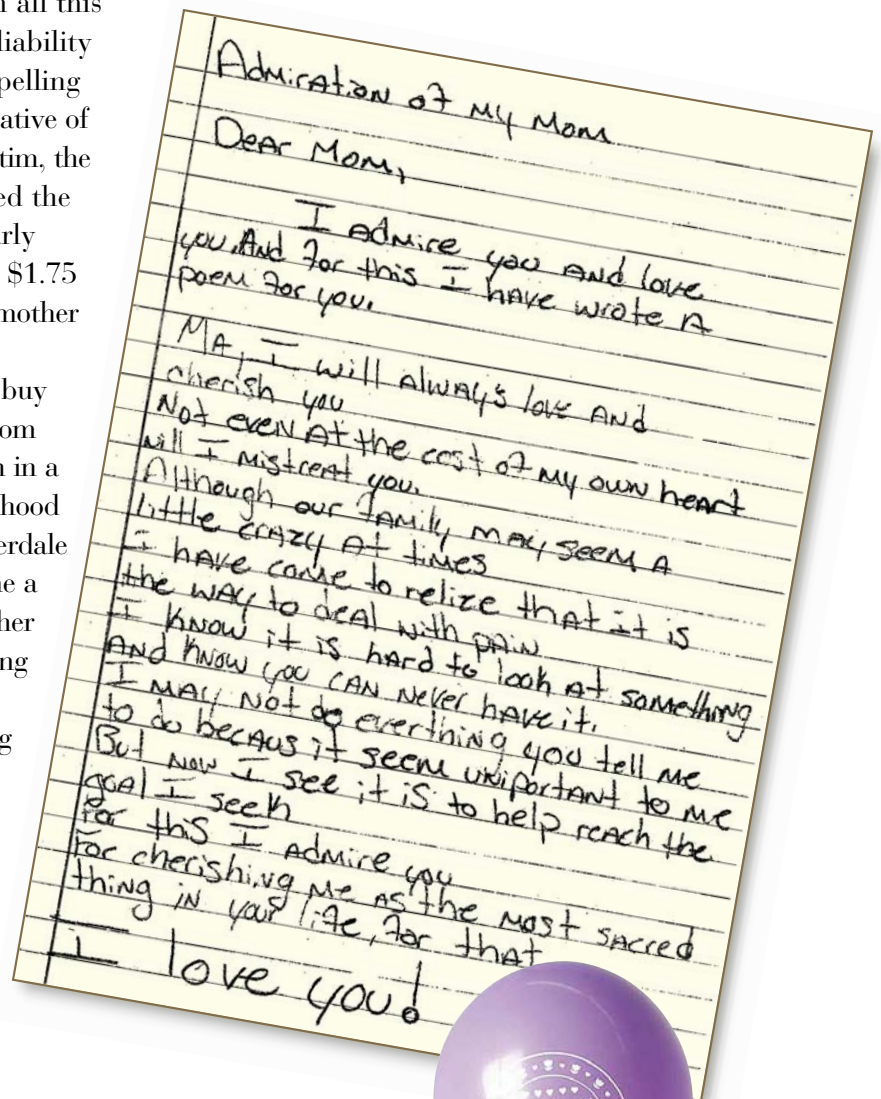
Apartment Complex Pays \$1.75 Million for Teen Killed by Stray Bullet *(continued)*

Concerned friends referred her to Pajcic & Pajcic, whose investigation revealed shocking news to the mother. The apartment complex had a long history of violent crime and an appalling absence of security.

The police had received thousands of calls about the apartments in the previous three years. The crimes included burglary, sexual battery, armed robbery, carjacking and kidnapping. There had been two other incidents of bullets shot into apartments in the three months before the young girl's death.

Despite this history, the complex had no access and perimeter control and no security guard or off duty police officer. The owners had ignored a resident manager's request for fencing and gates. The tenants were given no warning even though employees knew of a specific threat of violence on the very day of the shooting.

Faced with all this evidence on liability and the compelling personal narrative of the young victim, the defense settled the case at an early mediation for \$1.75 million. The mother has used the settlement to buy a three bedroom condominium in a safe neighborhood in Fort Lauderdale and to become a full time mother to her surviving son who is demonstrating the same academic ambitions as his older sister.



*This tragedy happened on Mother's Day after the teen wrote this poem to her mom.*



## Jury Awards \$3/4 Million to Prominent Former Public Defender *(continued)*

The defense introduced evidence that John himself had a couple of gin and tonics after the verdict in the criminal trial, but Pajcic & Pajcic proved that, while the defendant driver was criminally impaired, John was not.



*The defense showed surveillance films of John using power tools after the surgeries on his right arm. However, plaintiff's slow motion analysis showed John rubbing his injured shoulder, grimacing in pain, and having to use both hands to control his tools.*



The defense hired its own radiologist and orthopedist who claimed that the accident had nothing to do with John's shoulder surgery since he already had a history of pain and injections in that shoulder. The jury, however, accepted the testimony of John's treating physicians and the radiologist retained by Pajcic & Pajcic.

John found the comparison between criminal and civil trials fascinating. John says the biggest difference is the impressive support system Pajcic & Pajcic had at trial.

Like all good trial lawyers, John grew impatient sitting on the sidelines during most of the trial, but he found his own cross examination the most intriguing aspect of all. John must have done okay during that thrust and parry because the jury awarded \$744,341.76 in total damages.

John says as much as he appreciated the monetary award, the sense of victory in the courtroom was even more satisfying.

## Another Verdict Over Policy Limits

In the past few months, Pajcic & Pajcic has had to try cases against two of the country's largest insurance companies when they refused to pay their insureds the policy limits on underinsured motorist coverage (UM).

*In both cases the verdicts were ten times the insurance company's last offer and several hundred thousand more than policy limits.*

After reduction for appropriate set offs, Pajcic & Pajcic expects to collect the full amount of both verdicts from the insurance companies, as it has on all excess verdicts where the insurance has failed to pay their limits.

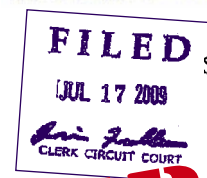
## PAJCIC PROFILE



### Tyrone Wilkerson

Tyrone Wilkerson is now fighting the fires that almost consumed him as a child. 17 years ago Tyrone decided to build a volcano as his fifth grade science project. Tragically, when Tyrone tried the experiment at home, an explosion engulfed him and he suffered such severe burns that he was life flighted to four different hospitals, ending up at Shriners in Cincinnati, where he had over 20 surgeries. When Tyrone's mother Kathaleen called Pajcic & Pajcic, we could find no fruitful avenue of legal recovery, but Gary and Steve promised to give Tyrone all the help he needed for his education. Tyrone completed paramedic training and now works as a firefighter for Putnam County. He plans to go on to get a bachelor's degree in fire science.

IN THE CIRCUIT COURT, FOURTH  
JUDICIAL CIRCUIT, IN AND FOR DUVAL  
COUNTY, FLORIDA



# VERDICT





### Biggest Losers

Pajcic & Pajcic wants to lose more — not cases, weight.

The firm has had an exercise room and bonus program for its employees for years.

In 2008 only two people qualified for the maximum bonus of \$3000, Susie Pohlhammer and Damon Otto.

So, this year the firm decided to give extra incentives and offer the full \$3000 to anyone who gets to 5% below their lowest weight. At the ceremony honoring Susie and Damon 38 people wrote their name on the check. Halfway through the year 18% say they have lost half of what they need to, but 47% of the folks still say they will make their weight.

Stay tuned for final results in the next newsletter.

## \$1.75 Million for Hand Injury After Car Skids Underneath Truck

When the big truck pulled out in front of him, John Doe had no time to stop his Mustang convertible and the Mustang had nowhere to go but to skid beneath the behemoth.

Fortunately, the Mustang was low enough to slide through to the other side of the trailer and John was quick enough to duck his head down into the passenger seat.



*Unfortunately, the trailer flattened the top of the Mustang's steering wheel and tore off two of John's fingers and so severely injured the hand that the doctors finally decided to amputate. Despite the horrific injury, within a few weeks of the accident, John returned to work with his yard service and as a big truck mechanic at a truck stop near the scene of his accident.*



The crash report cited the truck for violation of right of way and John for speeding. Pajcic & Pajcic worked with defense counsel for an early mediation.

The case resolved amicably for \$1.75 million less than six months after the accident. John has used the proceeds to expand his yard service, and he continues to work on the big trucks that almost took his life.

## \$1.85 Million from Truck that T-Boned Police Car

The big truck ran the red light and T-boned the police car in downtown Starke. Officer John Doe was taken to Shands by rescue, but his only injury appeared to be a shoulder separation.

Officer Doe immediately returned to work, but over the next several years his physical and mental condition deteriorated dramatically. John's physical pain eventually led to a cervical fusion, while his depression and post traumatic stress disorder resulted in several hospitalizations. After three years of continuing problems, John's treating psychiatrist finally decided John would never again be able to work in law enforcement.

The trucking company ultimately accepted liability, but defended aggressively on medical causation and damages. The defense claimed that John was fired not because of his injuries but because of threats he made against his fellow officers. He also had been involved in three other accidents, including a subsequent accident where John chased down a suspect on foot after crashing into him. The defense also claimed John's psychiatric problems preexisted the accident and planned to call John's exwife and her family to prove it.

At mediation the trucking company only offered \$450,000. The case finally settled for \$1,850,000 on the Friday before trial, including the claims of John's second wife Jane who was riding on duty with him at the time of the crash.

Although the accident and its aftermath put severe strains on John's second marriage, the settlement has given the Does a new lease on life. They have moved to Jane's home in Oklahoma for a brand new start.

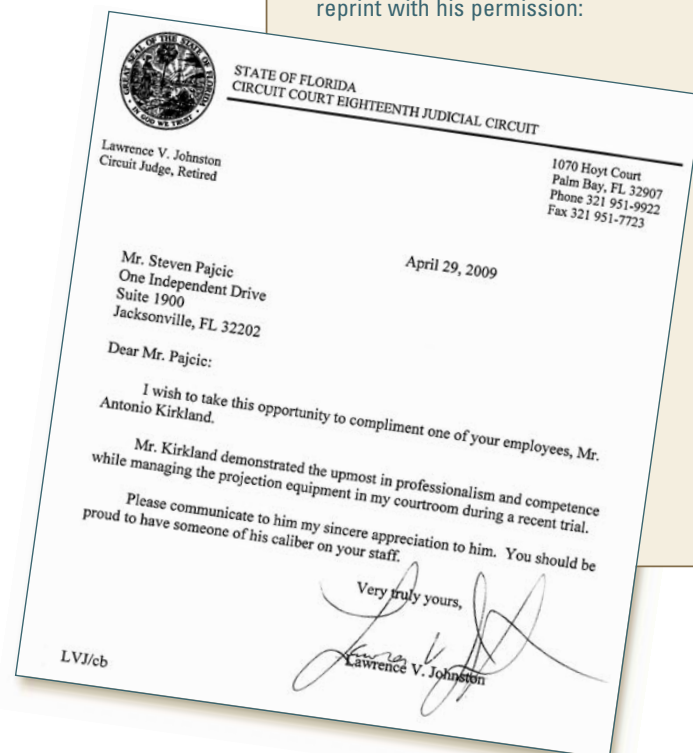


### PAJCIĆ PROFILE



#### Antonio Kirkland

Antonio Kirkland's career at Pajcic & Pajcic has progressed steadily since he joined the firm five years ago when he was 22 years old. Antonio's expertise and professionalism recently received the kind of recognition all legal employees seek. After Antonio handled the audiovisual duties for both plaintiff and defense at a wrongful death trial, Brevard County Senior Judge Lawrence V. Johnston handed Steve Pajcic the following letter, which we reprint with his permission:





### Children's Art

After a recent remodeling, one of the hallways at Pajcic & Pajcic looked a little lifeless. Children's art brought back the bounce. 26 different children or grandchildren of employees contributed to the effort. Now employees go out of their way to take a peek. As Gary Pajcic used to say, we take pride in representing the "little people" against the big corporations.



## \$1 Million from Truck that Caused Bridge Backup

When Jane Doe and her fiancée stopped behind a line of cars on the Dames Point Bridge, a drunk driver plowed into the rear of their car killing her fiancée and sending Jane to Shands Hospital for two weeks.



*The drunk driver's insurance company promptly paid its limits, as did Jane's own insurance company. But Jane's losses far exceeded those insurance limits.*

Jane had multiple fractures requiring extensive surgery and rehabilitation. Moreover, even though Jane was not a legal survivor of her fiancée under Florida's wrongful death statute, Pajcic & Pajcic relied on the recent Florida Supreme Court case of *Willis v Gami Golden Glades*, 967 So. 2d 846 (Fla. 2007) to argue for negligent infliction of emotional distress.

*Pajcic & Pajcic recovered some of these excess damages from the other person responsible for this tragedy — the business truck that caused the backup on the bridge.*

Although the company's able defense counsel tried to shift most of the blame to the drunk driver, depositions and discovery revealed egregious conduct on the part of the truck driver too.

Because he was running late for work the driver put only three gallons of gas into the empty tank that morning. Then, despite considerable driving during the day, he never stopped to refuel. To cap it off, the driver did not even pull into the break down lane, but stopped in the middle of the bridge in the center of three southbound lanes during afternoon rush hour.

After a second mediation, the case settled for \$1 million. With the loving assistance of her parents, Jane is going ahead with her education and doing her best to put the pieces of her life back together.



## Landowner Pays \$1 Million Policy Limits to Teenager on ATV

John had just graduated from high school when his cousin invited him out to his uncle's farm to go riding on their ATVs. The cousins rode down Cowpoke Road to a development site with lots of trails.

When John came over the top of a small hill, he was surprised by the steep dropoff and the ATV flipped over.

John, who was not wearing a helmet, suffered catastrophic head injuries. The uncle's homeowner's insurance paid its limits because John was not provided with a helmet. That money barely covered the lien for John's past medical bills.



---

*Fortunately, Pajcic & Pajcic's investigation revealed another avenue of recovery. The land had deceptively dangerous trails. In fact, another rider had been seriously injured in a similar accident on the property only a few months before John. Yet the owner had done nothing to maintain the trails, limit access to them, or warn about them.*

---

In response to Pajcic & Pajcic's settlement brochure, the insurance company for the landowner timely tendered its \$1 million limits. While the settlement will not provide for all the care John needs, a special needs trust will enhance his future quality of life.

### PAJCIC PROFILE



#### Pajcic Scholar "Raids Attorney"

"In 1997 Tanisha Bowens became the first Pajcic Scholar to graduate from UNF. Since the Pajcic Scholarship was the first scholarship program to be incorporated into Pathways to Success, Bowens also became the first Pathways graduate. She said she is grateful to Jacksonville attorneys Gary and Steve Pajcic for serving as role models. "Before their scholarship there were not a lot of attorneys in my life," she said. The Pajcic Scholarship is specifically for graduates of Jacksonville's Paxon High School. Bowens now works with Catholic Legal Immigration Network Inc.. Her job takes her to cities around the United States with the highest concentration of immigrants. Her official title is "raids attorney." In this position she works with local communities to help them address legal issues in response to an immigration raid."

(Reprinted with the permission of UNF)



PRSRT STD  
U.S. POSTAGE  
PAID  
PERMIT #450  
JACKSONVILLE, FL

PROFESSIONAL ASSOCIATION  
ATTORNEYS AT LAW

One Independent Drive, Suite 1900  
Jacksonville, Florida 32202  
Ph: (904) 358-8881  
Fax: (904) 354-1180  
Email: [attorneys@pajcic.com](mailto:attorneys@pajcic.com)  
[www.pajcic.com](http://www.pajcic.com)

---

- William S. Burns, Jr.
  - Lee T. Griffin
  - Robert J. Link
  - Michael P. Moran
  - Curry G. Pajcic
  - Curtis S. Pajcic
  - Gary C. Pajcic (1947-2006)
  - Seth A. Pajcic
  - Stephen J. Pajcic, III
  - Raymond P. Reid, Jr.
  - Benjamin E. Richard
  - Thomas F. Slater
- 

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.