

# Verdicts & Settlements

RESULT DATE: May 20, 2019

Christopher Lanham and Nicole Lanham v. Doe Texas-based Oil & Gas Company, Doe Driver ()

Contra Costa County Superior Court

19-JV\_133026

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TOPIC: Personal Injury

SUB TOPIC: Auto v. Motorcycle

FURTHER DESCRIPTION: Illegal U-Turn

Settlement: \$10,500,000

## ATTORNEYS:

### Plaintiff:

Tyler J. Barnett (Yuhl Carr LLP)

James P. Carr (Yuhl Carr LLP)

Michael P. Ehline (Ehline Law Firm PC)

### Defendant:

Andrew J. Kozlow (Ericksen Arbuthnot)

## EXPERTS:

### Plaintiff:

Robert W. Johnson CPA (economics)

Carol R. Hyland C.D.M.S. (vocational rehabilitation and life care planning)

Alex B. Barchuk M.D., C.L.C.P. (physical medicine and rehabilitation)

Dawn A. Osterweil Ph.D. (neuropsychology)

Jerome A. Barakos M.D. (radiology)

Fernando G. Miranda M.D. (neurology)

Thomas G. Sampson M.D. (orthopedics)

Raymond C. Kelly Ph.D. (toxicology)

### Defendant:

Alan C. Donelson (toxicology)

Eugene Van de Bittner Ph.D. (vocational rehabilitation)

Dawn L. Cook RN, CLCP, CNLCP (life care planning)

Louis Y. Cheng (accident reconstruction)

Michael E. DiLiberto III, CPA (economics)

Mark H. Strassberg M.D. (neurology)

James L. Chen M.D. (orthopedics)

Thomas J. Ayres Ph.D. (human factors)

Joanna L. Berg Ph.D. (neuropsychology)

FACTS: On May 11, 2017, plaintiff Christopher Lanham, 49, was riding his motorcycle to work when he was involved in a collision with defendant's pickup truck.

PLAINTIFF'S CONTENTIONS: Plaintiff contended that defendant truck driver made an illegal u-turn in front of him. Plaintiff contended that he was unable to stop in time and struck the pickup with his motorcycle, knocking his helmet off.

Plaintiff further contended that defendant truck driver was driving in the course and scope of employment for a Texas-based Oil & Gas Company.

Plaintiff's wife asserted a claim for loss of consortium.

**DEFENDANTS' CONTENTIONS:** Defendants disputed liability and alleged comparative fault. Defendants contended that plaintiff was carrying a meth pipe and vial on him, tested positive for methamphetamine at the hospital and was not wearing appropriate head gear. Defendants contended plaintiff had a history of chronic methamphetamine use and a prior felony conviction.

**OTHER INFORMATION:** Mediator: Charles F. Hawkins, Esq., ADR Services, Inc.

**INJURIES:** Plaintiff was diagnosed with facial fractures and a traumatic brain injury. His orthopedic injuries included a left brachial plexus injury, left open distal radius and ulnar fractures, fractures of the transverse process of C3 through T1, and multiple lacerations.

**DAMAGES:** If plaintiff did not return to work, his future unmitigated loss of earnings totaled about \$1.5 million. His past medical bills were in excess of \$800,000 and future medical care was per plaintiff between \$1 million and \$1.5 million.

**RESULT:** The matter settled at mediation for \$10.5 million.

**FILING DATE:** Jul. 28, 2017