

100 TOP

JURY VERDICTS 2009

Top Ten rises again

After years of decline, the Top Ten Jury Verdicts rose dramatically in 2008.

The increase in 2009 was less pronounced, but the average increased again, from \$112 million to nearly \$145 million.

The top award was slightly lower in 2009 - \$370 million versus \$388 million. But two other awards in the \$300 million range, along with five verdicts of \$70 million or more, helped push the average appreciably higher than last year.

The year's top verdict went to five former employees of Guess Jeans mogul Georges Marciano, who claimed that Marciano falsely accused them of stealing from him and used his wealth and connections to dog them with investigations, tax audits and accusations in newspaper ads and on Internet sites. And seven of the Top Ten Verdicts stemmed from per-

sonal injury cases, including two drunk driving accidents, one \$300 million tobacco verdict, and one verdict in the ongoing Prempro litigation against Wyeth Pharmaceuticals.

Lawyers USA compiles the Top Ten Jury Verdicts each year, applying certain ground rules. First, verdicts must be to an individual plaintiff, defined as a single person, family or small group of individuals injured in a single incident who had their claims tried in one case before the same jury.

Second, we do not include business-against-business suits, class actions or consolidated cases. Finally, cases must have been defended - default verdicts and suits against incarcerated individuals are not included.

- Susan A. Bocamazo

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TOP (2) TEN JURY VERDICTS OF 2009

\$330 MILLION

Florida jury awards mother \$330 million in DUI fatality

By Nora Lockwood Tooher
Staff writer

A jury of six women heard Angela Stone describe her 13-year-old daughter's death after a drunken driving accident in April 2007.

Then, after deliberating less than an hour, the all-woman jury ordered the man who killed Stone's daughter, Shelby Taylor Hagman, to pay \$330 million in damages.

The verdict in Florida state court includes \$55 million in compensatory damages and \$275 million in punitive damages. It is believed to be the largest DUI verdicts in the nation.

But Steve Yerrid, Stone's attorney, said the verdict wasn't about the money. Instead, he said, it had a more important purpose.

"We wanted to send a message," Yerrid said. "The mother's intent was to spare anyone from experiencing the horrific experience of burying their own child."

While it is unlikely Stone will collect any of the punitive damages, she will receive some portion of the compensatory damages thanks to a confidential agreement that was reached with the drunk driver and his insurance company as the trial began, according to Yerrid.

Drunk driver

Shelby Hagman was fatally injured when a pickup truck ran a stop sign and smashed into the right side of the Kia Sedona van she was riding in with her grandparents.

Police reports showed that the blood alcohol level of the driver of the pickup,

head became tangled in the seat restraint system.

"There was a lot of movement of her body," he said. "Her torso was not restrained the way it should have been."

"It's going to be a very substantial case we have," he said. "What we found in preparing this case is that it was a secondary impact that killed this young girl. Had this restraint system worked properly, she would not have sustained any injury to her head."

The women on the jury—all mothers, according to the forewoman—viewed photos of the accident scene, and heard testimony from Shelby's grandmother and mother.

They also listened to an eyewitness, a county deputy sheriff who saw the collision while on routine patrol.

Two emergency personnel who responded to the scene were still so distraught over what they saw that they became teary eyed at the trial, according to Yerrid.

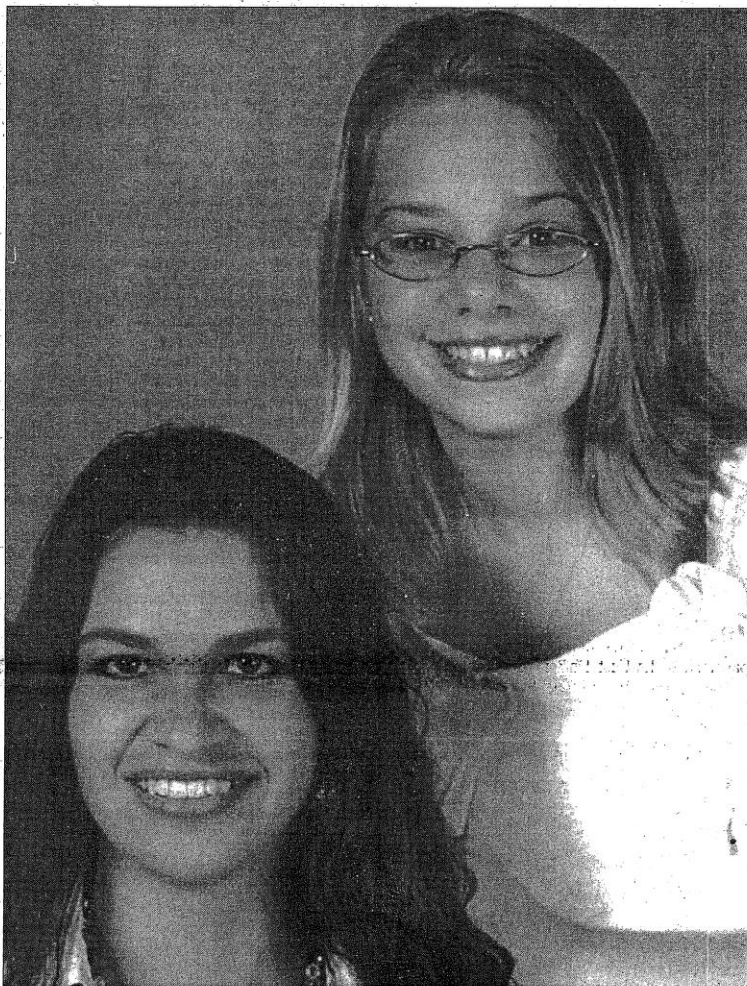
'What are you going to do about it?'

At trial, the jurors watched a video of Shelby's life, from baby to preteen. And then they saw video footage of her funeral.

Yerrid, who has amassed a string of multi-million-dollar verdicts, said he didn't intentionally pick a jury of all women. There were simply more women in the jury pool.

He said he made it clear to the jurors that their verdict was not intended to replace laws about drunk driving, but to voice their outrage over the problem.

"What I said was, it's not so much that the laws had failed, or that there weren't adequate laws, but that there comes a time in America when people have to understand that the jury system is critical," he recalled.



Plaintiff Angela Stone, with her 13-year-old daughter Shelby Taylor Hagman.

"It's time to stand up and supplement the law by sending a message that we as a society will not allow unsafe things to occur."

— C. Steven Yerrid

Christopher Marcone, was .207—more than twice the legal limit.

Shelby's grandparents survived. But Shelby was flown to Tampa General Hospital with significant head injuries. Her family withdrew life support the next day after being told there was no chance for recovery.

Marcone, 27, pleaded guilty to DUI manslaughter, and is currently serving a 13-year sentence.

His attorney, Bryan Reynolds, mounted a minimal defense during the trial, offering only a brief opening statement.

"He told the jury he didn't want to waste their time," Yerrid recalled. "I told the jury, 'In fact, there is no defense in this case to put up. He [Marcone] went through a stop sign at 60 miles an hour.'"

The trial itself lasted only two days, but served as preparation for another trial expected to be scheduled sometime next year.

Yerrid has filed a wrongful death suit against Kia Motors on behalf of Stone, alleging that a defective seatbelt system contributed to Shelby's fatal injuries.

Shelby was wearing a seat belt and sitting in the rear of the minivan on the opposite side of the impact. But according to Yerrid she suffered severe injuries when her

"It's time to stand up and supplement the law by sending a message that we as a society will not allow unsafe things to occur."

"I said to them, 'We already know what happened. What are you going to do about it?'"

Yerrid said the verdict was also aimed at bringing closure for Shelby's family. And he credited Marcone, who did not contest punitive damages.

Reynolds and Marcone "understood the value of sending a message on punitive damages," Yerrid said.

"Ironic as it sounds, that was the only way he [Marcone] could really give back in terms of truly trying to do restitution, by allowing that message to go forward," Yerrid said.

In an ironic twist, the judge who oversaw the civil trial was the same judge who sentenced Marcone to 13 years— one year for each year of Shelby's life.

Yerrid said he asked the jury to multiply compensatory damages by a multiplier of four.

"They thought they needed to do a little extra, so they went by [a multiplier of] five," he noted.

The verdict was announced on Yerrid's 60th birthday, and the veteran trial lawyer said it was one of the most satisfying of his career.

"Isn't it great when both the victim and the person that caused the tragedy in effect act together with a community to send a message across the country that [drunk driving] won't be tolerated?" he remarked.

Questions or comments can be directed to the writer at: nora.tooher@lawyersusaonline.com

AT-A-GLANCE

Verdict: \$55 million in compensatory damages and \$275 million in punitive damages

State: Florida

Type of case: wrongful death

Status: No change.

Case name: *Stone v. Marcone*

Date: Sept. 30, 2009

Plaintiff's attorneys: C. Steven Yerrid and David Dickey of The Yerrid Law Firm in Tampa, Fla.

Defense attorney: Bryan Reynolds of Reynolds & Stowell in St. Petersburg, Fla.