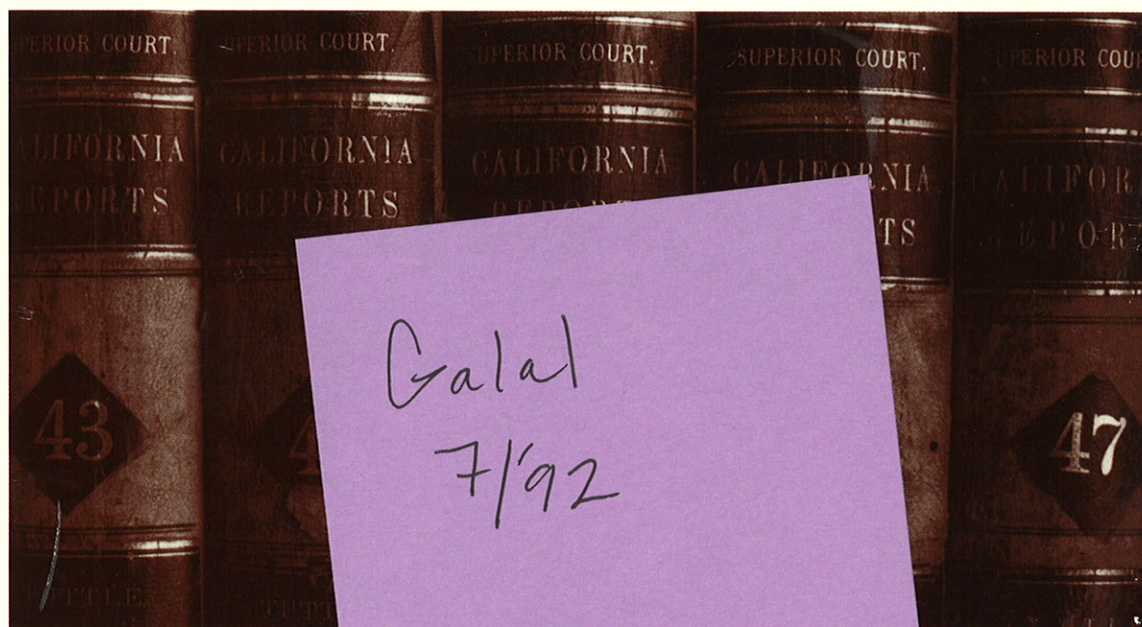


TRIALS DIGEST

THE COMPREHENSIVE SOURCE FOR CALIFORNIA CIVIL TRIAL RESULTS

NOVEMBER/DECEMBER 1992

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Injury Trials

CLAIMED INJURIES

According to defendant: Lacerations of left arm requiring stitches and a five-day hospitalization; future medical treatment possible.

CLAIMED DAMAGES

According to defendant: \$3,000 past medical.

SETTLEMENT DISCUSSIONS

According to defendant: Demand: \$80,000 increased to an unspecified six-figure amount. Offer: \$30,000.

VERDICT/JUDGMENT: DEFENSE

Vote: 10-2. Deliberations: 1 day.

TRIAL EXPERTS

Plaintiff: James Helleher, emergency physician, San Bernardino. Ken Terry, police procedures consultant, Bakersfield.

Defendant: Joe Callanan, police procedures consultant, Joe Callanan & Associates, Long Beach.

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POLICE MISCONDUCT

LOS ANGELES COUNTY SUPERIOR COURT

Diaz v. City of Los Angeles, No. C750680, Downtown (ccw). Judge William Drake. Jury trial: 5 weeks. Verdict/judgment: 7/23/92.

TRIAL COUNSEL

Plaintiff: Johnnie L. Cochran Jr. and Eric G. Ferrer, Law Offices of Johnnie L. Cochran Jr., Los Angeles.

Defendant: Theodore Heyck, City Attorney's Office, Los Angeles. Stanley Tanabe, in pro per, San Diego.

FACTS/CONTENTIONS

According to plaintiff: The minor plaintiff was sexually molested by defendant police officer and sued for battery and emotional distress. Defendant Stanley Tanabe, a police officer employed by defendant City of Los Angeles, entered the apartment of plaintiffs Patricia Diaz, 13, and her mother Alicia, 50, on two separate occasions. Both times, he obtained entrance by posing as an officer responding to a call and was in full police uniform, in the process of transporting a police vehicle to his partner's home after his watch, as required by Los Angeles Police Department (LAPD) policy and procedure. On January 29, 1989 at 3:00 a.m., during his first visit to plaintiffs' apartment, Tanabe sexually molested the minor plaintiff in front of her ten and two-year-old siblings. Plaintiffs filed a report with the LAPD the next day, which the department ignored. Thirty days later, Tanabe reentered plaintiffs' home and again attempted to assault Patricia. Her mother returned home and Patricia was

able to run to a neighbor's home and call the police, who arrived and arrested Tanabe but failed to book him and released him on his own recognizance. Tanabe was later tried and convicted of sexual battery and burglary and served half of a two-year prison sentence. Tanabe had initially been rejected by the LAPD for threat of criminal liability and by three other departments before being rehired by the LAPD in 1982. Plaintiffs contended that Tanabe sexually battered and intentionally inflicted emotional distress on minor plaintiff and violated her civil rights. Plaintiffs also contended that Tanabe was in the course and scope of his duty with the LAPD, which negligently hired, retrained, supervised and entrusted police equipment to Tanabe. In addition, plaintiff contended that the City of Los Angeles had a policy, practice and custom of failing to supervise its officers and to properly investigate citizen complaints. The City of Los Angeles denied these allegations and contended that Patricia Diaz was exaggerating her symptoms.

CLAIMED INJURIES

According to plaintiff: Patricia Diaz: Post-traumatic stress disorder with psychotic features; three suicide attempts. Alicia Diaz: Emotional distress.

CLAIMED DAMAGES

According to plaintiff: Patricia Diaz: \$11,000 past medical; \$50,000 future medical; \$500,000 future income.

SETTLEMENT DISCUSSIONS

According to plaintiff: Demand: \$750,000, withdrawn during trial. Offer: \$180,000 by City of Los Angeles with an indication of \$200,000.

VERDICT/JUDGMENT: \$9,400,000

Plus attorney fees. Vote: 12-0 liability; 10-2 civil rights cause of action; 11-1 punitive damages.. Deliberations: 3 days.

TRIAL EXPERTS

Plaintiff: L. Scott Frazier, psychologist, Los Angeles 213/258-8041. Dean Haddock, psychologist, Bakersfield 805/326-8167. Robert W. Johnson, economist, Robert W. Johnson & Associates, Mountain View 415/494-2413. Mary Leventhol, psychiatrist, Los Angeles 310/659-0112. William Poggione, police procedures consultant, Los Angeles.

Defendant: Stephanie Rizzardi, economist, IBAR Settlement Co., Pasadena 818/584-3070.

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POLICE MISCONDUCT

LOS ANGELES COUNTY SUPERIOR COURT

Galal v. City of Long Beach, No. SOC93842, Downtown (ccw). Judge Valerie L. Baker. Jury trial: 22 days. Verdict/judgment: 7/24/92.

CLAIMED INJURIES

According to defendant: Lacerations of left arm requiring stitches and a five-day hospitalization; future medical treatment possible.

CLAIMED DAMAGES

According to defendant: \$3,000 past medical.

SETTLEMENT DISCUSSIONS

According to defendant: Demand: \$80,000 increased to an unspecified six-figure amount. Offer: \$30,000.

VERDICT/JUDGMENT: DEFENSE

Vote: 10-2. Deliberations: 1 day.

TRIAL EXPERTS

Plaintiff: James Helleher, emergency physician, San Bernardino. Ken Terry, police procedures consultant, Bakersfield.

Defendant: Joe Callanan, police procedures consultant, Joe Callanan & Associates, Long Beach.

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POLICE MISCONDUCT

LOS ANGELES COUNTY SUPERIOR COURT

Diaz v. City of Los Angeles, No. C750680, Downtown (ccw). Judge William Drake. Jury trial: 5 weeks. Verdict/judgment: 7/23/92.

TRIAL COUNSEL

Plaintiff: Johnnie L. Cochran Jr. and Eric G. Ferrer, Law Offices of Johnnie L. Cochran Jr., Los Angeles.

Defendant: Theodore Heyck, City Attorney's Office, Los Angeles. Stanley Tanabe, in pro per, San Diego.

FACTS/CONTENTIONS

According to plaintiff: The minor plaintiff was sexually molested by defendant police officer and sued for battery and emotional distress. Defendant Stanley Tanabe, a police officer employed by defendant City of Los Angeles, entered the apartment of plaintiffs Patricia Diaz, 13, and her mother Alicia, 50, on two separate occasions. Both times, he obtained entrance by posing as an officer responding to a call and was in full police uniform, in the process of transporting a police vehicle to his partner's home after his watch, as required by Los Angeles Police Department (LAPD) policy and procedure. On January 29, 1989 at 3:00 a.m., during his first visit to plaintiffs' apartment, Tanabe sexually molested the minor plaintiff in front of her ten and two-year-old siblings. Plaintiffs filed a report with the LAPD the next day, which the department ignored. Thirty days later, Tanabe reentered plaintiffs' home and again attempted to assault Patricia. Her mother returned home and Patricia was

able to run to a neighbor's home and call the police, who arrived and arrested Tanabe but failed to book him and released him on his own recognizance. Tanabe was later tried and convicted of sexual battery and burglary and served half of a two-year prison sentence. Tanabe had initially been rejected by the LAPD for threat of criminal liability and by three other departments before being rehired by the LAPD in 1982. Plaintiffs contended that Tanabe sexually battered and intentionally inflicted emotional distress on minor plaintiff and violated her civil rights. Plaintiffs also contended that Tanabe was in the course and scope of his duty with the LAPD, which negligently hired, retrained, supervised and entrusted police equipment to Tanabe. In addition, plaintiff contended that the City of Los Angeles had a policy, practice and custom of failing to supervise its officers and to properly investigate citizen complaints. The City of Los Angeles denied these allegations and contended that Patricia Diaz was exaggerating her symptoms.

CLAIMED INJURIES

According to plaintiff: Patricia Diaz: Post-traumatic stress disorder with psychotic features; three suicide attempts. Alicia Diaz: Emotional distress.

CLAIMED DAMAGES

According to plaintiff: Patricia Diaz: \$11,000 past medical; \$50,000 future medical; \$500,000 future income.

SETTLEMENT DISCUSSIONS

According to plaintiff: Demand: \$750,000, withdrawn during trial. Offer: \$180,000 by City of Los Angeles with an indication of \$200,000.

VERDICT/JUDGMENT: \$9,400,000

Plus attorney fees. Vote: 12-0 liability; 10-2 civil rights cause of action; 11-1 punitive damages. Deliberations: 3 days.

TRIAL EXPERTS

Plaintiff: L. Scott Frazier, psychologist, Los Angeles 213/258-8041. Dean Haddock, psychologist, Bakersfield 805/326-8167. Robert W. Johnson, economist, Robert W. Johnson & Associates, Mountain View 415/494-2413. Mary Leventhol, psychiatrist, Los Angeles 310/659-0112. William Poggione, police procedures consultant, Los Angeles.

Defendant: Stephanie Rizzardi, economist, IBAR Settlement Co., Pasadena 818/584-3070.

14 TD 272

POLICE MISCONDUCT

LOS ANGELES COUNTY SUPERIOR COURT

Galal v. City of Long Beach, No. SOC93842, Downtown (ccw). Judge Valerie L. Baker. Jury trial: 22 days. Verdict/judgment: 7/24/92.

TRIAL COUNSEL

Plaintiff: Brian J. Panish and John C. Taylor, Greene, Broillet, Taylor & Wheeler, Santa Monica.

Defendant: William Reidder, City Attorney's Office, Long Beach.

FACTS/CONTENTIONS

According to plaintiff: Plaintiff was entering the motel he owned when he was shot by defendant police officer, who was allegedly chasing a suspect down the alley. Plaintiff Vanmalibhai Galal, 59, and his wife, Valiben Galal, sued the City of Long Beach and its police officer Gregory Allison, 36, for violation of Vanmalibhai Galal's civil rights under 42 U.S.C. 1983. Plaintiffs claimed that defendants fabricated the story about how the shooting occurred and alleged that the city customarily failed to provide adequate training for its police officers, failed to investigate shootings and failed to discipline officers involved in police shootings. Defendants claimed that they received a call about a man with a gun entering a building. They further claimed that plaintiff saw officer Allison and ran down an alley before Allison rounded a corner and observed plaintiff in a crouched position holding a shiny object in front of him. Defendants contended that Allison was in fear of his life and was justified in using deadly force when he shot plaintiff.

CLAIMED INJURIES

According to plaintiff: Vanmalibhai Galal: Gunshot wound; damage to internal organs including liver, spleen and digestive tract; inability to engage in heavy lifting, gardening and other household activities; two internal surgeries; four hospitalizations totaling 45 days; two future surgeries. Valiben Galal: Lost consortium.

CLAIMED DAMAGES

According to plaintiff: Vanmalibhai Galal: \$47,000 past medical; \$10,000 future medical.

SETTLEMENT DISCUSSIONS

According to plaintiff: Demand: \$750,000 (CCP 998). Offer: \$75,000 increased to \$400,000 during jury deliberations.

VERDICT/JUDGMENT: \$6,750,000

\$6,250,000 general damages awarded to Vanmalibhai Galal, \$500,000 general damages to Valiben Galal. Vote: 11-1. Deliberations: 2 days.

TRIAL EXPERTS

Plaintiff: David Azaren, general surgeon, Long Beach. Louis Reiter, police procedures consultant, Tallahassee, FL 904/893-7050.

Defendant: Joe Callanan, police procedures consultant, Joe Callanan & Associates, Long Beach.

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POLICE MISCONDUCT

SAN DIEGO COUNTY SUPERIOR COURT

Loche v. City of San Diego, No. 638620, Central. Judge Harrison R. Hollywood. Jury trial. Verdict/judgment: 6/24/92.

TRIAL COUNSEL

Plaintiff: Stanley M. Becker, Becker & Sinkeldam, Yucca Valley.

Defendant: Everett Bobbitt, Bobbitt & Gattley, San Diego for Harold Goudarzi. William S. Donnell, City Attorney's Office, San Diego for City of San Diego.

FACTS/CONTENTIONS

According to defendant: Plaintiff police informant alleged that defendant police detective lured her to his home where he drugged and raped her. Plaintiff Denise Loche, 35, was an informant working on a serial murder case with defendant Harold Goudarzi, 45, of defendant City of San Diego Police Dept. Defendants disputed causation of plaintiff's injuries.

CLAIMED INJURIES

According to defendant: Emotional distress including inability to trust police and problems with relationships.

CLAIMED DAMAGES

According to defendant: \$2,000 past medical; unspecified future medical.

SETTLEMENT DISCUSSIONS

According to defendant: Demand: None. Offer: Waiver of costs in exchange for dismissal.

VERDICT/JUDGMENT: DEFENSE

Vote: No poll. Deliberations: 3 days.

TRIAL EXPERTS

None.

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POLICE MISCONDUCT

SAN BERNARDINO COUNTY SUPERIOR COURT

McCann v. McCann, No. OCV43471, Rancho Cucamonga. Judge Joseph E. Johnston. Jury trial: 30 days. Verdict/judgment: 4/30/92.

TRIAL COUNSEL

Plaintiff: Salvatore Desimone, Law Offices of Salvatore Desimone, Encino.

Defendant: S. Michelle Porter and Norman J. Watkins, Lynberg & Watkins, Santa Ana.