

FJD Awards of More Than \$1 Million Increase Slightly

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By comparison, the total number of jury verdicts and judicial awards over \$1 million in 2012 was 15. Despite there being more large verdicts so far in 2013, the highest amount awarded this year, \$20 million, was roughly 74 percent less than the highest amount awarded in 2012, which was \$78 million.

Comparisons are made between current available court statistics for the first three quarters of this year and all of 2012.

So far in 2013, the verdicts and findings of more than \$1 million have made up roughly 7 percent of the 126 verdicts and the 44 judicial findings. There were 187 defense verdicts and findings, or 42.3 percent of the total verdicts and findings rendered in Philadelphia.

The average amount of the plaintiffs jury verdicts was \$798,089, ranging from a high of \$20 million to a low of \$500.

The average amount of the plaintiffs judicial awards was \$80,574, ranging from a high of \$2.7 million to a low of \$1.

Contrary to popular belief, Philadelphia juries in 2013 have tended to side more with defendants than with plaintiffs.

There were more jury verdicts in favor of defendants, with 143 defense verdicts to 126 plaintiffs verdicts. By contrast, there were more judicial awards in favor of plaintiffs than in favor of defendants, with 221 plaintiffs findings to 73 defense findings.

The highest amount awarded, according to the most current court statistics, was the \$20 million jury verdict awarded to plaintiffs in the personal injury case *Rolland v. Senn*. The jury awarded \$18 million to Ruick Rolland and \$2 million in loss of consortium to his wife, Holly Rolland. The jury also came back with a \$16,000 punitive damages award against defendant Stephen Senn.

Rolland sued the defendants because of an accident that caused his leg to be amputated above the knee, the result of a 10-year-old boy running him over with a five-ton track loader.

Medical malpractice cases that resulted in verdicts or awards of more than \$1 million in 2013 were less frequent than in 2012.

According to 2012 court statistics, half of the largest 10 jury verdicts came from medical malpractice cases. They ranged from the highest award of \$78 million, to the lowest award of \$3 million.

The top medical malpractice jury verdict for 2013 so far has been \$2 million awarded to plaintiff Yaris Casiano in *Casiano v. Dolan*.

In 2012, not one verdict or finding from an asbestos case was rendered in favor of a plaintiff, whereas this year two asbestos verdicts passed the \$1 million threshold in favor of plaintiffs.

In 2011, The Legal reported that the largest asbestos verdict of the year was handed down by a Philadelphia jury, which awarded \$8 million, including \$4 million in loss of consortium damages, \$3.5 million in Survival Act damages and \$500,000 in Wrongful Death Act damages, in *Shelhamer v. A&A Auto Parts Store*, over a plaintiff's mesothelioma, a rare cancer of the lining of the lungs.

Other top 2013 verdicts or judicial awards worth noting include:

- \$19.1 million jury verdict awarded in *Hennessey v. Robertson* in favor of plaintiff Patrick Hennessey in a motor-vehicle accident case.
- \$15.6 million jury verdict awarded in *Lewis v. Toyota Motor* to plaintiff Noreen Lewis in a products liability case.
- \$6.3 million jury verdict awarded in *Heyse v. Acme Markets* to Kathleen and Edward Heyse in a slip-and-fall, premises liability case.
- \$5.1 million jury verdict awarded in *Belgravia Condominium Association v. 1811 BELG* to plaintiff Belgravia Condominium Association in a contracts case.
- \$3.5 million jury verdict awarded in *Wilson v. Jamison Road Associates* to plaintiffs Patricia and Bernhardt Wilson in a slip-and-fall, premises liability case.
- \$3.3 million jury verdict awarded in *Lorenzo v. Miller* to plaintiff John Lorenzo in a legal malpractice case.
- \$2.7 million judicial finding in *Henao v. Hall* to plaintiff Yalile Henao in an assault and battery case.
- \$2.5 million jury verdict awarded in *Kappe v. Lentz Cantor & Massey LTD* to plaintiff Robert Kappe in a legal malpractice case.
- \$2.5 million jury verdict awarded in *Amato v. Bell & Gossett* to plaintiff Thomas Amato in an asbestos case.
- \$2.3 million jury verdict awarded in *Vinciguerra v. Bayer Cropscience* to plaintiff Frank Vinciguerra in an asbestos case.

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