

CITATION: *Doe v. Celebrity Cruises, Inc.*, No. 1:19-cv-22844-UU (S.D. Fla. May 6, 2020).

PLAINTIFF COUNSEL: AAJ members John H. (Jack) Hickey and Sarah A. Lobel, both of Miami.

MOTOR VEHICLE LIABILITY

Truck driver hits moped rider

Doe was riding his moped in Raleigh, N.C., when he was struck from behind by the driver of a Roe Co. truck. A bystander who witnessed the incident chased the driver and wrote down the truck's license number, which was traced back to Roe Co.

Doe suffered rib fractures and a collapsed lung, which necessitated a 79-day hospitalization. During that time, he suffered a stroke, which led to further decline.

Doe claimed that Roe Co. was liable for the driver's conduct. Counsel was able to ascertain the identity of the driver using Google Earth, which showed the truck parked outside the driver's home. The defendant and its insurer argued that the driver's use of the company's truck had been unauthorized, precluding coverage for the claimant's injuries.

The parties settled for \$1 million before suit was filed.

CITATION: *Doe v. Roe*, N.C., settled before filing, June 29, 2020. **CLAIMANT COUNSEL:** AAJ member Robert Whitley, Kinston, N.C.

Improper lookout, following too closely

Nancy Rodriguez, 41, was driving with her 17-year-old daughter as passenger. While stopped at an intersection waiting to turn left, they were rear-ended by a vehicle being driven by Abreu Andrade.

Rodriguez suffered a knee injury that necessitated surgery. She now walks with a limp and will require future physical therapy. Her daughter suffered a sprained foot and a right acetabular tear that required arthroscopic surgery.

Rodriguez's medical expenses were \$48,800, and her daughter's medical expenses totaled approximately \$76,500.

Rodriguez and her daughter sued Andrade and the owner of the vehicle he was driving, alleging failure to keep a proper lookout and following too closely.

The court awarded the plaintiffs more than \$424,800.

CITATION: *Rodriguez v. Andrade*, No. CV-18-6027124-S (Conn. Jud. Dist. Danbury Aug. 24, 2020). **PLAINTIFF COUNSEL:** AAJ member Nathan C. Nasser, Danbury, Conn.

PLAINTIFF EXPERTS: Paul Tomaszewski, orthopedics, Southbury, Conn.; David Bomback, orthopedics, James DePuy, orthopedics, and Joseph DiGiovanni, orthopedic surgery, all of Danbury; and Michael Murphy, orthopedics, Guilford, Conn. **DEFENSE EXPERT:** Samuel Worderman, biomechanics, Pittsburgh.

NEGLIGENCE

Negligent installation of boiler

During a renovation project, plumbing subcontractor Gary Krout & Son installed an oil-fired Dynatherm boiler to heat and supply hot water to the home of Doe, 18 months. While Doe was being bathed in a sink, the water temperature reached up to 172 degrees Fahrenheit, causing second-degree burns to 15 percent of Doe's body, including her genitals, lower abdomen, and buttocks. She was hospitalized for nine days and had debridements and tissue grafts. She has permanent scarring on her abdomen and inner thighs.

Doe sued Gary Krout & Son, alleging that it negligently installed the boiler without a tempering valve. The plaintiff also sued Prodex Inc., doing business as Dynatherm, alleging it failed to warn of the need to install a tempering valve. Finally, suit named general contractor Bob Latini Home Improvement under a vicarious liability theory.

The parties settled for \$493,500.

CITATION: *McClain v. Gary Krout & Son*, No. 2018-21772 (Pa. Ct. Com. Pl. Montgomery Cty. Jan. 7, 2021). **PLAINTIFF COUNSEL:**

AAJ members Joshua J. Knepp and Seth Wilson, both of Conshohocken, Pa.

PLAINTIFF EXPERT: Benjamin Chang, plastic surgery, Philadelphia.

PREMISES LIABILITY

Negligent security at bar

Minor league baseball players Kacy Clemens, 24, and Connor Capel, 21, were attending a New Year's Eve celebration at the Concrete Cowboy bar. As they stood near the bar, a bouncer told Capel to move back, became upset, and began violently attacking Capel and, later, Clemens without provocation. Other bouncers and the bar's owner, Daniel Wierck, participated in the assault using weapons and a flashlight in some instances.

Capel suffered a fractured skull, and Clemens suffered an injury to his right throwing elbow, which affected his training.

Clemens and Capel sued the Concrete Cowboy's corporate entity, alleging negligent security, failure to keep patrons safe, failure to properly train employees, and negligence in allowing bouncers and the bar's owner to intentionally commit aggravated assault.

Suit also alleged felony assault against Wierck and other Concrete Cowboy bouncers, respondeat superior liability, and gross negligence. The plaintiffs, who did not claim past medical expenses or past lost income, claimed damages for mental anguish and past and future physical impairment and disfigurement.

The jury awarded \$3.24 million.

CITATION: *Clemens v. 34th S&S, LLC*, No. 2019-07278 (Tex. Dist. Ct. Harris Cty. Feb. 5, 2021). **PLAINTIFF COUNSEL:** AAJ member Randall O. Sorrels and Alexandra Farias-Sorrels, both of Houston.