

# Year in review: the largest jury verdicts of 2010

**2** **\$142 M**  
Consumer protection

**Kaiser Foundation Health Plan, et al. v. Pfizer Inc., et al.**

**U.S. District Court**

**Date of verdict:** March 25, 2010

**Plaintiffs' attorneys:** Thomas M. Greene, Greene, Boston; Thomas M. Sobol, Cambridge; and Linda P. Nussbaum, New York City

**Status of verdict:** Post-trial motions pending

In July 1996, former Pfizer employee David Franklin approached attorney Thomas M. Greene with evidence allegedly showing the world's largest drug manufacturer had violated the federal Food, Drug and Cosmetic Act by promoting the anti-epileptic drug Neurontin for various off-label uses.

For the ensuing trial, Greene and his legal team, with help from colleagues Ilyas Rona and Palko Goldman, collected physician-certified scientific evidence — nearly all of it from Pfizer's own research files — that Neurontin was no more effective than a placebo for several specific off-label uses, including bipolar disorders and migraines, and that Pfizer had fraudulently distorted research and suppressed negative clinical studies as it aggressively marketed Neurontin in partnership with various medical vendors.

For Greene, the greatest hurdle may have been illustrating to the jury the nature of the testing in question, particularly when some doctors were still prescribing Neurontin for pain and bipolar disorder.

"It was a battle between marketing-based medicine and evidence-based medicine," said

Greene, who won Lawyers Weekly's 2010 Battle of the Lawyers competition for his re-entertainment of the trial's closing argument.

"There was no easy way for a physician or a patient to have proof that the drug was effective because of the subjective nature of the complaints," he said. "Pain is subjective; mood is subjective. There's no objective test to establish whether the drug is working. Additionally, there is a very high placebo effect that could explain why doctors and patients may think the drug is effective."

The case marked the first time a jury returned a RICO verdict against a pharmaceutical company for the fraudulent off-label promotion of a prescription drug.

On Nov. 3, 2010, U.S. District Court Judge Patti B. Saris ordered Pfizer to pay Kaiser more than \$95 million for violations of the California Unfair Competition Law.

"This was a really significant finding for pharma companies," Greene said. "It puts them on notice that the suppression and misrepresentation of critical data is not only scientific fraud, but also legal fraud. Prior to this, that connection wasn't entirely clear."

— MATT YAS

**3** **\$12 M**  
Motor vehicle negligence

**Silverio v. Gentile, et al.**

**Norfolk Superior Court**

**Date of verdict:** July 23, 2010

**Plaintiff's attorneys:** Brian P. Burke, Worcester; and Howard S. Goldman, Goldman, Goldman & Pease, Needham

**Status of verdict:** On appeal

On an early December morning in 2006, two brothers from Needham were on their way to a coffee shop when an SUV traveling in the opposite direction crossed the center line and hit their vehicle head-on, causing a horrific crash for which the Jaws of Life were required to extract the victims.

The driver, Douglas Homs, suffered fractures and internal injuries so extensive they later triggered a stroke that left him unable to speak. Joseph Homs, the passenger, suffered a broken sternum and ribs, as well as internal injuries.

For plaintiff's attorneys Brian P. Burke and Howard S. Goldman, the target in the quest to obtain the funds necessary to provide the life-long medical care Douglas would require was not the operator of the SUV, but the car's owners: the driver's grandparents.

Burke and Goldman presented evidence that Lydia and Vittorio Gentile repeatedly allowed their grandson Vittorio to use their vehicle — including during the 48 hours leading up to the crash — despite the fact that they previously had removed him from their insurance policy due to his lengthy driving rap sheet.

Like most cases in which a driver causes harm using someone else's car, the case would be won or lost on the issue of whether the vehicle's owners consented to its use.

"We needed to show the grandparents knew of his terrible driving record and failed to take any steps to keep him from using the car or to stop him," Goldman said. "The jury did not believe the grandparents."

For Burke, the case served to re-affirm his respect for career plaintiffs' counsel. "I was a defense attorney for over 12 years. I always said the plaintiff's role was tougher. I just never realized how much tougher," he said.

— MATT YAS

**4** **\$10 M**  
Motor vehicle negligence

**Case name unavailable (matter impounded and sealed by judge)**

**Court withheld**

**Date of verdict:** April 5, 2010

**Plaintiff's attorneys:** Paul E. Mitchell and John C. DeSimone, Mitchell & DeSimone, Boston

**Status of verdict:** Settled post-verdict for \$14.25 million

A 58-year-old woman crossing the street was struck by a bus so forcefully that her body hurtled 5 feet in the air before her head struck a parked car.

The woman, whose name has been withheld by the court, sustained traumatic and permanent brain injuries as a result, according to her treating physicians. She was left with complications following the collision, including a failing memory and difficulty maintaining her balance, rendering her unable to return to work as an administrative assistant and requiring that she get help with her daily activities.

After the jury rendered its \$10 million verdict, both sides agreed on a \$14.25 million settlement.

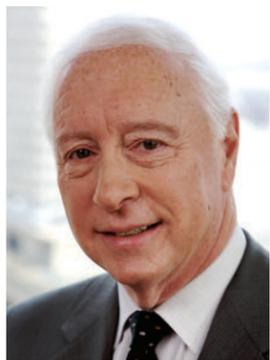
The woman's attorney, Paul E. Mitchell, declined to discuss the verdict not only because the judge sealed the case, but because the parties had entered into a confidentiality agreement as part of the post-trial settlement.

— CHRISTINA PAZZANESE

Continued on page 12



Paul Sugarman



Neil Sugarman



Bob Casby



Tom Smith



Jodi Petrucelli



Marianne LeBlanc



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Ben Zimmermann



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# Year in review: the largest jury verdicts of 2010

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**5** **\$4.69 M**  
Medical malpractice

**Beard v. Hatch, et al.**  
**Essex Superior Court**  
**Date of verdict:** May 21, 2010  
**Plaintiff's attorney:** Annette Gonthier-Kiely, Gonthier Kiely & Associates, Salem  
**Status of verdict:** Disposed

Annette Gonthier-Kiely was more than willing to field a reasonable settlement offer for the family of a 31-year-old father of two who died of colon cancer in 2004.

But when the lawyers representing the defendant health care providers accused of failing to diagnose his cancer for six months refused to make an offer, Gonthier-Kiely said, she had no choice but to take the case to a jury. "Zero is zero," she said. "When you don't get an offer, you go to trial."

Largely through expert testimony, the Salem attorney was able to conclusively prove that the delayed diagnosis played a key role in her client's death and that the disease significantly worsened during that period.

In May, the jury came back with a \$4.69 million verdict.

"I felt confident that the facts supported a finding that he was treated improperly and poorly by the nurse practitioner and by the failure of the supervising physician to do his job," she said. "However, [the plaintiff] was diagnosed with end-stage terminal cancer six months later, so my chief concern was that they would not attribute that outcome to the delay."

The verdict is believed to be the first returned since the Supreme Judicial Court decided in a 2008 landmark decision that medical-malpractice plaintiffs can sue for compensatory damages if their limited chance of survival was further diminished by a physician's negligence.

"My client was 31 years old with a young wife and two kids," Gonthier-Kiely said. "Human nature is for all of us to be rooting for someone in that age category to be given every benefit of medical science, and he clearly wasn't."

— DAVID E. FRANK

**6** **\$4.15 M**  
Eminent domain

**Sorenti Brothers, Inc. v. Commonwealth of Massachusetts**  
**Barnstable Superior Court**  
**Date of verdict:** Oct. 28, 2010  
**Plaintiff's attorneys:** Augustus F. Wagner Jr., Nelson G. Apjohn and Robyn S. Maguire, Nutter, McClennen & Fish, Boston and Hyannis  
**Status of verdict:** Awaiting calculation of interest and damages

Augustus F. Wagner Jr. knew his clients were due something for commercial property in Bourne that the state had taken in connection with the construction of the Sagamore Flyover Highway.

The property, a stone's throw from the former Sagamore rotary, was the site of a locally run gas station that first opened in the 1960s.

But with the parties far apart in settlement talks, Wagner, a former Superior Court and Probate & Family Court judge, worried that the region's well-documented economic woes would unduly sway the jury.

"The factor I was most concerned about was the economy we were trying the case in and the potential perception of jurors that whatever they returned for a verdict was coming out of their tax dollars," he said. "The fear was that they might have a prejudice that overwhelms their logic in deciding what we were fairly entitled to."

While Wagner's experts assessed damages at \$5 million, the state argued that the number was closer to \$2.8 million.

After a nine-day jury trial, the jury awarded \$4.15 million.

"When jurors realized that the property was taken against the will of the owner and that the same thing could happen to them, I think it started to make more sense," Wagner said. "[We had] to educate the jurors that this was not a situation where our clients were offering the property for sale. This was something that was taken from them."

— DAVID E. FRANK

**7** **\$3.2 M**  
Negligence and tort

**Costa, et al. v. J.K. Scanlan Co. Inc., et al.**  
**Middlesex Superior Court**  
**Date of verdict:** Nov. 15, 2010  
**Plaintiff's attorneys:** Adam H. Becker, Sheff Law Offices, Boston; Todd D. White and Katy Hynes, Adler, Pollock & Sheehan, Providence, R.I.  
**Status of verdict:** Disposed

Three masons building an elevator shaft at a Hudson construction site were injured when nearly 40 sheets of plywood being hoisted over their heads fell and landed on top of them.

Fernando Amorim, Luis Costa and Paul Da Costa were in their 40s and early 50s when the February 2005 accident occurred. They suffered back injuries and a 5 percent total body loss of function as a result, a treating physician testified.

All eventually returned to work, though Amorim was unable to continue as a mason. Their suit alleged negligence and a loss of earning capacity.

Attorney Adam H. Becker, who represented Amorim and Da Costa, said a framing subcontractor working for the general contractor, J.W. Scanlan Co., dropped the wood load, but Scanlan was to blame for failing to inform and adequately protect the masons.

"It very easily could have been prevented if they had followed OSHA rules," Becker said.

Both sides sought to pin some responsibility on National Lumber Co., the manufacturer of the plywood, while the defense also named several other parties as third-party defendants, including the maker of the straps used to bundle the wood.

But after the three-week trial, Becker said, the jury came back with a better than expected verdict and found the third parties were not to blame.

"Probably the biggest challenge was trying to convince the jury that the third-party defendants weren't really liable," he said.

— CHRISTINA PAZZANESE

ing to accept responsibility and honestly admit its wrongdoing — this jury saw through it all and did the right thing."

— DAVID E. FRANK

**9** **\$2.72 M**  
Eminent domain

**Hannon v. City of Newton**  
**Middlesex Superior Court**  
**Date of verdict:** June 23, 2010  
**Plaintiff's attorney:** Joel E. Faller, The McLaughlin Brothers, Boston  
**Status of verdict:** Disposed

In 2002, Patrick J. Hannon bought a one-acre piece of property with magnificent views of Crystal Lake in Newton for \$3 million. But over the next several years, Hannon found himself at the center of a nasty dispute with neighbors and city officials over his unsuccessful push to get permission to tear down a fire-damaged house on the property and rebuild.

Finally, in May 2007, the city of Newton took the property by eminent domain for \$2.3 million.

Hannon sued, saying the land, which is adjacent to a public beach and park, was worth \$2.7 million.

After a six-day trial, the jury agreed that the plaintiff was owed an additional \$420,000.

Hannon's attorney, Joel E. Faller, said the jury's \$2.72 million verdict hinged on the "credibility problems" of testimony from the city's appraiser.

The appraiser used a comparable sales approach, Faller said, but failed to compare the lot with other nearby lakefront properties in his evaluations, an omission the jury found unfair.

"It really boiled down to a question of value. The city felt it was not as valuable a piece of land as we did because it abutted a public beach and there was some public access" issues, Faller said. "Our take on it was it was a beautiful piece of land on the water and extremely unique."

— CHRISTINA PAZZANESE

**8** **\$3 M**  
Negligence and tort

**Lambert v. P.A. Landers, Inc. et al.**  
**Plymouth Superior Court**  
**Date of verdict:** May 19, 2010  
**Plaintiff's attorneys:** Robert A. George, Robert A. George & Associates, Boston; and Edward T. Hinchey, Sloane & Walsh, Boston  
**Status of verdict:** Disposed

Mark Lambert was braving the elements on Jan. 17, 2005, when he drove his company truck along snowy Route 3 in Plymouth.

When he approached Exit 7 by the Route 44 overpass, a plow clearing the highway above dumped a load of snow onto Lambert's truck.

His windshield shattered and he sustained significant injuries to his head, back, neck and shoulders.

"The snow was trashed down onto his truck," said Lambert's co-counsel, Robert A. George, who tried the case with Edward T. Hinchey. "He was [pushed] forward into the steering wheel and tossed around like he was in a washing machine."

No one from the snow plow company came to Lambert's aid, George said. And despite overwhelming evidence showing that the company was on notice of what happened, he said, the defense took the position at trial that it bore no responsibility for the plaintiff's injuries.

"In these difficult times, it is hard to get juries in personal injury cases to return big awards," George said. "In this case, with these facts — a hardworking family man as the plaintiff and an unsympathetic defendant unwill-

**10** **\$1.89 M**  
Medical malpractice

**Ginisi v. St. Vincent's Hospital**  
**Worcester Superior Court**  
**Date of verdict:** Dec. 13, 2010  
**Plaintiff's attorneys:** Jeffrey S. Raphaelson and Christopher E. Mullady, Raphaelson & Raphaelson, Boston  
**Status of verdict:** On appeal

Joseph Ginisi arrived in the emergency room at St. Vincent's Hospital in Worcester one day complaining of dizziness and light-headedness. A CT scan showed he had suffered a series of strokes sometime in the preceding 24 hours and over the previous two weeks.

Following hospital protocol, a resident radiologist reported the age of the strokes to the ER clinician as "unknown" rather than "subacute" or "recent." Without that critical information, Ginisi was diagnosed incorrectly with vertigo and discharged. He was subsequently found to be suffering from an extremely rare form of cancer.

His attorney, Jeffrey S. Raphaelson, said the verdict was less than what Ginisi's injuries warranted, a fact he attributes to the jury's belief that some of the neurological damage was caused by the cancer, not the failure to label the strokes as recent.

Raphaelson credited expert testimony for getting the jury to understand how the hospital's training of its radiologists to not report the age of strokes led to the significant neurological damage Ginisi suffered as a result of the delay in diagnosis.

"You can't punt and leave it to the clinicians," he said. "It's bad care."

— CHRISTINA PAZZANESE

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## Additional verdicts topping \$1 million

**11** **\$1.7 M**  
Civil rights

*Hyman, et al. v. Hemlock Associates of Lakeville Inc., et al.*

Homeowners' association accused of anti-Semitic harassment

Attorneys: India L. Minchoff, Russo & Minchoff, Boston; and Stephen J. Kuzma, Boston

**12** **\$1.6 M**  
Medical malpractice

*Family and Estate of Antwoine Key v. Abdulah*  
Jury finds doctor negligent in death of basketball player

Attorneys: Lisa G. Arrowood and Jeffrey N. Catalano, Todd & Weld, Boston

**13** **\$1.6 M**  
Consumer protection

*Vita v. Berman, Devalerio & Pease, LLP, et al.*

Firm shuts out lawyer from his share of settlement

Attorney: Joseph D. Steinfield, Boston

**14** **\$1.5 M**  
Products liability

*Osorio v. One World Technologies Inc., Ryobi Technologies Inc. and Home Depot USA Inc.*

Saw maker found liable for man's hand injury

Attorneys: Richard J. Sullivan, Sullivan, Sullivan, Wellesley; and George F. Carpinello, Albany, N.Y.

**15** **\$1.37 M**  
Medical malpractice

*Boyer v. McGuire, et al.*

Doctors misdiagnose bowel obstruction as cancer

Attorneys: Andrew C. Meyer Jr. and Benjamin R. Novotny, Lubin & Meyer, Boston

**16** **\$1.35 M**  
Contract

*Lincoln Precision Machining Company v. Lug-All Corporation and Transol Corporation*

Sixty-year business relationship ends in breach-of-contract suit

Attorneys: Richard C. Van Nostrand and Matthew R. Fisher, Mirick O'Connell, Worcester

## Bench awards over \$1 million

**1** **\$2.63 M**  
Wills and trusts

*Sacchetti v. Sacchetti*

Son misleads father into signing over his assets

Attorneys: India L. Minchoff, Russo & Minchoff, Boston; and Stephen J. Kuzma, Boston

**2** **\$1.39 M**  
Contract

*Eldamar Development, LLC v. Sweeney, et al.*

Landowner reneges on easement deal

Attorney: C. Dylan Sanders, Sugarman, Rogers, Barshak & Cohen, Boston

**3** **\$1 M**  
Real property

*Bruce v. Wheaton*

Seller swindled in unorthodox land deal

Attorneys: Adam P. Whitney and Peter M. Geraghty, Morisi & Oatway, Quincy

## Million-dollar-plus arbitration awards

**1** **\$30 M**  
Contract

*In the matter of the arbitration agreement between Office and Professional Employees International Union, Local 6, AFL-CIO and Trial Court of Massachusetts*

Trial Court employees win backpay

Attorney: Robert S. Manning, Office and Professional Employees International Union Local 6, Boston

**2** **\$2 M**  
Employment

*Case name withheld*

Former insurance executive awarded two years' pay

Attorney: Robert R. Berluti, Berluti & McLaughlin, Boston

Continued on page 14

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# Reported settlements of \$1 million and more in 2010

- 1 \$15 M**  
**Negligence and tort**  
*Case name withheld*  
 Construction platform falls 14 stories, kills three  
 Attorneys: Michael E. Mone Jr. and Patricia L. Kelly, Esdaile, Barrett & Esdaile, Boston
- 2 \$9 M**  
**Negligence and tort**  
*Cila v. Bechtel/Parsons Brinckerhoff, et al.*  
 State trooper dies after striking handrail in Big Dig tunnel  
 Attorney: Annette Gonthier-Kiely, Annette Gonthier-Kiely & Associates, Salem
- 3 \$8.5 M**  
**Employment**  
*Case name withheld*  
 Workers sue hospital group over unpaid overtime  
 Attorneys: Patrick J. Solomon, Michael J. Lingle and Justin M. Cordello, Thomas & Solomon, Rochester; Jody L. Newman, Dwyer & Collora, Boston
- 4 \$6 M**  
**Medical malpractice**  
*Case name withheld*  
 Plaintiff: newborn received overdose of anti-seizure drug  
 Attorneys: Andrew C. Meyer and William J. Thompson, Lubin & Meyer, Boston
- 5 \$6 M**  
**Negligence and tort**  
*Case name withheld*  
 Crane leg collapses, crushes ironworker to death  
 Attorneys: Patrick T. Jones, Peter J. Schneider and Leonard T. Evers, Cooley, Manion, Jones, Boston
- 6 \$5.7 M**  
**Negligence and tort**  
*Case name withheld*  
 Builder impaled on steel bar after floor collapses  
 Attorneys: William F. Ahern Jr. and William J. Hunt, Clark, Hunt, Ahern & Embry, Cambridge
- 7 \$5 M**  
**Eminent domain**  
*Salvatore A. Vinciullo, Trustee of Sanderson Estates Realty Trust v. City of Waltham*  
 Plaintiff claims taken land could be developed  
 Attorney: George A. McLaughlin III, The McLaughlin Brothers, Boston
- 8 \$4.75 M**  
**Products liability**  
*Case name withheld*  
 Fireman loses leg after being hit by lurching fire truck  
 Attorneys: Neil Sugarman, Benjamin R. Zimmermann and Stacey Pietrowicz, Sugarman & Sugarman, Boston
- 9 \$4 M**  
**Medical malpractice**  
*Case name withheld*  
 Man goes into cardiac arrest hours after colonoscopy  
 Attorneys: Jodi M. Petrucelli and Benjamin R. Zimmermann, Sugarman & Sugarman, Boston
- 10 \$4 M**  
**Motor vehicle negligence**  
*Case name withheld*  
 Truck careens into house after being hit in intersection  
 John C. DeSimone and Paul E. Mitchell, Mitchell & DeSimone, Boston; John Dalsey, Dalsey, Ferrera & Albano, Springfield
- 11 \$4 M**  
**Motor vehicle negligence**  
*Case name withheld*  
 Driver suffers brain injury in head-on collision  
 Attorneys: Patrick T. Jones and Timothy C. Kelleher III, Cooley, Manion, Jones, Boston
- 12 \$3.7 M**  
**Products liability**  
*Case name withheld*  
 Electrician crushed after accidentally engaging lift  
 Attorneys: Robert W. Casby and David P. McCormack, Sugarman & Sugarman, Boston
- 13 \$3.5 M**  
**Medical malpractice**  
*Case name withheld*  
 Patient loses ability to walk after extended ER stay  
 Attorneys: Barry D. Lang and Max Borten, Gorovitz & Borten, Waltham
- 14 \$3.45 M**  
**Negligence and tort**  
*Case name withheld*  
 Woman paralyzed after falling from ski lodge loft  
 Attorney: Annette Gonthier-Kiely, Annette Gonthier-Kiely & Associates, Salem
- 15 \$3 M**  
**Negligence and tort**  
*Case name withheld*  
 Man dies in police custody after Celtics title celebration  
 Attorney: Howard Friedman, Boston
- 16 \$3 M**  
**Motor vehicle negligence**  
*Case name withheld*  
 Driver claims steering locked prior to head-on crash  
 Attorney: Marc L. Breakstone, Breakstone, White & Gluck, Boston
- 17 \$3 M**  
**Medical malpractice**  
*Case name withheld*  
 Doctors accused of overlooking diabetic's additional ailment  
 Attorneys: Andrew C. Meyer Jr. and Krysia J. Syska, Lubin & Meyer, Boston
- 18 \$2.8 M**  
**Medical malpractice**  
*Case name withheld*  
 Girl suffers brain injury at birth, dies at 3  
 Attorneys: Andrew C. Meyer Jr. and Krysia J. Syska, Lubin & Meyer, Boston
- 19 \$2.75 M**  
**Negligence and tort**  
*Case name withheld*  
 Worker killed after being thrown from machinery  
 Attorneys: Patrick T. Jones and Peter J. Schneider, Cooley, Manion, Jones, Boston
- 20 \$2.63 M**  
**Negligence and tort**  
*Case name withheld*  
 Three die in 13-story fall at construction site  
 Attorneys: Alan L. Cantor and James A. Swartz, Swartz & Swartz, Boston; Frances King, Boston

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# Reported settlements of \$1 million and more in 2010

- 21** **\$2.5 M**  
**Medical malpractice**  
*Case name withheld*  
 Plaintiff: midwife skipped C-section despite fetal tachycardia  
 Attorneys: Gregg J. Pasquale, Ann Marie Maguire and Melissa A. White, Keches Law Group, Taunton
- 25** **\$2.1 M**  
**Negligence and tort**  
*Case name withheld*  
 Boy suffers brain damage after being struck by falling merchandise  
 Attorneys: Douglas K. Sheff, Donald Grady and Frank J. Federico Jr., Sheff Law Offices, Boston
- \$2 M**  
**Medical malpractice**  
*Case name withheld*  
 Patient's spinal cord sheath torn during disc surgery  
 Attorneys: Andrew C. Meyer and Robert M. Higgins, Lubin & Meyer, Boston
- 33** **\$1.75 M**  
**Medical malpractice**  
*Case name withheld*  
 Man develops Stage III cancer at excised mole site  
 Attorneys: Robert A. Shuman and Risa Schneider, Law Offices of Robert A. Shuman & Associates, Sharon
- \$2.5 M**  
**Medical malpractice**  
*Case name withheld*  
 Plaintiff: doctors operated without reviewing patient records  
 Attorneys: Patrick T. Jones and Donna R. Corcoran, Cooley, Manion, Jones, Boston
- 26** **\$2 M**  
**Medical malpractice**  
*Smith, et al. v. Women's Health Center Inc., et al.*  
 Woman dies during abortion procedure  
 Attorney: David P. Angueira, Swartz & Swartz, Boston
- \$2 M**  
**Medical malpractice**  
*Case name withheld*  
 Newborn's heart anomaly leads to brain damage  
 Attorneys: Andrew C. Meyer and Krysia J. Syska, Lubin & Meyer, Boston
- \$1.75 M**  
**Medical malpractice**  
*Case name withheld*  
 Doctors allegedly misread mammogram, overlook woman's cancer  
 Attorneys: Andrew C. Meyer Jr. and Adam R. Satin, Lubin & Meyer, Boston
- 23** **\$2.45 M**  
**Medical malpractice**  
*Case name withheld*  
 Patient allegedly deprived of oxygen during surgery  
 Attorneys: Andrew C. Meyer Jr. and Robert M. Higgins, Lubin & Meyer, Boston
- \$2 M**  
**Medical malpractice**  
*Case name withheld*  
 Doctors allegedly fail to diagnose fatal pulmonary embolism  
 Attorney: Annette Gonthier-Kiely, Annette Gonthier-Kiely & Associates, Salem
- 31** **\$1.85 M**  
**Medical malpractice**  
*Case name withheld*  
 Woman blinded after receiving undiluted drug in eye  
 Attorneys: Andrew C. Meyer and Krysia J. Syska, Lubin & Meyer, Boston
- 35** **\$1.5 M**  
**Medical malpractice**  
*Case name withheld*  
 Oncologist diagnoses septic abscess as virus  
 Attorneys: Elizabeth N. Mulvey and Michael J. Harris, Crowe & Mulvey, Boston
- 24** **\$2.31 M**  
**Medical malpractice**  
*Case name withheld*  
 Girl, 4, dies; improperly prescribed drugs blamed  
 Attorneys: Andrew C. Meyer and Benjamin R. Novotny, Lubin & Meyer, Boston
- \$2 M**  
**Motor vehicle negligence**  
*Case name withheld*  
 Teenage passenger killed in snowy car wreck  
 Attorneys: Jeffrey S. Glassman and Traver Clinton Smith Jr., Law Offices of Jeffrey S. Glassman, Boston
- 32** **\$1.8 M**  
**Motor vehicle negligence**  
*Case name withheld*  
 Sole caregiver for elderly wife dies following car crash  
 Attorney: Marc L. Breakstone, Breakstone, White & Gluck, Boston
- \$1.5 M**  
**Medical malpractice**  
*Case name withheld*  
 Nurse claims doctors botched her back surgery  
 Attorneys: Neil Sugarman and David P. McCormack, Sugarman & Sugarman, Boston

Continued on page 16

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# Reported settlements of \$1 million and more in 2010

Continued from page 15

**35 \$1.5 M**  
**Medical malpractice**  
*Case name withheld*  
 Woman's death blamed on delayed treatment of colitis  
 Attorneys: Andrew C. Meyer and William J. Thompson, Lubin & Meyer, Boston

**\$1.5 M**  
**Motor vehicle negligence**  
*Case name withheld*  
 Child killed in intersection crash with fire engine  
 Attorneys: Patrick T. Jones and Peter J. Schneider, Cooley, Manion, Jones, Boston

**39 \$1.45 M**  
**Medical malpractice**  
*Case name withheld*  
 Plaintiff: undiagnosed bacterial meningitis leads to death  
 Attorney: Barry C. Reed Jr., Reed & Giordano, Boston

**40 \$1.35 M**  
**Negligence and tort**  
*Case name withheld*  
 Swimmer drowns in attempt to hold breath underwater  
 Attorneys: Philip J. Crowe Jr. and Michael J. Harris, Crowe & Mulvey, Boston

**\$1.35 M**  
**Municipal**  
*Thomas v. City of Taunton*  
 Condo owners sue city after sewage runoff wrecks units  
 Attorney: Alan S. Fanger, Newton

**42 \$1.34 M**  
**Products liability**  
*Case name withheld*  
 Man crushed to death by runaway lawnmower  
 Attorneys: Ralph F. Sbrogna and Roger J. Brunelle, Sbrogna & Brunelle, Worcester

**43 \$1.25 M**  
**Medical malpractice**  
*Case name withheld*  
 Patient's new kidney fails days after transplant  
 Attorneys: Andrew C. Meyer, Robert M. Higgins and Benjamin R. Novotny, Lubin & Meyer, Boston

**\$1.25 M**  
**Medical malpractice**  
*Case name withheld*  
 Man dies of cancer after seven-year lapse in screenings  
 Attorneys: Andrew C. Meyer and Nicholas D. Cappiello, Lubin & Meyer, Boston

**45 \$1.2 M**  
**Negligence and tort**  
*Case name withheld*  
 Steelworker loses leg following lift accident  
 Attorney: Marc L. Breakstone, Breakstone, White & Gluck, Boston

**46 \$1.18 M**  
**Premises liability**  
*Case name withheld*  
 Fish plant manager impaled in forklift accident  
 Attorney: Darin M. Colucci, Colucci, Colucci, Marcus & Flavin, Boston

**47 \$1.15 M**  
**Motor vehicle negligence**  
*Case name withheld*  
 Passenger dies after being ejected from car in collision  
 Attorney: Claudine A. Cloutier, Keches Law Group, Taunton

**48 \$1.1 M**  
**Motor vehicle negligence**  
*Case name withheld*  
 Caretaker crashes carful of elderly passengers  
 Attorneys: Jeffrey S. Beeler, Heinlein & Beeler, Natick and Cambridge; and Jeffrey S. Beckerman, Plymouth

**\$1.1 M**  
**Civil rights**  
*Case name withheld*  
 Detainees claim they were strip-searched without cause  
 Attorney: Howard Friedman, Boston

**50 \$1 M**  
**Products liability**  
*Case name withheld*  
 Train strikes rail workers on tracks, kills one  
 Attorneys: Neil Sugarman and Benjamin R. Zimmermann, Sugarman & Sugarman, Boston

**\$1 M**  
**Medical malpractice**  
*Case name withheld*  
 Complications from hernia repair allegedly lead to man's death  
 Attorneys: Gregg J. Pasquale and Ann Marie Maguire, Keches Law Group, Taunton

**\$1 M**  
**Medical malpractice**  
*Case name withheld*  
 Patient claims untreated hemorrhoid led to her cancer  
 Attorneys: Andrew C. Meyer and William J. Thompson, Lubin & Meyer, Boston

**\$1 M**  
**Medical malpractice**  
*Case name withheld*  
 Plaintiff: breast cancer went undiagnosed despite lump  
 Attorneys: Philip J. Crowe Jr. and Michael J. Harris, Crowe & Mulvey, Boston

**\$1 M**  
**Medical malpractice**  
*Case name withheld*  
 Nine-year-old dies of complications from diabetes  
 Attorneys: Andrew C. Meyer and William J. Thompson, Lubin & Meyer, Boston

**\$1 M**  
**Medical malpractice**  
*Renzi v. Veatch, et al.*  
 Doctors allegedly delayed in identifying breast cancer  
 Attorneys: Annette Gonthier-Kiely and Maura L. Sheehan, Annette Gonthier-Kiely & Associates, Salem

**\$1 M**  
**Medical malpractice**  
*Case name withheld*  
 Man's melanoma discovered a year after initial visit  
 Attorneys: Andrew C. Meyer Jr. and Krysia J. Syska, Lubin & Meyer, Boston

**\$1 M**  
**Medical malpractice**  
*Case name withheld*  
 Plaintiff: untreated abdominal bleed responsible for death  
 Attorneys: Andrew C. Meyer Jr. and Robert M. Higgins, Lubin & Meyer, Boston

**\$1 M**  
**Negligence and tort**  
*Case name withheld*  
 Worker's foot amputated after forklift mishap  
 Attorneys: Andrew C. Meyer Jr. and William J. Thompson, Lubin & Meyer, Boston

**\$1 M**  
**Medical malpractice**  
*Case name withheld*  
 Patient left with brain damage after gastric bypass surgery  
 Attorneys: Andrew C. Meyer Jr. and Adam R. Satin, Lubin & Meyer, Boston

**\$1 M**  
**Medical malpractice**  
*Case name withheld*  
 Medication overdose blamed for elderly woman's death  
 Attorneys: Andrew C. Meyer Jr. and Benjamin R. Novotny, Lubin & Meyer, Boston

**\$1 M**  
**Medical malpractice**  
*Case name withheld*  
 Doctor said to have misread brain aneurism on MRI  
 Attorneys: Andrew C. Meyer Jr. and Robert M. Higgins, Lubin & Meyer, Boston

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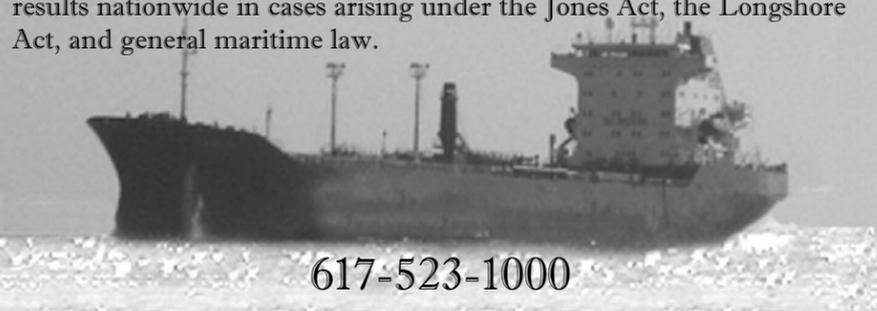


For info on [brain injury litigation](http://www.kolpan.com), visit [www.kolpan.com](http://www.kolpan.com)

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