

Our First Personal Injury Trial

This was our first jury trial. The Plaintiff was represented by lead trial attorney Steven Ibarra and associate attorney Joshua Genzuk. The defense was represented by Liberty Mutual staff-counsel, Law Offices of Muhar, Garber, AV and Duncan.

This **personal injury claim** involved a 40-year old woman who was at an all-day company event in Temecula. Salad and sandwiches with lettuce had been served for lunch. Later that afternoon, Mayra went to use the restroom. On her way back to the conference room, she slipped and fell on two "dime-sized" pieces of lettuce and a small puddle of water. She tore the meniscus in her left knee. A few months later, she had an arthroscopic meniscectomy by a **workers comp** doctor, but would still need a total knee replacement.

At pre-trial settlement, the defense offered our client an **injury settlement amount** of \$100k. At that point we had already incurred in approximately \$45k in expenses, so the insulting offer made it very easy for us to decide to try the case.

As a **Whittier injury attorney**, we are often asked "**How long does a personal injury trial take?**" We tried this case over 6 days, but it really spanned the course of 3 weeks. During the trial, the defense cited **work injury prevention**, stating that our client should have been looking down at the floor as she walked back to the conference room. They also argued that, regardless of the injury, Mayra would have needed the knee replacement due to a **pre-existing condition**. However, she had no pain symptoms to either knee before the fall.

Because 40% of her meniscus had to be removed as a consequence of the fall, Mayra's rate of the arthritis was sped up and this, we argued, explained why her pain has never really gone away since the incident.

The Sunday before closing arguments, the defense offered - again - the \$100k compensation. Clearly, the insurance company had no idea what was coming the next day with our closing arguments. We simply told opposing counsel that we had "faith in our jury"

After about 5 hours of deliberations, over two separate days, the jury decided on the following **injury compensation** for Mayra:

- Past Medical Expenses: \$16,354.85
- Future Medical Expenses: \$118,000
- Past Non-Economic Damages: \$120,000
- Future Non-Economic Damages: \$325,000

The verdict was extra special to Mr. Ibarra because it was awarded on his 37th birthday. We are truly inspired by this experience and are now hungrier than ever to continue in our pursuit of injury victim **work injury employee rights** for our clients. This case truly was about forcing the

insurance company to take full responsibility instead of half. Not a penny more and not a penny less.