

# TEXAS REPORTER®

*the premier comprehensive civil trial & settlement magazine in Texas*

Volume 00, Issue 21 November 16 - November 30, 2000

**JUDGE DAVID BERCHELMANN**

37<sup>th</sup> - 97 CL-11375

**BEXAR COUNTY**

**SAN ANTONIO, TEXAS**

**DATE OF VERDICT: 12/20/00**

William and Martha Crawford

vs.

Johnson Equipment and ASI Technologies, Inc.

**PLAINTIFF COUNSEL: Hall and Bates, LLP**

from San Antonio, TX, By: Tom Hall and Harry Bates

**DEFENDANT COUNSEL: Thornton, Summers,**

**Biechlin, Dunham & Brown, LC** from San Antonio, TX, By: Gerald Zwernemann for Johnson Equipment Co., **Melvin Krenek & Associates** from San Antonio, TX, By: Melvin Krenek for ASI Technologies, Inc.

**TYPE OF CASE: Products Liability** - Plaintiff, William Crawford was employed at L&H packing as maintenance manager. He was hit on the head by a high speed vertical overhead door causing multi-level herniated discs in the neck. The door was manufactured by ASI and installed by Johnson. Plaintiffs alleged that the door was defective because of inadequate safety devices.

Defendants alleged that the door had been altered since the time of the sale by employees of L&H who bypassed the safety devices.

**INSURANCE CARRIER: Wausau** for ASI and Nationwide for Johnson

**PLAINTIFF EXPERTS:**

- E.P. Hamilton, PE - electrical engineer - live
- Charles McAdoo - vocational rehabilitation - live
- Keith Fairchild - economist - live
- Morris Lampert - neurologist - video
- Bill Fitch - urologist - video
- Jerjis Denno - neurosurgeon - video
- Richard Senelick - neurologist - video - IME

**DEFENDANT EXPERTS:**

- ASI - Don Wagner - in-house mechanical engineer
- ASI - Richard Murray - retained mechanical engineer - Perkins, OK
- Johnson Equipment - no experts called for

**SPECIALS:** \$85,500.00 past medical; \$240,000.00 past wages; \$335,000.00 future wages

**AMT PRAYED FOR:** \$4,000,000.00

**DEMAND:** \$550,000.00

**OFFER:** \$325,000.00

**VERDICT:** The jury found no fault on Johnson Equipment. The jury answered negligence product liability and breach of warranty questions against ASI.

**AWARD BREAKDOWN:** \$1,005,500.00 reduced by 25% for Plaintiffs negligence

**NOTES:** During the trial the parties entered into a high low in which the low was \$300,000.00 and the high was \$900,000.00. Since the verdict exceeded the high end, the Defendants will pay \$900,000.00.

