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Top 10: Verdicts of the year

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By Patrick Thornton

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Below is a list of the Top 10 verdicts for 2010 based on submissions to Minnesota Lawyer's verdicts and settlements database. The paper prints a synopsis of recent verdicts and settlements in the print and online editions and keeps a searchable database online.

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1. In June, a Ramsey County jury returned a \$29.9 million verdict against Wells Fargo over its securities-lending practices.

Four nonprofits argued that as a result of the bank's risky investment strategy, they lost millions. Their suit alleged fraud and breach of fiduciary duty. The nonprofits sought more than \$500 million, including punitive damages in the original lawsuit.

Lead attorney for plaintiffs: Michael Ciresi.

2. A Kandiyohi County jury in February returned a \$23.2 million verdict on behalf of a child who suffered severe brain damage at her birth.

After the mother had labor induced, Kylie Rodgers' heart rate fell below normal. She was delivered by Caesarean, but her breathing had stopped, and she had to be resuscitated.

Kylie's injuries included spastic quadriplegic cerebral palsy, cortical impairment and permanent neurological damage. The jury awarded the plaintiffs \$1.7 million for past health care expenses, \$10 million for future expenses, \$10 million for past and future pain and suffering and \$1.5 million for loss of earnings. The doctor's employer, Affiliated Community Medical Center, was found 80 percent at fault and the hospital 20 percent.

Attorneys for plaintiff: Julie Matonich, Edward Matonich and David Arndt.

3. In September, a jury awarded Inspired Technologies a \$13.15 million verdict after it concluded a competitor stole and duplicated its technologies. Inspired invented and patented an edge treatment for painter's masking tape that was sold in retail outlets like Home Depot. Inspired entered into three confidentiality agreements with Intertape, a larger tape manufacturer. According to Inspired Technologies lawyers, Intertape began secretly duplicating the technology and planned to invalidate the patents and send Inspired Technology into bankruptcy.

The jury concluded that Intertape breached all three confidentiality agreements and granted motions for sanctions, attorney fees and interest.

Attorney for the plaintiff: Craig Krummen.

4. In May, a Hennepin County jury awarded a truck driver \$7.8 million for injuries he sustained at a Budweiser distribution plant. The man was injured when a crane operator lost control of a fabricated concrete beam and swung the beam at the plaintiff. The plaintiff was forced to jump off the flat bed of the tractor trailer, carrying the fabricated concrete, onto frozen ground.

The plaintiff fractured his heel bones. Since then, he has undergone four surgeries and has been unable to return to work. He sued Molin Concrete Products Company to recover for his injuries.

At trial, the plaintiff proved that Molin and its employees were responsible for his injuries and that Molin failed to follow industry standards and those set by the Occupational Safety and Health Administration in its crane operations.

Attorneys for plaintiff: John P. Sheehy and Pamela J. Spaulding.

5. In October, a Wright County jury awarded a \$4.6 million verdict to the family of a woman who bled to death after delivering a child. Claudia Calcagno of Albertville died hours after her child was born on Jan. 18, 2008, at Monticello-Big Lake Community Hospital (New River Medical Center). Doctors were unable to perform surgery that could have saved her life because the hospital failed to provide enough blood for



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transfusion in time. The jury found that neither doctor was negligent, but the hospital was. The award includes compensation to Calcagno's family for past and future economic loss, as well as the loss of her companionship.

Attorney for plaintiff: Kathleen Flynn Peterson.

6. In December, a jury awarded a patient \$1.1 million in punitive damages and \$700,000 in compensatory damages in his lawsuit against the drug company Johnson & Johnson. The lawsuit alleged that Johnson & Johnson failed to adequately warn patients that its drug Levaquin may cause tendon damage. The trial was the first in more than 2,600 claims in U.S. courts alleging that Levaquin caused tendon damage in patients and that Johnson & Johnson failed to disclose the risk adequately. The jury today, in ordering punitive damages, found the company acted with deliberate disregard for the safety of others.

Attorneys for plaintiff: Ron Goldser and others.

7. In May, a Hennepin County jury awarded Jimmy Williams, a former assistant coach with the University of Minnesota head basketball coach Tubby Smith, a \$1.25 million verdict. The jury concluded that Smith wrongfully led Williams to believe he had the power to hire Williams at Minnesota. Smith offered Williams a job at Minnesota so Williams quit his then current job at Oklahoma State University. Ultimately Minnesota stopped the hire of Williams because of previous NCAA violations, but by that time Williams was out of a job. The jury found that Smith falsely represented the truth to Williams when he offered him a job at Minnesota when he didn't have the power to do so.

Attorney for plaintiff: Donald Chance Mark Jr.

8. In September, a Wabasha County jury awarded \$1.2 million to a man who suffered injuries in a motor vehicle crash. The man was driving to work when a truck owned by Pan-O-Gold and operated by an employee (who was talking on a cellular phone) failed to stop at an intersection and caused a collision with the Wills' vehicle. Defendant Pan-O-Gold Baking Co. admitted liability for purposes of trial.

As a result of this collision, Wills suffered several injuries including traumatic brain injury, PTSD, headaches, cervical injury, right shoulder injury, sternum injury, knee injury as well as severe depression.

Attorneys for plaintiff: Harry Sieben Jr. and Michael Miller.

9. In August, a Hennepin County jury awarded a couple \$522,500 in a lawsuit against their real estate broker. The jury found that the broker negligently provided information about the property boundaries that led the plaintiffs to believe that they were to obtain additional land as part of the sale. The plaintiffs suffered monetary loss, expert costs and fees. The court specifically found that the broker fraudulently failed to disclose the actual appraisal value of the property by withholding the lowest appraisal on the property from the plaintiffs. Further, the broker failed to provide the plaintiffs with the plat map or distinguish the boundaries of the property that was for sale.

Attorney for plaintiffs: Lee A. Hutton III.

10. In October an Olmsted County jury awarded a man who was fired by the Marriott hotel chain \$476,326 for wrongful termination. The man was an employee of the hotel for 22 years.

Fellow employees began circulating rumors about plaintiff. One of the rumors was that plaintiff had brought a .357 Magnum Ruger to a meeting with management and his union representatives and was prepared to kill everyone there including himself if things "did not go his way."

Management heard the rumor and immediately fired the plaintiff and informed the union of the alleged threat.

The collective bargaining agreement contained the standard requirement that employees can be fired only for "just cause." Upon investigation by plaintiff's counsel, it became apparent that the bellman who had purportedly heard the plaintiff say he brought the gun to the meeting and intended to shoot everyone denied ever hearing such a statement or telling anyone else.

The plaintiff sued for wrongful termination (breach of union contract) and defamation.

Attorney for plaintiff: Mark G. Stephenson.