

# Verdicts & Settlements

RESULT DATE: Mar. 21, 2019

James Ryan Peterson v. City of Long Beach (BC645456)

Los Angeles County Superior Court

19-JV\_131893

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TOPIC: Personal Injury

FURTHER DESCRIPTION: Federal Jones Act

Verdict: \$5,447,664

## ATTORNEYS:

Plaintiff:

Joel Krissman (Krissman & Silver LLP)

Defendant:

Lynn L. Krieger (Lewis, Brisbois, Bisgaard & Smith LLP)

David E. Russo (Lewis, Brisbois, Bisgaard & Smith LLP)

FACTS: On Feb. 23, 2016, plaintiff James Peterson, 42, was working as a City of Long Beach police officer in the port patrol division. He was injured while attempting to board a patrol boat at the police dock in the Long Beach harbor. Officer Peterson filed suit under the federal Jones Act and the federal common law for unseaworthiness of the vessel. Defendant City of Long Beach was the owner of the vessel and police dock.

The case was tried to determine the nature and extent of damages.

PLAINTIFF'S CONTENTIONS: Plaintiff contended that defendant was liable for Jones Act negligence and unseaworthiness for failure to provide safe access to the vessel from a floating dock to a floating vessel requiring the officers to jump a minimum distance of three feet in order to board and disembark which is what plaintiff was doing at the time of the incident when he sustained injury. Plaintiff contended that he sustained injury to his cervical spine and as a result he was not fit for duty to return to the police department.

DEFENDANT'S CONTENTIONS: Defense initially defended asserting that there were ways to safely board and that Officer Peterson was negligent in the method he chose to board. Before jury selection defendant admitted liability. Defendant contested the nature and severity of plaintiffs residual damages and contended plaintiff could earn more with further education or transfer to different occupations. Defendant contested plaintiffs life care plan and defendant's experts opined that plaintiff only needed orthotics and occasional doctor visits for a future medical plan of approximately \$4,500.

OTHER INFORMATION: Past medical bills were paid by defendant and not submitted into evidence.

LENGTH: 10 days

POLL: 12-0 (economic), 11-1 (non-economic)

DELIBERATION: two days

LOST EARNINGS: Loe: \$342,000

FUTURE LOST EARNINGS: Future Loe: \$1,648,794

MEDICAL COSTS: Meds: Plaintiff claimed \$340,204, disputed by defendant, but awarded by the jury in full.

FUTURE MEDICAL\_COSTS: Future Meds: \$340,204

INJURIES: Plaintiff suffered cervical disc herniation/protrusion at C4-5 compressing the spinal cord and requiring emergency anterior discectomy and fusion at C4-6. This surgery went on to non-union requiring a second posterior surgery at the same level, which was successful.

Plaintiff was left with residual right foot ataxic gait requiring he swing this leg when he walks, the use of orthotics and

follow-up care in a life care plan.

DAMAGES: Plaintiff was also medically retired from the police force sustaining loss of earning capacity.

SETTLEMENT DISCUSSIONS: Plaintiff made a CCP section 998 demand for \$12 million. Defendant offered \$2.5 million pre-trial.

RESULT: Plaintiff's verdict for \$5,447,664.

FILING DATE: Dec. 30, 2016