

TEXAS REPORTER[®]

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JUDGE DAVID BERCHELMANN

37th - 97 CI-11375

BEXAR COUNTY

SAN ANTONIO, TEXAS

DATE OF VERDICT: 12/20/00

William and Marra 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 Demo - 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.

