



# RUSSELL & LAZARUS APC

PERSONAL INJURY TRIAL ATTORNEYS

Exclusively handling serious and catastrophic personal injury claims as well as wrongful death claims due to the negligence of individuals or business entities.



## The Right Help When You Need It Most!

February/March 2020

- AUTO COLLISIONS
- MOTORCYCLE COLLISIONS
- BICYCLE ACCIDENTS
- TRIP/SLIP AND FALL ACCIDENTS
- CONSTRUCTION SITE ACCIDENTS
- ELDER ABUSE CLAIMS
- BRAIN TRAUMA CLAIMS
- WRONGFUL DEATH CLAIMS



When I was 54, my 21-year-old daughter asked me to join her on her birthday as she got into an airplane, strapped on a parachute, and jumped out thousands of feet in the air. I decided it would be a wonderful new experience, so I joined her. By the time the day ended, I was transported away with a broken leg, and I had no one to blame but myself.

Accountability applies to everyone, no matter where you stand in life. Even though I was carefully instructed on what to do, I didn't follow the directions as well as I should have. As I landed, I didn't lift my legs up as high as I was supposed to, and I had to take responsibility for what happened to me.

I've been thinking about this a lot recently, especially as we make our way into the new year. There are a lot of big events coming up, including the election in November, and many of these events have to do with accountability.

As trial attorneys, my team and I ensure people are held accountable for their actions. Acts of negligence that cause injury are the basis for the claims we make on behalf of our clients. In California, many businesses are released from normal

## ACCOUNTABILITY ...

### And Why One Should Never Jump Out of a Perfectly Good Airplane

negligence if you sign a release form beforehand. When I went skydiving, I had to sign several releases that protected the company should something happen.

However, what most lay people don't realize is that these forms only cover "normal" negligence; they don't cover "gross" negligence. The difference between the two can sometimes be a close call, and normally, the trier of fact (the jurors) is making the call. As an example, if the parachute company forgot to tighten one of the straps, causing a malfunction, they would argue that is "normal" negligence. However, if they forgot to put the parachute on the back of a customer and had them jump out of the plane, that would clearly be "gross negligence."

There are other areas where bad actors attempt to avoid being held responsible. We see that constantly in the area of arbitration agreements, be it the employment setting or just signing up for a credit card. "Arbitration" is stacked against the consumer because it is the last of the old-boy networks where the arbitrators see the same defense attorneys over and over again, and in order to keep getting the business from those attorneys, the arbitration awards are either small or are in favor of the defense.

We do have an election coming up in the fall that will have a proposition on the ballot to hold the medical community accountable for mistakes they make in causing injury and death by negligent actions. The cap

as to what someone can currently recover for being injured or for a family member who is killed by a medical professional is \$250,000. That amount was set in 1975 and has not been indexed for inflation, which would put it at closer to \$900,000. Can you imagine your child or your elderly mother or father dying as a result of a nurse or doctor doing something wrong and having an insurance company tell you that the value of their life was \$250,000? The law needs to be updated if accountability has anything to do with practicing medicine.

Another area that desperately needs updating (but the insurance lobbyists up in Sacramento pay the politicians to not change the law) is the \$15,000 minimum car insurance that can be purchased to drive a car legally in California. That \$15,000 limit has been in place for over 50 years! Heck, a ride to the hospital in an ambulance can cost you \$15,000 these days! When the politicians decide that protecting the public is more important than getting reelected, the law will be changed. (I am not holding my breath.)

My hope for the new year is that we will continue to hold each other accountable. No matter where we find ourselves, we all need to know when to fight for the accountability of others and when to be accountable for our own actions.

*- Chris Russell*



# COMPLETELY DIFFERENT ROOTS

## Celebrating St. Paddy's Day in Ireland vs. America

From extravagant parades to green-dyed rivers, something about St. Patrick's Day feels quintessentially American — despite its Irish heritage. That's because many common St. Patrick's Day traditions actually originated in America, evolving beyond their roots in the Emerald Isle in a few key ways.

On March 17, Irish folks commemorate the death of St. Patrick, who brought Christianity to pagan Ireland during the late fourth and early fifth centuries. Historically, these religious origins make for a more somber observance of St. Patrick's Day. Many Irish families go to church and eat a modest feast as the extent of their celebration.

However, St. Patrick's Day in America is not so much about venerating Ireland's patron saint as it is about celebrating Irish heritage in a foreign land. When Catholic Irish immigrants first came to the United States, they faced persecution from a largely Protestant population. In response, Irish Americans began using March 17 as a

day to publicly declare and celebrate Irish heritage with parades and demonstrations.

The observation of St. Patrick's Day grew in popularity in cities with large Irish populations, like Boston, New York, and Chicago. Then, in the booming post-World War II economy, various businesses aggressively marketed the holiday to Americans of all heritages. Thus, it became a day when anyone could celebrate Irish American heritage, or at least it gave everyone an excuse to drink like they believe the Irish do.

Ironically, imbibing was not a part of St. Patrick's Day celebrations in Ireland until

relatively recently. Due to the religious nature of the holiday, pubs and bars closed down on March 17 until 1961. Additionally, the traditional meal of corned beef and cabbage is another American addition. In Ireland, pork and cabbage was actually more common, but impoverished Irish immigrants substituted less expensive beef for pork, and the tradition stuck.

Even though the most widely observed St. Patrick's Day celebrations originated in America, many of them have found their way back to Ireland. Starting in 1996, the St. Patrick's Day Festival in Dublin now attracts over 1 million attendees with all the drinks and revelry that Americans love. You'd be hard pressed to find a green beer, though. In the hallowed birthplace of Guinness and whiskey, some traditions may be better left across the pond.

## TEAM MEMBER FEATURE

# The Enthusiasm of Lynne Powers

## Helping Us Grow Successfully



On her days off, one might catch Lynne Powers enjoying the serenity of being home, lounging on the beach, and relaxing.

This is in great contrast to a few years ago, when Lynne was most likely to be found flying across oceans as she visited different countries around the world. One of the highlights of living abroad was doing marathons with her family and friends throughout Europe. As for her favorite place, she says, "For me, it really is Paris."

Although her days of enthusiastic travel have slowed down, Lynne continues to

be a passionate and dedicated person. For the past seven years, she has worked tirelessly as Russell & Lazarus' marketing director, something she has always had an interest in. "Since I graduated from college, I've always been involved with marketing," Lynne says. "I've worked for several companies and even started my own."

When she joined the Russell & Lazarus team in early 2012, it was to assist with their marketing, which at the time basically consisted of the yellow pages. Her holistic approach to marketing, which includes providing better communication with clients, has enabled the firm to exceed their goals nearly every year. More importantly it has put them in a position to provide a higher level of service. "Not to say there weren't a few bumps we had to cross, but

Chris was ready for the challenge and took a vested interest in marketing."

Everyone is incredibly grateful for Lynne's support, but Lynne insists that the growth has little to do with her. "It is a team effort for sure! The RussLaz team works diligently, every day, to provide the best service to our clients. It's rewarding to be a part of a talented team, and I am grateful to everyone for continuing to support our marketing efforts."

Lynne and husband, Greg, will likely will be traveling more often, "Our two daughters, Kate and Caroline, recently moved to New York City. I would love to do NYC with them one day. I feel some pressure to make it happen."



# CASE FILES

## How We Helped an Injured Client Seek Justice

One of our clients, a 30-something single mother who is putting herself through nursing school, was seriously injured over two years ago when another customer at a grocery store clipped her back heel with a motorized cart supplied by the store. The injury caused a complete tear of her Achilles tendon, which required one surgery and may require another in the future as the scarring thickens.

The woman who carelessly hit our client could not be found after the incident, so as we do with any claim, we looked for other responsible parties. In this case, we felt the manufacturer of the cart had liability for building an edge on the cart sharp enough

to cause the slicing of an Achilles tendon, *and* the store was negligent for selecting that model to be driven in their store, not to mention allowing for the cart's edge to be even more dangerous because of poor maintenance.

Both the store and the manufacture of the cart, of course, denied they did anything wrong and, in fact, argued it was the first time something like this had ever happened. Fortunately for our client, once we filed the lawsuit and started turning over all the stones under which corporate defendants usually like to hide truthful information, we found the "smoking gun" memo, where they identified the cart as a danger, *and* we found a case up on appeal back on the East Coast that involved another victim being injured in a similar manner. Bingo!

We could now prove our case, and because they lied under oath about having no prior knowledge of the danger, the potential



for a large jury verdict forced them to the bargaining table on the eve of trial late last year. As result, the zero offers they made previously turned into a \$425,000 settlement for our deserving client (although our client nervously wanted to accept their first "best and last" offer of \$150,000, which we argued against). Holding parties accountable for their negligent and intentional conduct is what we do here at Russell & Lazarus, and we were very happy to do just that on this claim. Our client was provided the compensation she deserved.



## SHARING THE LOVE!

Since February marks National Heart Health Awareness Month, the team dressed in red and pink to hand out candy and Valentine's Day brochures containing useful information about heart disease.

## ROSIE VALENCIA'S FAVORITE RECIPE

Rosie Valencia | Busy Mom and Case Manager Supervisor

Brighten up after a cold, dark winter with this fresh and flavorful springtime dish.

### INGREDIENTS

- 2 1/2 tbsp olive oil, divided
- 4 boneless and skinless chicken breasts, pounded to a 1-inch thickness
- Salt and pepper to taste
- 1/4 cup whole-wheat panko
- 2 tbsp Parmesan cheese

### PESTO CHICKEN WITH BLISTERED TOMATOES



- 1 tbsp unsalted butter, melted
- 6 tbsp spinach pesto
- 2 cups cherry tomatoes
- 1 garlic clove, thinly sliced
- 1 tsp red wine vinegar

### DIRECTIONS

1. In a large ovenproof skillet over medium-high heat, add 1 tbsp olive oil.
2. Season chicken with salt and pepper, and add it to pan. Cook chicken for 5 minutes on each side, then remove pan from heat.
3. In a bowl, combine panko, Parmesan cheese, and butter.
4. Spread pesto over chicken and top with panko mixture.
5. Broil chicken for 2 minutes on high heat until browned.
6. In a skillet, heat remaining oil over medium-high heat.
7. Add tomatoes and cook for 6 minutes.
8. Add garlic and cook for 30 seconds, stirring constantly.
9. Season tomato mixture with salt and pepper, and add red wine vinegar.
10. Serve tomatoes with broiled chicken.

Inspired by [CookingLight.com](http://CookingLight.com)



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## CASE RESULTS

**Motorcycle Accident** \$310,000 — Settlement on behalf of our 45-year-old client who was operating a motorcycle and struck by a car, resulting in rib fractures and liver lacerations. (Prior attorney told our client to settle for \$15,000.)

**Automobile Collision** \$337,000 — Arbitration award on behalf of our pregnant client who was forced to stay in bed for four months. Plus, as a result of distress, her baby suffered in utero after a serious collision caused by another driver. The client did not go see her OB-GYN until almost a month after the collision, although she did go to the emergency room on the day of the collision. Allstate attempted to argue that the fetal distress had nothing to do with the collision because of the delay in seeing her OB-GYN. A retired judge decided the claim after 10-plus hours of testimony by our witnesses, including our expert, our client, and her husband.

**Product and Premises Liability** \$425,000 — Settlement on behalf of our 30-something client right before trial (see the Page 3 article under Case Files for further details) for a ruptured Achilles tendon caused by a defective scooter being driven in a major grocery store by another customer. The store denied they did anything wrong and so did the manufacturer of the scooter. The manufacturer denied under oath that there were any other cases similar to that, which would have put them on notice, but we determined they were lying as a result of our national contacts through several of our trial attorney

organizations. Once the manufacturer knew we caught them in a lie, they quickly came to the bargaining table. The store ended up contributing \$50,000 of the \$425,000, as they should not have allowed such a dangerous vehicle to be given to customers for use in the tight confines of its store.

## TESTIMONIALS

"I am blown away by the service I received! My car accident left me with lots of pain and stress, but Marc Lazarus, along with his wonderful paralegal Rosie Valencia, prioritized my health and turned what started off as a horrible situation into a huge relief and weight off my shoulders. A-plus service all the way!"

—Rod G.

"Jorge Ramirez and paralegal Sean Goedinghaus did an extraordinary job in getting me what I deserved for my car accident case. They were responsive to my calls and emails, genuinely cared about my well-being, and made me feel confident in their abilities."

—Skr R.

"Thank you for all you did to help my son get the health care and funds he deserved. Fenja catered to my son (only 10 at the time) through the process. She talked to him in terms he'd understand when under oath. Teri was amazing and talked me through documents and requirements I needed to handle and file. She was a godsend during this difficult time."

—Lynnette D.