



Curd, Galindo & Smith, LLP

A t t o r n e y s A t L a w

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- Wrongful Death
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**BANKRUPTCY
PERSONAL INJURY
REAL ESTATE
GENERAL BUSINESS
LITIGATION**

RECENT VERDICTS AND SETTLEMENTS

Lightfoot v. Interstate Distributor Trucking Company

The phone rang and on the other end of the line was a very distraught man. Anthony Lightfoot had been involved in an accident. He had retained an attorney and was being pressured to settle his personal injury case for a mere \$9,000.

Mr. Lightfoot knew this was not right, and he was now calling my office to see if we could take over his case. As I sat back and listened to his description of the accident, I knew in my heart I could help him.

Mr. Lightfoot was born in New York and came out to California to pursue his education. He had been working since his teens and had saved up enough to come to California—just not enough to go to school and support himself. Mr. Lightfoot planned to become a minister, and to this end he enrolled at Hope International University, where he pursued a theological degree so that he might one day be able to counsel young men and women with drug-abuse problems.

In March of 2005, Mr. Lightfoot was employed by Allied Security, and was assigned the main gate security inspection post at Office Depot's Regional Distribution Center located in City of Industry, California. It was Mr. Lightfoot's job to check the interior and trunk of each and every vehicle leaving the center. On the day of the accident, Mr. Lightfoot reported for duty and had just started his inspection of an Interstate Distributor truck that was entering the center. The truck was cleared and entered the facility. An employee was leaving the center, so that vehicle's trunk was inspected by Mr. Lightfoot.

Mr. Lightfoot had finished the inspection of the car's interior and had now asked the driver to open up the trunk. As Mr. Lightfoot was



inspecting the trunk, the driver could see out the corner of his eye that the large 53-foot tractor-trailer Interstate truck was backing up right into Mr. Lightfoot.

It happened so quickly that Mr. Lightfoot was pinned between the trunk of a Cutlass Buick and the back end of the tractor-trailer truck. Mr. Lightfoot's head was being crushed into the metal trunk door, causing a head laceration. His calves were also pinned between the Buick's bumper and the truck's bumper. Blood began to drip all over Mr. Lightfoot's face from the open head laceration. Louis, the driver of the Buick ran over to the truck driver and started yelling at truck driver "Atkins." The truck finally moved forward, and as it did, Mr. Lightfoot slumped into the Buick's trunk.

Mr. Lightfoot was rushed by ambulance to the Brea Community Hospital and was diagnosed with a laceration over his right eye and a laceration of the left eyelid. He had multiple

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We take your family's legal needs personally.

Lightfoot v. Interstate Distributor Trucking Company

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abrasions to the right and left knees, and sustained deep bruising to each of his lower legs.

Mr. Lightfoot was released to go back to work and was confined to light duty for 30 days. Mr. Lightfoot went to therapy and received treatment for the leg pain he experienced for approximately 60 days.

But there was another problem...a problem that Mr. Lightfoot's former attorney never recognized. Mr. Lightfoot was having severe head pain—so severe that his sleep and quality of life were being greatly affected.

Mr. Lightfoot was still going to school and found that his memory was failing him. He became moody and frustrated by his lack of focus. He could no longer listen to lectures and expect to retain what had just been said a scant few hours ago. Mr. Lightfoot was truly struggling, and his life, as he knew it, was changing. The pain from the head-

aches was becoming more than he could tolerate. His former attorneys had only sent him to physical therapy for a short time, and now were asking him to settle his case and move on with his life.

Had Mr. Lightfoot signed that "Release of all Claims," he would have received approximately \$3,000 and his case would have been forever closed. Mr. Lightfoot knew that this was not right, and after he called my office, I sent my investigator to Mr. Lightfoot's home, and the firm of **Curd, Galindo & Smith, LLP**, took over the case.

Mr. Lightfoot told us that the pain in his legs, the soreness, and the lacerations had all healed. However, he was concerned about the pain in his head. I immediately ordered a neurological consult and an MRI (magnetic resonance image) of his head. Mr. Lightfoot was examined by Cynthia Chabay, M.D., a Beverly Hills neurologist and associate clinical professor at UCLA. Dr. Chabay authorized the MRI of Mr. Lightfoot's head and called us with the sobering news. The MRI studies revealed that Mr. Lightfoot was suffering from a benign brain tumor known as a macroadenoma. The

tumor's etiology is the proliferation of the pituitary cells that causes the hypersecretion of a hormone called prolactin. Prolactin's primary purpose is to stimulate lactation in women. The tumor, which had grown to the size of a grape, was causing a chiasmal compression. In other words, his optic apparatus was being squeezed, which caused vision deficits and headaches. Surgery to remove the tumor was too dangerous, so a medicine called bromocriptine was prescribed to reduce the tumor.



All the doctors agreed that Mr. Lightfoot had this tumor before the accident. Our main focus, however, was on this question: Was the tumor's radical growth and side effects related to the trauma suffered by Mr. Lightfoot when he was pinned between the Interstate Distributor truck and the Buick?

We sent the MRI films and medical records to three other medical specialists,

two neurosurgeons, and an endocrinologist to see if we could get a definitive opinion. Two of the three doctors felt that the tumor and its growth had nothing to do with the accident, but the third doctor, Mona Roy, M.D., was intrigued by the fact that although Mr. Lightfoot had been living with the tumor for many years before the accident, the headaches, memory loss, vision difficulties, and mood swings were never an issue before the accident. Although she could not say so to a medical certainty, Dr. Roy did say during her deposition that the fact that Mr. Lightfoot was now suffering from these symptoms could very well have to do with the accident.

Finally, we had a medical opinion we could argue, and we proceeded to push Interstate Distributor Trucking Company to trial for the negligence of the truck driver who had injured our client.

Interstate Distributor Trucking Company took the position that it was in no way responsible for any of Mr. Lightfoot's complaints of head trauma. They pointed to the emergency-room report that simply listed facial lacerations and deep bruising. In an effort to settle the case, they now doubled

Lightfoot v. Interstate Distributor Trucking Company

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their offer from \$9,000 to \$18,000.

We discussed it with Mr. Lightfoot and recommended against such a small settlement offer. Our contention was that Mr. Lightfoot was certainly affected by the trauma he had sustained, and we felt the offer was ridiculous. We spoke to witnesses, took depositions, and appeared in court numerous times until a firm trial date was set by Judge Oki of the Los Angeles Superior Court. As in most cases, before going to trial, the parties on both sides participate in a mediation in a last-ditch effort to avoid trial and settle the case.

Silvertree v. Charlop

Our client, Dan Silvertree, is a set builder who works in the motion picture industry; his specialty is welding and iron. On July 23, 2004, he was involved in a motor vehicle accident on his way home from the movie studio where he was working.

Dan had just finished his shift working as a carpenter on a sound stage at Warner Brothers studios on the Jodie Foster movie, *Panic Room*. He punched out at work and proceeded home on his motorcycle.

He was dressed in jeans, a shirt, a jacket, and work boots. Dan was also wearing his helmet. Dan is a very experienced rider and has been riding for over 12 years. As Dan headed east on Sunset Blvd. heading to Los Feliz, he could see clearly in front of him.



The evidence showed that as he approached the intersection of Sunset and Vermont, Dan could see a vehicle, a pickup truck, facing him in the left turn lane. Dan had the green light for eastbound traffic on Sunset Blvd. Dan saw the pickup truck start to move forward into the intersection. Dan instinctively started to slow as the truck made the left turn safely.

Just behind the pickup truck was the defendant's car. The defendant, Dr. Charlop, was leaving his workplace, Children's Hospital. He was turning left from Sunset Blvd. westbound to southbound Vermont Ave. Dr. Charlop was also going home. Dan started to enter the intersection. Since Dan had slowed down...the pickup truck cleared the left turn and proceeded down Vermont. But what Dan did not know

is that the defendant, Dr. Gregory Charlop, was also in the intersection directly behind the pickup truck.

After a full day of mediation and several days of negotiations, the parties reached a significant settlement. Suffice it to say, Mr. Lightfoot was more than pleased with his settlement. Reverend Anthony Lightfoot did persevere and graduated from Hope International University with a Master's degree in theology and will now have a chance to pursue his counseling career without the constant worry of his financial status.

Don't ever be pressured into settling your case. Always insist that your case be fully evaluated.

Dr. Charlop entered the intersection on a green light but failed to yield to Dan. Dan never saw Dr. Charlop's blue Pontiac, which was behind the pickup truck. As the blue Pontiac made the left turn, Dan entered the intersection and struck head-on with Dr. Charlop's Pontiac.

As soon as the pickup truck cleared the intersection, Dr. Charlop's Pontiac hit Dan's motorcycle, propelling Dan off of his bike, causing him to hit his helmeted head on Dr. Charlop's car, and then land hands-first, eventually winding up on his back in the intersection, where he finally came to a stop 17 feet away.

After a few minutes, Dan got up and found his way to the curb. He didn't feel the dislocation that had taken place in his back. Nor did he know he had fractured his L-4 lumbar in his spine. In fact, he did not want to go with the ambulance that had



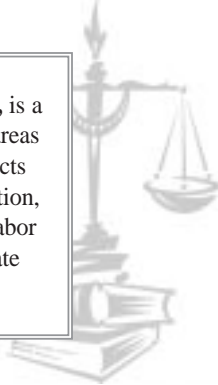
been dispatched to the scene.

As a result of the accident, Mr. Silvertree had to undergo spinal-fusion surgery. The evidence showed that the total past medical bills were \$183,000 and put Mr. Silvertree out of work for several months.

The testimony of Mr. Silvertree's neurosurgeon, Dr. Spoonamore, showed the need for the spinal-fusion surgery was caused by this accident.

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Curd, Galindo & Smith, LLP, is a full-service firm. Our practice areas include personal injury, products liability, general business litigation, bankruptcy, employment and labor law, real estate litigation, estate planning, and criminal law.



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Silvertree v. Charlop

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That is very important for the following reason: Mr. Silvertree was born with a birth defect called spondylolysis. This is a malformation of the bones in his spine. Essentially, it causes a breakdown of the vertebral structure. He first felt the symptoms while in high school and has suffered back pain since then.

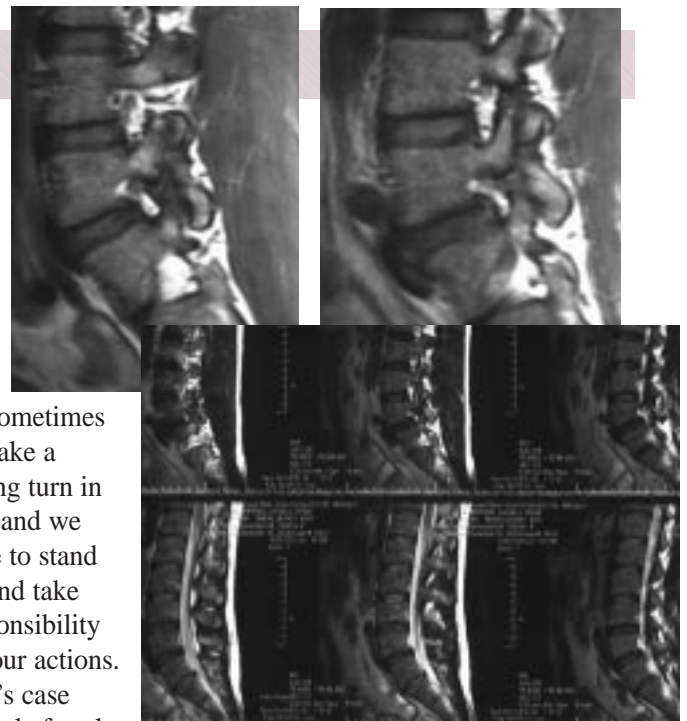
The evidence also showed that Mr. Silvertree was diagnosed with the condition known as spondylolisthesis (slipping), which is a condition of spondylolysis.

About six percent of the population has this condition, and the majority

of the people live full and healthy lives without need of surgery. All the doctors agreed on this.

Dan did have preexisting problems with his back. But those problems were always manageable, and they did not stop Dan from going to work—that is, until Dr. Gregory Charlop made an unintentional, but life-changing, mistake when he turned in front of Dan Silvertree. It caused Dan to undergo a spinal-fusion operation and months of pain and rehabilitation.

After the surgery, Dan did return to work. Dan still likes to ride his motorcycle, and he and his wife ride together when they can.



Sometimes we take a wrong turn in life, and we have to stand up and take responsibility for our actions. Dan's case settled after the jury selection was completed.

If you are interested in what the monetary awards were for these cases or are interested in other matters, please call us at **800-300-2300**.

In these type of cases, there are no up-front costs or fees. Our fees are contingent on the final outcome of your case. We advance all costs and fees to ensure your case gets the best results. All of the advanced costs will be reimbursed to the firm after the case is resolved. Therefore, there is no cost to you if your case does not resolve in a verdict or settlement in your favor.