



Defense Lawyers
Association

January 2015 Verdicts

Submitted By **Alex Walker**
Modrall Law Firm
awalker@modrall.com
(505) 848-1861

Court State Court

County Santa Fe County

Judge Honorable Sylvia LaMar

Defense Counsel Alex Walker, Tiffany Roach Martin, Tomas Garcia, and Tom Outler

Plaintiff Counsel Stephen Durkovich, Ben Davis, Zackeree Kelin, and Annie-Laurie Coogan

Trier 12 Person Jury

Style Annie-Laurie Coogan et al. v. Pawankumar Jain, MD, et al.

Statement of Facts Multidrug toxicity case resulting in death. The decedent, Serina Clark, was pronounced dead on August 27, 2010. An autopsy report performed by the Office of the Medical Investigator identified the cause of death as an accidental multidrug toxicity. Clark had been prescribed a variety of opiates, muscle relaxants, and benzodiazepines, and also used other medications/drugs. Claims were originally asserted against the prescribing doctor and the pharmacies at which Clark filled her prescriptions, but at trial only one pharmacy was left. The claim against the pharmacy was that its staff should have known that the pharmacy was dispensing dangerous numbers (and amounts) of medications, but did so anyway, and that it did not follow either its internal procedures or those set forth in the applicable pharmacy laws and implementing regulations. During closings, Plaintiffs' counsel asked the jury for damages well into seven figures.

Verdict Defense

Experts Joe Anderson, PharmD for Plaintiffs.
Don Fisher, MD, and Donna Horn, for Defendants.



Defense Lawyers
Association

February 2015 Verdicts

Submitted By Christopher J. DeLara
Guebert Bruckner P.C.
cdelara@guebertlaw.com
(505) 823-2300

Court State Court

County Bernalillo County

Judge Honorable Alan Malott

Defense Counsel Terry R. Guebert and Christopher J. DeLara

Plaintiff Counsel Stephen F. Lawless

Trier 12 Person Jury

Style *Trilling v. State Farm Fire and Casualty Company*, Bernalillo County District Court Case No. CV-2012-08267

Statement of Facts Defendant State Farm Fire and Casualty Company denied Plaintiff's 2010 claim resulting from a City of Albuquerque water main break relying upon the "water below the surface of the ground," and concurrent causation exclusions within State Farm's homeowner's policy. Plaintiff alleged that State Farm's exclusion was ambiguous, that State Farm's exclusion only applied to "natural water," and relied upon training material from a prior policy that defined "subsurface water" as "natural water." Plaintiff also alleged that State Farm's agent failed to procure a policy of insurance that would have insured the loss, and failed to insure Plaintiff's home on Rio Grande Boulevard for the actual value of the home. Plaintiff asserted claims of breach of contract, bad faith and violation of the New Mexico Unfair Insurance Practices Act. In closing argument, Plaintiff's counsel argued that the jury should award over \$650,000 in compensatory damages, and \$9,000,000 in punitive damages (which Plaintiff's counsel argued was the cost of State Farm's one minute Super Bowl ad). The trial was February 2nd through February 6th, 2015.

Verdict Defense

Experts Roger Buelow, for Defendant, State Farm Fire and Casualty Company
Plaintiff - David Grieves, Terry Gates and Charles Miller (only David Grieves testified at trial).