

West's Vegas Verdicts

<i>Venue/Case Type</i>	<i>Major Injury</i>	<i>Trial Type</i>	<i>Result</i>
<u>Clark County</u>			
Animals	Dog bite	Settlement	\$300,000
Vehicle Negligence	Death	Judgment	\$1,220,962
Vehicle Negligence	Rotator cuff tear	Verdict	\$155,380
<u>Federal – Southern</u>			
Labor & Employment	Gender discrimination	Settlement	\$2,000
Labor & Employment	Sexual harassment	Verdict	Defense

West's Case of the Month

Victims of Drunk Driver Awarded \$1.22M

Lee v. Raftis

TYPE OF CASE:

Wrongful Death • Adult
Vehicle Negligence • Impaired Driver

SPECIFIC LIABILITY:

Wrong-way drunk driver caused interstate crash, deaths

GENERAL INJURY:

Loss of consciousness, splenic laceration, small bowel perforation, cirrholosal tear of the colon, scars, surgery, hospitalization, fractured left tibia and fibula, leg lacerations, death, monetary damages

COURT: District Court of Nevada, Eighth Judicial District, Clark County.

DOCKET/FILE NUMBER: A455625, A469474, A472474

JUDGMENT: Plaintiffs, \$1,220,961.91

JUDGMENT DATE: April 23, 2007

JUDGE: Kenneth C. Cory

ATTORNEYS:

Plaintiff (Berchier): Dowon S. Kang, Rasmussen & Kang, Las Vegas; Dowon S. Kang, Flangas Law Offices, Las Vegas
Plaintiff (Lizama): Eric Taylor and Sophia Long, Alverson, Taylor, Mortensen, Nelson & Sanders, Las Vegas
Defendant: Daniel E. Carvalho, Pico & Mitchell, Las Vegas

TRIAL TYPE: Bench

BREAKDOWN OF AWARD: \$900,000.00 to plaintiff Lee; \$200,000.00 to plaintiff Berchier for damages; \$65,900.00 to plaintiff Berchier for pre-judgment interest; \$5,237.50 to plaintiff Berchier for attorney fees; \$324.43 to plaintiff Berchier for costs; \$25,830.28 to plaintiff Lizama for medical expenses; \$18,669.70 to plaintiff Lizama for pain and suffering; \$5,000.00 to plaintiff Lizama for attorney fees and costs

SUMMARY OF FACTS:

In August 2001, Jerome P. Raftis was involved in a motor

vehicle accident when he was driving under the influence of alcohol. At approximately 9:00 p.m., Raftis was driving his 1999 Ford south in the northbound lanes of Interstate 15. Raftis struck a vehicle being driven by Josephine Lizama head-on. Katia Berchier and Robert Lafferty, Jr. were passengers in Lizama's vehicle. Raftis also struck a 2001 Jeep driven by Anjela Oustian.

Lizama said Raftis had visited the Crazy Horse Two, a strip club, earlier in the evening and consumed between four and eight beers in addition to hard liquor while there.

According to Lizama, Lafferty was her long-time boyfriend and Berchier was a Swiss foreign-exchange student who lived with Lizama. Lafferty was pronounced dead at the scene after being ejected from the vehicle, and Lizama and Berchier were taken to the hospital for treatment of their injuries. Berchier was knocked unconscious in the accident and sustained internal injuries requiring surgery, and Lizama sustained a broken leg which required surgery and physical therapy. Lizama said Raftis was uninjured in the collision.

Lizama, Berchier and Lee, the mother of Lafferty's daughter, filed separate lawsuits in Clark County District Court, and their actions were consolidated.

The defendant responded, denying any negligence.

In June 2002, Raftis pleaded guilty in a criminal case to driving under the influence and was sentenced to five to twenty years in prison and ordered to pay a \$2,000 fine and \$172,706 in restitution.

In December 2004, the defendant's auto insurance company, State Farm, was dismissed from the litigation because Raftis' policy had lapsed prior to the accident. Defense counsel, Daniel Carvalho, who had been retained by State Farm, withdrew as the defendant's counsel after negotiating to have Oustian's insurance company suits dismissed.

In April 2006, the court granted Lizama's motion for summary judgment under a theory of negligence per se, leaving only the issue of damages. Berchier claimed \$46,513 in medical expenses and requested a \$200,000 judgment; the court granted her judgment in August 2006 and the judgment was filed in November 2006. According to the minutes of the court, Lee was also awarded \$900,000 in August 2006, but a judgment was not filed in the case. In April 2007, the court granted judgment in favor of plaintiff Lizama in the requested amount of \$49,500.

CASE CITE: West's J.V. Nev. Rep., Vol. 3, Iss. 5, p. 3 (2007); 2007 WL 2188863

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