

AITKEN ♦ AITKEN ♦ COHN THE VERDICT

EXPERIENCE.

COMPASSION.

RESOURCES.

RESULTS.

FEATURED CASES

Electrocution – **Confidential**

Medical Malpractice – **Confidential**

Train Collision – **\$4,200,000**

Wrongful Death – **\$3,200,000**

Public Liability – **\$2,675,000**

Premises Liability – **\$2,100,000**

Construction Liability – **\$1,290,000**

Auto v. Pedestrian – **\$1,000,000**

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TRIAL LAWYERS

Electrocution: *Wrongful Death - Infliction of Emotional Distress*

*Settlement Secured for Electrocution Deaths of Three Family Members From
Downed Power Line*

Aitken ♦ Aitken ♦ Cohn recently obtained a settlement for two children who watched in horror from their family home in San Bernardino as three family members came in contact with a live, downed power line suffering fatal electrocution injuries.

In January 2011, an explosion awoke the plaintiff family just before daybreak. The noise resulted from a downed power line that had fallen into the family yard, setting fires in both the front and back of the home. The father, attempting to put out a fire in the backyard, came in contact with the power line, and collapsed. The wife and eldest son, coming to the father's aid, also collapsed upon contact with the fatal current. All three were killed as the surviving children, ages 17 and 10, watched helplessly in horror from inside the family home.

Aitken ♦ Aitken ♦ Cohn alleged that the untimely deaths were caused by several failures on the part of the defendant power company. Plaintiffs asserted that defendant improperly installed

and maintained the power lines at the plaintiffs' home which allowed for excessive sag, causing the lines to contact one another, explode, and fall to the ground. In addition, Plaintiffs alleged that defendant's back up safety system failed, as the power lines improperly remained energized after they fell to the ground.

The matter settled for a confidential amount.



The Verdict Is In!

Aitken ♦ Aitken ♦ Cohn is a nationally recognized boutique law firm dedicated exclusively to representing Plaintiffs – whether it be the most seriously injured individual or the business entity victimized by unfair and fraudulent business practices.



(Left to right) Ashleigh Aitken, Richard Cohn, Casey Johnson, Wylie Aitken, Michael Penn, Darren Aitken, Atticus Wegman, Christopher Aitken

Established in 1976, the firm has made a major impact on the lives of its clients and the legal profession by securing multiple seven, eight, nine and ten figure victories against large insurance companies, multi-national corporations and media giants - while maintaining a high standard of ethical conduct. Litigation spearheaded by Aitken ♦ Aitken ♦ Cohn has also lead directly to the enactment of laws and the development of regulations to help make society safer and more fair for everyone.

By committing to work only on a select number of cases, the firm is able to assure each client that their matter will receive personal and aggressive dedication and attention by our attorneys. Utilizing a collaborative approach to the handling of all cases, the firm's clients gain the benefit of over 100 years of combined legal experience.

REFERRAL FEES



Aitken ♦ Aitken ♦ Cohn believes that referring a case is the highest compliment one attorney can pay to another. Whether we assume the sole handling of a case, or enter into a joint venture with attorneys who wish to remain involved in the litigation, Aitken ♦ Aitken ♦ Cohn welcomes the opportunity to assist in the handling of your case. Aitken ♦ Aitken ♦ Cohn pays referral fees in accordance with State law, including Rule 2-200 of the California Rules of Professional Conduct.

Please contact our office if you have a case you would like to refer to us, if you want to discuss a joint-venture representation with us, or if you are currently handling a case that has reached a difficult stage of litigation and you need our assistance. Even if you are an accomplished trial attorney, you may not have the time, specialization or financial resources to pursue a particular case. Depending on the facts and circumstances of each individual case, Aitken ♦ Aitken ♦ Cohn has the experience, resources and knowledge to step in and assist at any stage of litigation.

Recent Referrals Paid

\$2,700,000

\$950,000

\$325,525

\$300,000

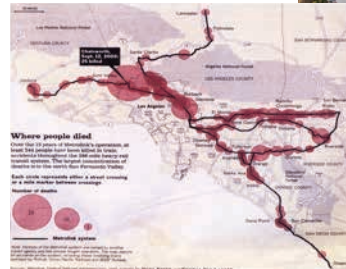
\$287,000

COMMON CARRIER/WRONGFUL DEATH

\$4,200,000

Train Engineer Causes Fatal Collision by Texting While Operating Commuter Train

In September 2008 a head-on collision between a Metrolink passenger train and a freight train occurred in Chatsworth, California killing 24 people and injuring over 100 – the worst train collision in United States commuter rail history.



The National Transportation Safety Board confirmed that the engineer was texting as he drove through a stop signal twenty-two seconds before the deadly crash. Investigation confirmed that the engineer was reading and typing up to 180 text messages a day, while operating the commuter train in the days and weeks prior to the crash.

Aitken ♦ Aitken ♦ Cohn served on the Plaintiffs' Steering

Committee on behalf of all Plaintiffs and represented family members of two individuals killed in the collision.

Result:

Aitken ♦ Aitken ♦ Cohn secured a \$4.2 million settlement for the family of one man killed in the crash and a \$975,000 settlement for one adult son of another rider killed in the collision.

AUTOMOBILE V. MOTORCYCLE/GOVERNMENTAL LIABILITY/WRONGFUL DEATH

\$2,675,000

California Highway Patrol Officer Struck and Killed by Inattentive Driver

Aitken ♦ Aitken ♦ Cohn recently concluded representation of the widow and young daughter of an off-duty CHP motorcycle officer who was killed while traveling through an intersection of a state highway and a county road in Los Olivos, California. Aitken ♦ Aitken ♦ Cohn argued that the roadway constituted a dangerous condition for motorists due to overgrown pepper trees that limited visibility and precluded drivers from safely navigating turns from the state highway onto the county road.

**Result:**

Aitken ♦ Aitken ♦ Cohn negotiated a \$2.675 million settlement for the surviving wife and daughter of the CHP officer.

CONSTRUCTION SITE/SPINAL CORD INJURY ACCIDENT

\$1,290,000*Foreman Struck by Free Falling 2x4*

Aitken ♦ Aitken ♦ Cohn proudly represented a glazier foreman, who was working on a seventh floor balcony of a new construction high rise building in downtown Los Angeles, when he was struck on the back of his helmeted head by a sixteen foot long 2x4 piece of wood.

Investigation revealed that plaintiff was struck by a guard rail that had been installed around a materials platform on the 20th floor of the building.

Employees of defendant were operating a crane and moving materials off of the 20th floor materials platform. Instead of removing the 16 foot long guard rail to allow clear access to the materials platform, the defendants' employees attempted to hoist the materials up and over the railing. When the load failed to clear the railing, it knocked



the 2x4 out of its brackets, where it free-fell for 13 floors until striking plaintiff on the head. The impact rendered plaintiff unconscious for at least a minute. The plaintiff suffered a fractured transverse process at C6-7, but did not require surgery.

Result:

Aitken ♦ Aitken ♦ Cohn obtained a \$1,290,000 settlement and a waiver of workers compensation lien in excess of \$110,000.

TRAUMATIC BRAIN INJURY/CONSTRUCTION INCIDENT

\$1,000,000*Production Controller Struck by Falling Debris from Seven Story Apartment*

Aitken ♦ Aitken ♦ Cohn had the honor of recently concluding representation of a Plaintiff who was working at a construction site when a large piece of debris thrown from an upper level of the seven-story apartment building struck him in the head.

Plaintiff suffered a fractured skull requiring surgery, a traumatic brain injury and fractured nose.

Result:

The matter settled for \$1,000,000.



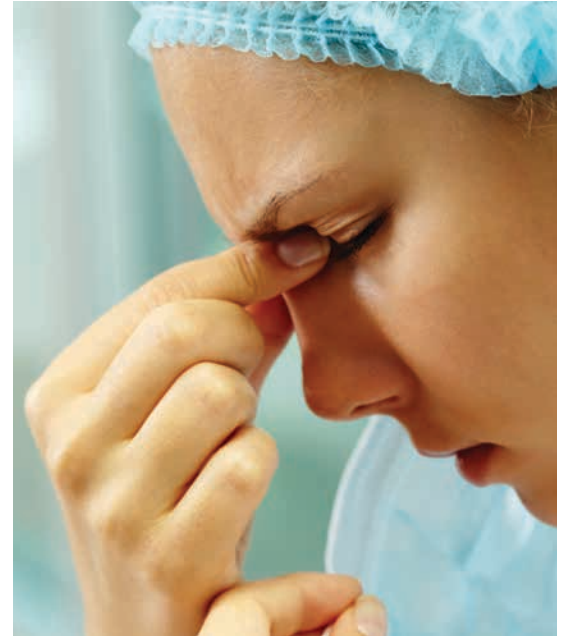
MEDICAL MALPRACTICE/TRAUMATIC BRAIN INJURY

Confidential*Negligent Nursing Staff Leave 14 Month Old Girl with Permanent Brain Injury*

Aitken ♦ Aitken ♦ Cohn was recently entrusted with representing a 14 month-old girl, who was treated surgically for replacement of a shunt to drain fluid from her brain/skull due to pre-existing hydrocephalus. The defendant hospital nursing staff failed to correctly monitor the shunt for drainage. As a result, fluid built up intracranially leading to permanent, traumatic brain injury.

Result:

After three full days of mediation that spanned over several months, Aitken ♦ Aitken ♦ Cohn secured a confidential settlement for the young girl that will provide for all of her future medical care needs.



MEDICAL MALPRACTICE/SPINAL CORD INJURY

Confidential*Misread CT Scan Leaves Man Paralyzed*

Plaintiff was enjoying a day with his family when he fell and was injured at an amusement park. After the fall, due to neurological symptoms of numbness and weakness in the lower extremities that potentially indicated stroke or cervical spine injury, he was taken to the hospital by emergency personnel in full spinal precautions.

Once in the emergency room, plaintiff was still able to move his lower extremities. He was sent for a CT scan which was read as negative, and the emergency room physician permitted the spinal precautions, including neck immobilization brace and backboard, to be removed. Within an hour, the plaintiff lost the ability to move his lower extremities, and is now a partial quadriplegic.

Aitken ♦ Aitken ♦ Cohn successfully argued that there was an unstable fracture that was missed on the CT scan by the hospital's radiology department. After the cervical spine precautions were removed, the fracture shifted, resulting in spinal cord injury and paralysis.

Result:

Aitken ♦ Aitken ♦ Cohn secured a substantial confidential settlement for its client.



PREMISES LIABILITY

\$2,100,000

Kindergartner Loses Sight in One Eye Due to Improperly Unlocked Gate

Before warming up to play soccer, Aitken ♦ Aitken ♦ Cohn's 5 year-old client pushed open a gate after being instructed to exit the gate by his soccer coach. With no warning, the gate snapped back and a metal rod on the gate penetrated plaintiff's eye, causing serious eye injury.

For the majority of five months immediately following the incident, plaintiff was confined, face down, to a massage table. He was not able to return to school or resume normal childhood activities for the entire school year.

Aitken ♦ Aitken ♦ Cohn contended that the gate plaintiff opened was an improperly unlocked maintenance gate. The gate was not designed or intended for pedestrian access or use by young children. Unlike normal pedestrian gates, the maintenance gate had a metal bolt protrusion in its latching system that was at eye level of a young child. In addition, the gate had faulty hinges which caused it to snap back as though spring loaded when opened.



Plaintiff has endured over ten surgeries to date.

Result:

Aitken ♦ Aitken ♦ Cohn secured a \$2.1 million settlement for its young client.



RECENTLY FILED CASES

- ♦ **Wrongful death** of man struck and killed in grocery store parking lot in San Clemente
- ♦ **Catastrophic personal injury** claim for man who suffered burn injuries after falling into unguarded chemical vat.
- ♦ **Personal injury** claims for two pedestrians seriously injured crossing a street in Costa Mesa.
- ♦ **Medical Malpractice** matter for young man who died following spinal surgery
- ♦ **Personal injury** claim for young man rendered quadriplegic in diving incident.

PREMISES LIABILITY/TRAUMATIC BRAIN INJURY

\$1,500,000*5 Year Old Girl Suffers Life-Altering Brain Injury at Campground*

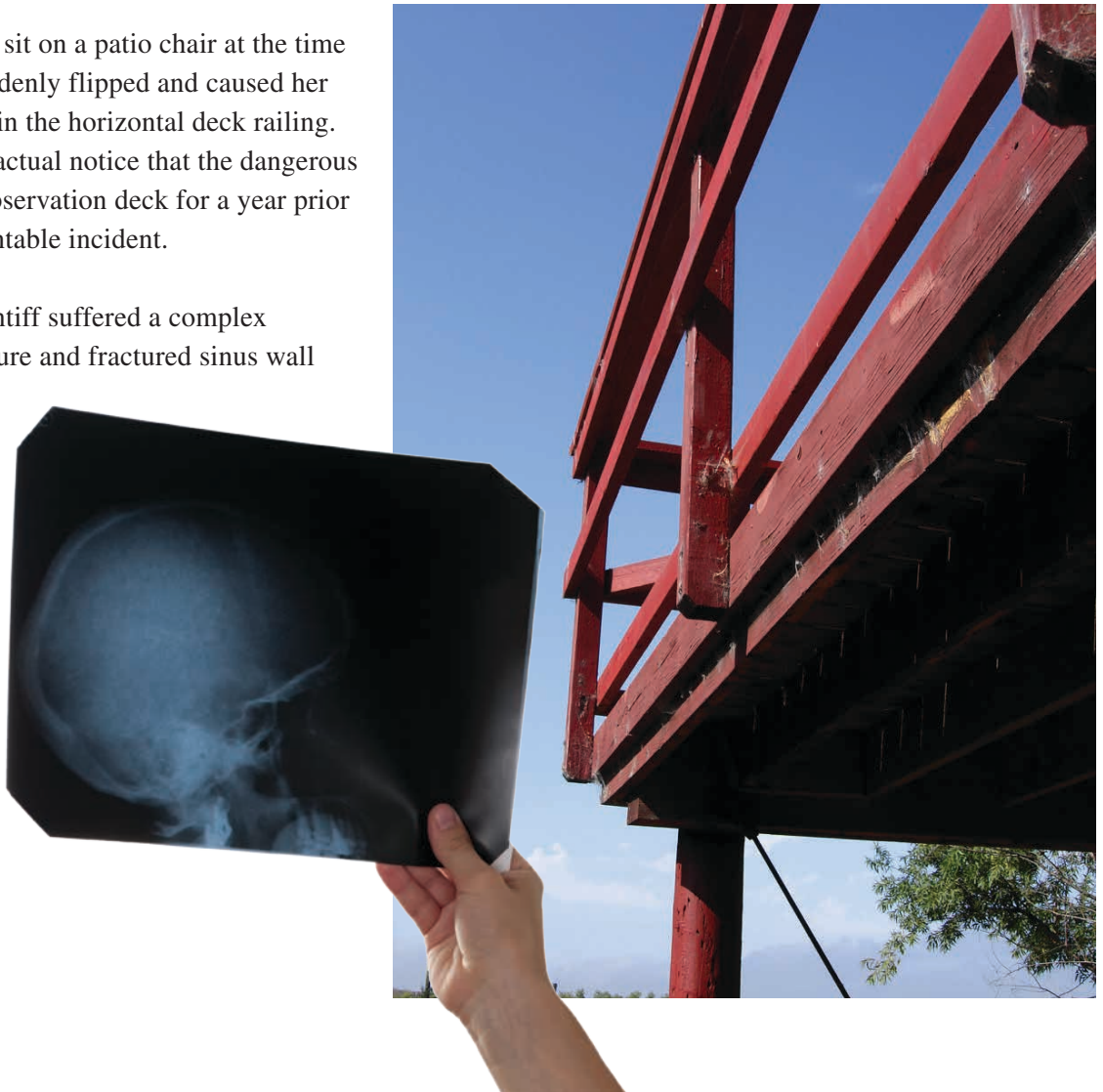
Plaintiff, a young girl of five years old at the time, suffered a life altering traumatic brain injury when she fell through inadequate railing on an observation deck at a campground, landing on the ground over ten feet below.

Plaintiff was attempting to sit on a patio chair at the time of the incident when it suddenly flipped and caused her to fall through a large gap in the horizontal deck railing. Defendants had pervasive actual notice that the dangerous condition existed on the observation deck for a year prior to plaintiff's wholly preventable incident.

As a result of the fall, plaintiff suffered a complex right front bone skull fracture and fractured sinus wall with large dural tear. Plaintiff suffers from ongoing moodiness and inappropriate and excessive laughter.

Result:

Aitken ♦ Aitken ♦ Cohn secured a \$1,500,000 settlement on behalf of its young client.



AUTOMOBILE COLLISION

\$1,000,000*Million Dollar Settlement for Client Injured in Auto Accident*

Aitken ♦ Aitken ♦ Cohn recently assisted a client in securing a \$1 million settlement as a result of injuries sustained in an automobile collision. Plaintiff was lawfully driving on Pacific Coast Highway in Dana Point, California when the defendant driver pulled out from a gas station and across four lanes of traffic in an attempt to illegally negotiate a left turn through two sets of double yellow lines. As a result of the defendant driver's actions, a major automobile collision occurred.



Due to the severity of the collision, the engine compartment of plaintiff's vehicle burst into flames. Plaintiff suffered significant first and second degree burns as a result of being stuck in his vehicle, in addition to suffering numerous abrasions, lacerations and a perforated abdomen.

Plaintiff was hospitalized for six weeks following the collision.

Result:

Aitken ♦ Aitken ♦ Cohn secured a \$1 million on behalf of its client.

AUTOMOBILE V. PEDESTRIAN

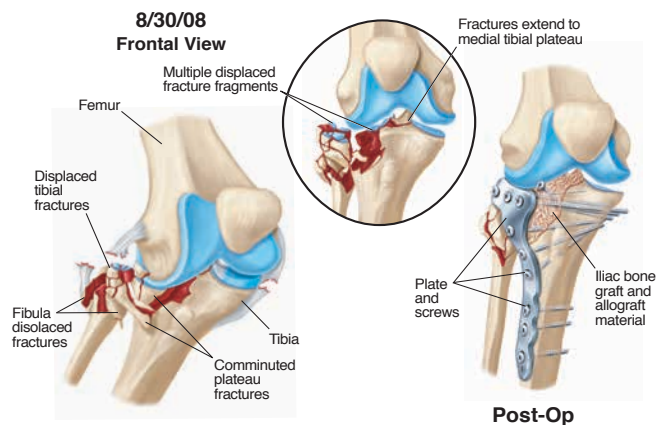
\$1,000,000*Woman struck while crossing the street in a crosswalk.*

Aitken ♦ Aitken ♦ Cohn recently secured a \$1,000,000 settlement for a 65-year-old client who was struck as a pedestrian while crossing the street in a crosswalk with a "walk" signal.

The unsuspecting plaintiff was struck by a vehicle being driven by an 86 year-old driver. She suffered a tibial plateau fracture that required surgery including the placement of a plate and ten screws.

Aitken ♦ Aitken ♦ Cohn's client, who was born developmentally disabled, had retired just prior to the collision after working for more than 40 years at Goodwill Industries and living completely independently.

After striving for and achieving a life of independence and productivity, plaintiff now requires assistance with housekeeping and bathing due to limited range of motion in her right leg.

**Result:**

Aitken ♦ Aitken ♦ Cohn obtained a \$1,000,000 settlement for its client.

TRUCK V. AUTOMOBILE/WRONGFUL DEATH

\$3,200,000*Father and Daughter Killed by Runaway Tractor-Trailer*

On April 1, 2009, a sixty year-old husband and father was driving his twelve year-old daughter home through the intersection of the 210 East freeway off-ramp onto Angeles Crest Highway when an 18 wheeler tractor-trailer careened out of control and into the busy intersection.



Despite knowing that his brakes were overheating, the driver of the tractor-trailer continued down the highway's steep downgrade. A firefighter had even warned the driver prior to the incident that the road on which he was traveling would end in a bustling commercial city. The defendant did not abort his trip even though there was no runaway truck ramp.

Witnesses watched with horror as the rig crossed over the center line, emitting smoke and the stench of failing brakes, unable to stop.

Defendant's 18 wheeler tractor-trailer plowed into several vehicles, signs, a bookstore, a hair salon, and over numerous, innocent victims before coming to rest at the end of a T-intersection. One of the vehicles involved contained the father and daughter of Aitken ♦ Aitken ♦ Cohn's clients.

Result:

Aitken ♦ Aitken ♦ Cohn obtained a settlement of \$3,200,000 for its clients.

OC FAIR - GOVERNMENT LITIGATION

Victory for Orange County Residents in Fairgrounds Case

Aitken ♦ Aitken ♦ Cohn represented a cadre of public servants headed by State Senator Lou Correa, State Assemblyman Jose Solorio, and fairground preservation advocates in a battle to block the sale of the Orange County Fairgrounds.

As a result of Aitken ♦ Aitken ♦ Cohn's tireless efforts, the California Court of Appeal blocked the proposed sale of the Orange County Fairgrounds to Facilities Management West. In blocking the sale, the Court of Appeal found two flaws with the State's plan to sell public lands to a private owner. First, the Court found that the California Department of General Services failed to provide the Legislature with an accurate assessment of the Orange County Fairgrounds' fair market value as required by statute. Second, the Court found the entire bidding process flawed in that it lacked any bid protest procedures designed to secure the highest return from a responsible bidder.

Result:

The Court of Appeal voided the proposed sale and advised that the State would have to begin procedures anew if it wanted to proceed with the sale of the Fairgrounds. No further plans to sell the Fairgrounds have been announced by the State.



OTHER NOTABLE RESULTS

- | | |
|--------------------|---|
| \$2,575,000 | ♦ <i>Medical Malpractice – fall in hospital</i> |
| \$1,000,000 | ♦ <i>Automobile – multiple fractures</i> |
| \$975,000 | ♦ <i>Automobile – multiple fractures</i> |
| \$975,000 | ♦ <i>Wrongful Death in Fire/Product Liability</i> |
| \$850,000 | ♦ <i>Medical Malpractice – wrongful death</i> |
| \$299,000 | ♦ <i>Accidental shooting</i> |

DID YOU KNOW?

Each Year Attorneys At Aitken ♦ Aitken ♦ Cohn Donate Countless Hours Of Their Time To Pro Bono Activities

In addition to providing free legal services to those in need, Aitken ♦ Aitken ♦ Cohn's attorneys serve on boards and committees for numerous community and legal organizations, and lecture on pertinent legal topics.

Aitken ♦ Aitken ♦ Cohn attorneys currently serve in executive leadership positions in the following organizations:

- ♦ Association of Business Trial Lawyers
- ♦ California Arts Council
- ♦ California State University, Fullerton - Special Games
- ♦ Celtic Bar Association
- ♦ Constitutional Rights Foundation, Orange County
- ♦ Orange County Bar Association
- ♦ Orange County Lavender Bar Association
- ♦ Orange County Trial Lawyers Association
- ♦ Orange County Fair Board
- ♦ Public Law Center

Additional Boards and Committees on which Aitken ♦ Aitken ♦ Cohn serves as active community members and partners:

- ♦ American Board of Trial Advocates
- ♦ California State University, Fullerton Trustees
- ♦ Chapman Law School Board of Trustees
- ♦ Consumer Attorneys of California
- ♦ Laura's House
- ♦ Marquette Law School
- ♦ Orange County Asian American Bar Association
- ♦ Orange County Performing Arts Center
- ♦ Robert A. Banyard Inn of Court
- ♦ Ryan's Reach
- ♦ South Coast Repertory Theatre
- ♦ United Cerebral Palsy, Orange County
- ♦ Warren J. Ferguson Inn of Court

SPOTLIGHT ON...

Ryan's Reach

One of Aitken ♦ Aitken ♦ Cohn's greatest examples of giving back to the community involves Ryan's Reach. Ryan's Reach was formed by the family of Ryan Corbin, who suffered a traumatic brain injury after falling through an unsafe and concealed skylight on the roof of his apartment complex.

Following Aitken ♦ Aitken ♦ Cohn's successful representation of Ryan (the grandson of Pat Boone), Ryan's family formed Ryan's Reach in order to provide financial resources and promotional support to High Hopes Neurological Recovery Group, Inc., the first non-profit brain injury treatment program in the country based right here in Orange County. Ryan's Reach is committed to expanding the programs, services and outreach of High Hopes to more effectively address the financial,

emotional, physical and spiritual needs of traumatic brain injury victims and their families.



The need for affordable brain injury treatment is great, with High Hopes currently only able to treat 70 patients at any given time. Through the vision, effort and support of Ryan's Reach, it is anticipated that High Hopes will continue to expand to meet the needs of more of the estimated 50,000 individuals in the United States currently in need of intensive brain injury treatment. Aitken ♦ Aitken ♦ Cohn has been proud to be a sponsor of Ryan's Reach since its formation, and looks forward to continuing to support this organization so vital to the brain injury and accident victim community.

THE VERDICT

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\$1,630,000,000

Class Action

Aitken ♦ Aitken ♦ Cohn Plays Leadership Role in Historic \$1.6 Billion
Class Action Settlement



Aitken ♦ Aitken ♦ Cohn serves as National Liaison Counsel for the Court and Plaintiffs and as Co-Counsel for the Commercial Class claimants in the Toyota Unintended Acceleration class action. As National Liaison Counsel, Aitken ♦ Aitken ♦ Cohn works to ensure that all lawyers and their millions of clients across the country are kept informed of the federal court-coordinated multi-district federal proceedings in Orange County.

The class action settled was brought by owners of certain Toyota, Scion and Lexus vehicles, who claimed that the vehicles were equipped with defective electronic control systems and could experience unintended acceleration. The class further alleged that, as a result of Toyota's failure

to timely address the issues, the vehicle owners suffered losses in the value of their respective vehicles.

The settlement reached with Toyota constitutes the largest class action settlement in the history of the United States, both in dollars recovered and the number of people that make up the class.

Result:

The total settlement is valued at over \$1.63 billion. The Court issued an Order approving the settlement on July 24, 2013.