



# AITKEN ♦ AITKEN ♦ COHN THE VERDICT

EXPERIENCE.

COMPASSION.

RESOURCES.

RESULTS.

## FEATURED CASES

Brain Injury - **\$23,500,000**

Premises Liability - **\$20,000,000**

Brain Injury - **\$19,550,000**

Insurance Bad Faith - **\$12,000,000**

Automobile - **\$6,200,000**

Auto vs. Bicycle - **\$5,815,000**

Auto vs. Pedestrian - **\$3,400,000**

Product Liability - **\$2,601,058**

Medical Malpractice - **\$2,314,000**

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AITKEN ♦ AITKEN ♦ COHN  
TRIAL LAWYERS

## Record Recovery For Paralyzed Four Year Old

**O**n a sunny spring afternoon in Costa Mesa, California, the young life of four year old Leilani Guitierrez was dealt a devastating blow. Leilani's mother was driving the family vehicle, with Leilani secured in her car seat, when their vehicle was struck by a Department of Defense employee who ran a red light while in the course and scope of his employment. Leilani was rendered a ventilator-dependent quadriplegic, paralyzed from the neck down.



(Left) Leilani at age four.  
(Below) Leilani at age 9, now requires 24 hour in home care.



Aitken ♦ Aitken ♦ Cohn took the matter to trial in federal court before the Chief Judge of the Central District of California where Leilani and her mother were awarded over \$55 million, including over \$23 million for Leilani's future care costs and \$1 million for Leilani's mother.

Following the Court's Judgment, believed to be the largest such award ever under the Federal Tort Claims Act, the United States

appealed. The Ninth Circuit Court of Appeals recognized the severity of Leilani's injuries and upheld the lower court's award of \$31 million for Leilani's pain, suffering, grief and inconvenience.

Leilani Guitierrez is a remarkable young girl and Aitken ♦ Aitken ♦ Cohn is honored to have represented her and her mother through more than five years of litigation.

# The Verdict Is In!

**A**itken ♦ 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 producing multiple seven and eight 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 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.

This issue of The Verdict features overviews of several of Aitken ♦ Aitken ♦ Cohn's recent noteworthy cases. Each of the featured matters includes a brief overview of the case, as well as the ultimate result that Aitken ♦ Aitken ♦ Cohn fought for and won for its clients.

## REFERRAL FEES



*Aitken ♦ Aitken ♦ Cohn believes that referring a case is the highest compliment one attorney can pay to another. Whether we assume 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, expertise 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

**\$2,737,844**

**\$1,250,000**

**\$287,166**

**\$166,666**

**\$166,666**

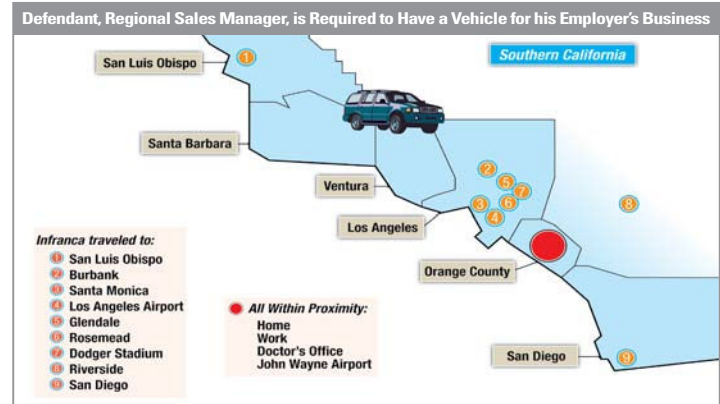
## TRAUMATIC BRAIN INJURY/COURSE &amp; SCOPE OF EMPLOYMENT

**\$23,500,000**

## Severely Brain Injured Boy Awarded \$23.5 Million By Jury

**A**itken ♦ Aitken ♦ Cohn secured a \$23.5 million jury verdict for a 13 year old Newport Beach boy who suffered a traumatic brain injury as the result of an automobile collision caused when the individual Defendant ran a red light and struck the vehicle in which Plaintiff was a passenger.

Aitken ♦ Aitken ♦ Cohn successfully argued that the driver of the other vehicle was in the course and scope of his employment at the time of the collision, and therefore, his employer was liable. Aitken ♦ Aitken ♦ Cohn argued that the Defendant was either on a special errand (getting a return to work letter) at the time of the crash, or that his commute was within his employment since he was required to have a vehicle to perform the duties of his job as a regional salesman. Following two mediation sessions, the employer's insurance company still refused to pay the \$7 million insurance policy limits.



### Result:

The jury returned a verdict in favor of Plaintiff for \$23.5 million which included over \$13 million for Plaintiff's economic losses, including cost of future medical care, and \$10 million for non-economic damages, including pain and suffering. The Defendant employer appealed the verdict, and the matter settled for a confidential amount after briefing and oral argument before the California Court of Appeal.

## PREMISES LIABILITY/PRODUCT LIABILITY/BRAIN INJURY

**\$20,000,000**

## Child Suffers Severe Brain Injury Due To A Fall From A National Fast Food Chain Restaurant Playground



(continued from back cover) retained control over the restaurant despite a franchise agreement with the actual owner of the restaurant and that the owner used vendors to provide the playground equipment that were pre-selected by the national chain. Video surveillance by Aitken ♦ Aitken ♦ Cohn proved that the playground was being "foreseeably misused" by children regularly, even following this incident.

Defendants contended that the boy and his father were negligent in the use of the playground structure, that the boy's father was not properly supervising his child, and that the playground design and materials complied with the standards of the American Society for Testing and Materials.

The Defendant fast food chain contended that it had no control over the operation of the restaurant, including the design and installation of the playground and the day to day supervision and maintenance of the playground.

As a result of the incident, Plaintiff suffered significant head injuries and compromised mobility in the left side of his body. The Defendants argued that many of Plaintiff's cognitive and behavioral issues were pre-existing.

### Result:

Following two mediation sessions and after the court denied all of Defendants' Motions for Summary Judgment, Aitken ♦ Aitken ♦ Cohn secured a \$20,000,000 present cash value settlement for the Plaintiff. Additionally, as a result of this matter, the fast food chain began regular inspections of their playgrounds to ensure customer safety.

## INSURANCE BAD FAITH/TRUCK V. AUTOMOBILE COLLISION

**\$12,000,000***\$12 Million Recovery For Quadriplegic On A \$750,000 Insurance Policy*

**P**laintiff was rendered a quadriplegic when a semi truck and trailer lost control on black ice and struck Plaintiff's automobile on Christmas Eve. Plaintiff retained an out of state attorney who achieved a policy limits settlement of \$1,000,000 with the driver of the truck and trailer.



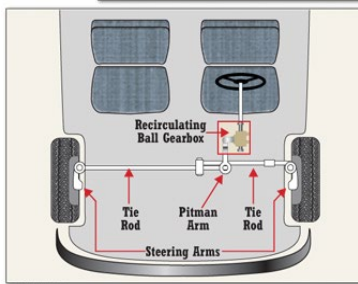
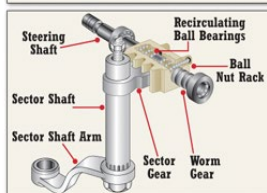
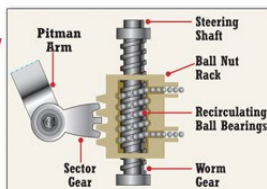
Aitken ♦ Aitken ♦ Cohn was then retained to pursue additional Defendants in California, including the truck broker. Aitken ♦ Aitken ♦ Cohn was able to demonstrate that the broker was the owner of the trailer involved in the collision, as well as a federal motor carrier with a non-delegable duty to ensure the safe transport of the load being hauled at the time of the crash. Despite this liability against the broker, his insurer ignored a policy limits demand of \$750,000 and refused to further defend the truck broker, asserting simply that the truck broker had no insurable interest in the trailer involved in the collision. Left without a defense, the truck broker agreed to a

Stipulated Judgment and assigned his rights against his insurance company to Plaintiff. Aitken ♦ Aitken ♦ Cohn then filed a bad faith action against the broker's insurance company to collect on the Stipulated Judgment.

**Result:**

After vigorously litigating the bad faith case and just a few months before trial, the matter settled following mediation for \$12,000,000 - sixteen times the amount of the underlying insurance policy limits.

## PRODUCT LIABILITY

**\$2,601,058****DRIVE ASSEMBLY DIAGRAM***Aitken ♦ Aitken ♦ Cohn Proves Ford Manufacturing Defect In F-350 Truck Caused Client's Injuries*

**A**itken ♦ Aitken ♦ Cohn represented a client who was badly injured when a Ford F-350 truck lost control on a crowded freeway, causing a chain reaction collision.

At the scene, the driver of the Ford claimed that his steering failed after the vehicle began violently shuddering. The CHP inspected the Ford F-350 following the collision and noted that several components of the steering mechanism were broken.

Subsequent inspection of the Ford F-350 truck indicated that all the broken parts of the steering mechanism observed by the CHP, save one, were the result of the subsequent collision between the Ford F-350 and a second truck. One component of the steering

mechanism showed significant fatigue cracking that pre-existed the collision. Aitken ♦ Aitken ♦ Cohn's experts concluded that this sector steering shaft failed prior to the collision with the second truck and that it had not been manufactured in accord with Ford specifications.

Ford claimed that the driver, a previously convicted felon, made up the story regarding the loss of steering, and caused the collision by driving erratically.

**Result:**

Following a four week trial and three days of deliberations, the jury awarded damages against Ford Motor Company in the amount of \$2,601,058.

## AUTOMOBILE V. AUTOMOBILE/COURSE AND SCOPE OF EMPLOYMENT

**\$19,550,000***Driver On Cell Phone Working For Two Companies At The Same Time Causes Death To 5 Year Old And Brain Injuries To 3 Year Old*

**A** mother was driving her three young daughters through an intersection, when their car was broadsided by a vehicle driven by Defendant who was talking on her cellular phone. The five year old daughter sustained fatal injuries; the three year old daughter sustained brain injuries for which she will require 24 hour care for life.

Several witnesses confirmed that Plaintiffs' vehicle entered the intersection on a green light, and the Defendant driver gave several conflicting accounts regarding the issue, ultimately claiming that she too entered on a green light. The Defendant driver was on her cell phone with an employee of Defendant Corporation at the time of the incident.



The key liability issue disputed was whether, at the time of the collision, the Defendant Driver was acting as: (1) the agent and/or

temporary employee of Defendant Corporation; (2) the employee of Defendant Employer; or (3) the agent/employee of both Defendant Employer and Defendant Corporation simultaneously.

**Result:**

Less than one week before trial the matter settled globally for \$19,550,000, including the wrongful death claims of the mother and father of the five year old child, and the personal injury claims of the three year old child and mother.

## MEDICAL MALPRACTICE/BIRTH INJURY

**\$2,314,000***Injuries Sustained At Birth Leave Five Year Old Girl With Permanent Deficits*

**A**itken ♦ Aitken ♦ Cohn represented a five year old girl who suffers from permanent deficits as a result of injuries sustained at the time of her birth.

Aitken ♦ Aitken ♦ Cohn alleged that while the Plaintiff's mother was in labor, the Plaintiff showed clear signs of fetal distress. The Defendant hospital and its employees failed to properly monitor and report the status of Plaintiff's mother's labor, which resulted in a delay in the ordering of a Caesarean section delivery of Plaintiff.

Defendants denied liability, contending that there was no negligence related to their actions or inactions at the time of labor, and that Plaintiff's current conditions were not caused by birth, but were genetic in origin.



Plaintiff suffers from seizure disorder, speech and behavioral delays, and demonstrates further behaviors indicative of suffering a prolonged partial hypoxic-ischemic encephalopathy.

**Result:**

After extensive litigation and just prior to trial, Aitken ♦ Aitken ♦ Cohn achieved a \$2,314,000 settlement for Plaintiff.

## AUTOMOBILE V. PEDESTRIAN

**\$3,400,000***Allegedly Intoxicated Pedestrian Struck On PCH*

**T**his litigation arose out of an incident that occurred in Laguna Beach, California. Plaintiff approached the corner of Pacific Coast Highway (PCH) and Pearl Street, and pressed the pedestrian crossing button. After pressing the crosswalk button, and while the embedded lights were flashing, Plaintiff began to cross PCH in the marked crosswalk. Plaintiff was then violently struck by a Ford Econoline van driven by Defendant, who for unknown reasons failed to stop at the crosswalk limit line. As a result of the collision, Plaintiff suffered multiple injuries to his head, neck, back and knee.

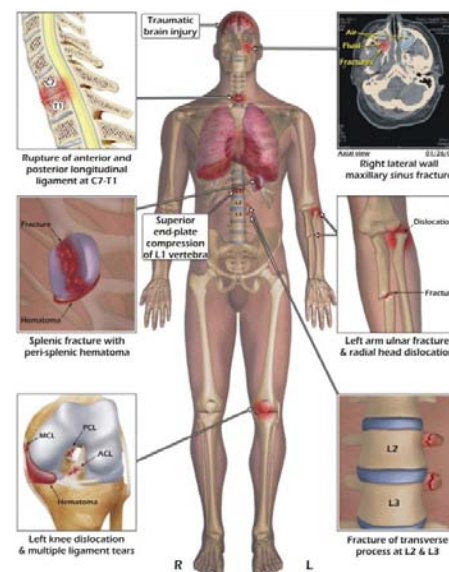
The Defendant contended that Plaintiff was not properly crossing within the confines of the crosswalk at the time the incident occurred and that Plaintiff was in a state of intoxication at the time of injury that impaired his judgment. Defendant further contended that the “flashing signals” in the crosswalk were not illuminated at the time of the incident.

Aitken ♦ Aitken ♦ Cohn was able to discredit the statements of the independent witnesses who told police that Plaintiff was outside of the crosswalk and that no lights were flashing at the time of the collision. Aitken♦Aitken♦Cohn further identified a third independent

eyewitness who testified that the crosswalk lights were illuminated when Plaintiff was struck.

**Result:**

Following extensive litigation and discovery, the matter settled following two mediation sessions, with the Defendant agreeing to pay \$3,400,000.



## AUTOMOBILE V. PEDESTRIAN

**\$6,200,000***Settlement Obtained Against Drunk Driver Who Plowed Into Plaintiff's Parked Vehicle, Propelling The Pedestrian Plaintiff Over 20 Feet*

**P**laintiff, a husband and father, was called to Newport Coast Road to assist his son, whose BMW had suffered a breakdown. Plaintiff parked his vehicle on the shoulder, completely outside the lanes of traffic, and several car lengths behind his son's disabled vehicle. After determining that his son's car was inoperable, Plaintiff called the Auto Club to arrange to have his son's vehicle towed.



While on hold waiting for the Auto Club, Plaintiff's Mercedes SUV was violently rear-ended by a Hummer driven by the Defendant. Plaintiff's Mercedes was thrust forward into Plaintiff, who flew onto the hood and windshield and was propelled several feet into the air, over a chain link fence running alongside the road and down an embankment.

Plaintiff sustained a closed head injury and fractures to his right arm, right leg, right shoulder and pelvis, as well as nerve damage on his right side. Plaintiff's son sustained emotional injuries from observing his father being injured and Plaintiff's wife had a claim for the loss of her husband's consortium.

**Result:**

After extensive litigation, Defendant paid \$6,200,000 to settle all claims.

## NEGLIGENCE

**\$2,000,000***66 Year Old Diabetic Suffers Third Degree Burns During Pedicure*

**P**laintiff, a 66 year old diabetic with pre-existing reduced sensation in her feet and legs suffered third degree burns to her foot following a pedicure at Defendant's nail salon. Upon returning home following the pedicure, Plaintiff's foot turned red and the skin began peeling. She was admitted for treatment for her burns and remained hospitalized for nearly a year during burn-related skin-grafting, heart attacks (caused by burn-related internal system failure) and kidney failure (caused by burn-related toxins).

Aitken ♦ Aitken ♦ Cohn contended that the nail salon employee allowed the water in the foot bath to get too hot and failed to properly monitor the condition of Plaintiff, a known diabetic.

no pain complaints while at the salon. Defendant further alleged that the burn injury suffered by Plaintiff was inconsistent with being immersed in hot water.

Defendant contended that the burn injuries did not occur during the pedicure as the employees noted that the water was of appropriate temperature during the service, and Plaintiff made

**Result:**

Defendant nail salon paid its \$2,000,000 insurance policy limits shortly after mediation.

## PREMISES LIABILITY/BRAIN INJURY

**\$2,650,000***Brain Injured Child Collects Seven Figure Settlement Due To A Fall Through A Defective Skylight*

**T**he ten year old Plaintiff was visiting a music store with his mother when he strayed from inside the store and climbed a staircase designed to access the roof and a residential rental unit. Plaintiff then climbed over a railing separating the walkway to the rental from the roof and made his way over to a portion of the roof upon which there was a skylight. He fell through the skylight and suffered a traumatic brain injury when his head struck the ground.

Aitken ♦ Aitken ♦ Cohn contended that the skylight was defectively designed and maintained as it was unable to withstand the weight of Plaintiff, and further violated various building codes as it was not surrounded by any independent protective enclosure.

incident, as Plaintiff was autistic and had a pattern of erratic behavior prior to the incident. The defense therefore argued that the child should not have been left unsupervised to climb to the top of the roof structure where the skylight was located.

Defendants contended that the building was built to proper Building Code standards, that the only way that a person could reach the skylight was to climb over a railing which was indisputably to Code, and that the skylight therefore did not need its own protective railing. Defendants also contended that the mother of the Plaintiff was negligent for the



As a result of the incident, Plaintiff suffered a severe traumatic brain injury including skull fractures and brain bleeding.

**Result:**

Aitken ♦ Aitken ♦ Cohn achieved a \$2,650,000 settlement for the Plaintiff.

## TRUCK V. BICYCLE

**\$5,815,000***Senior Bicycle Rider Struck By Semi Truck And Trailer*

**A**itken ♦ Aitken ♦ Cohn recently concluded the representation of a 76 year old man who was struck by a semi tractor trailer, while on his daily bicycle ride. While stopped at an intersection waiting for a train to pass, the Plaintiff was struck, thrown to the ground, and run over by the truck making a right hand turn — an incident to which there were no independent witnesses. Plaintiff suffered multiple fractures and internal injuries, and ultimately had his right leg amputated just below the knee.



Aitken ♦ Aitken ♦ Cohn argued that the Defendant Driver caused the collision. Further, Aitken ♦ Aitken ♦ Cohn argued that because the Driver had worked for five years exclusively for the Defendant Distributor for whom he was hauling at the time of the incident, he was an agent of Distributor, such that the Distributor could be held responsible for the Defendant Driver's negligence. Aitken ♦ Aitken ♦ Cohn also argued that the Distributor owed a non-delegable duty to ensure the safe operation of the tractor trailer.

The Defendants argued that Plaintiff caused the collision by placing

himself in a dangerous position on the roadway. The Distributor further argued that since the Defendant Driver was an independent contractor operating under his own license, the Distributor could not be held liable for the Defendant driver's negligence.

**Result:**

Aitken ♦ Aitken ♦ Cohn secured a \$5,815,000 settlement for Plaintiff just prior to trial, comprised of \$1,000,000 from the Defendant driver, \$4,800,000 from the Distributor and \$15,000 from the owner of the trailer.

## RECREATIONAL VEHICLES

**\$5,600,000***Four Plaintiffs Secure Seven Figure Settlement In Dune Buggy Roll Over Incident*

**A**itken ♦ Aitken ♦ Cohn represented four Plaintiffs, who were passengers in a dune buggy that rolled over when the driver, who was intoxicated, drove off the paved roadway at a high rate of speed and lost control of the buggy. Due to the impact, the unbelted passengers were ejected from the recreational vehicle.

The Defendant driver, who initially denied having consumed alcohol at the scene, submitted to a breath test that revealed a blood alcohol content more than two times the legal limit.



Aitken ♦ Aitken ♦ Cohn asserted that the Defendant Driver was negligent for driving the dune buggy off of the paved roadway without warning his passenger, and by failing to ensure the passengers were properly belted.

The Defendant argued that all of the passengers had consumed alcohol in the hours preceding the incident, and that the unbelted passengers bore significant responsibility for their own injuries.

**Result:**

Aitken ♦ Aitken ♦ Cohn obtained a \$5,600,000 global, policy limits settlement shortly before trial and after two mediations.



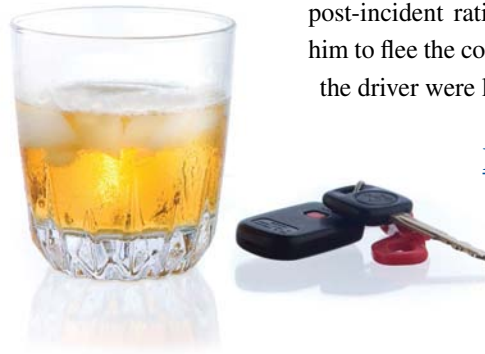
## WRONGFUL DEATH

**Confidential***23 Year Old Musician And Student Killed By Intoxicated Hyundai Executive Who Fled Scene Of Crash And Then Country*

**A**itken ♦ Aitken ♦ Cohn recently concluded the representation of a family who lost their 23 year old son and brother in a tragic automobile collision on the 55 freeway.

The Defendant driver was a Hyundai executive who became intoxicated at a work-related event and then crashed his company-leased Hyundai vehicle into the center median of the southbound 55 freeway. The motorcycle rider, a waiter, student, and founding member of the band “Suburban Legends,” was riding his motorcycle home from band practice in the car-pool lane of the southbound 55 freeway when he unexpectedly crashed into the disabled Hyundai vehicle, suffering fatal injuries. The Defendant driver fled the scene of the crash. Within 24 hours of the collision, and after speaking with Hyundai and Kia attorneys, he fled the country.

The Defendant driver was subsequently extradited to the United States from South Korea in January 2009 to face charges relating to the



deadly collision. On November 10, 2009, the Defendant driver pled guilty to involuntary manslaughter while intoxicated.

Aitken ♦ Aitken ♦ Cohn contended that Hyundai was responsible for the driver’s action, as he was a high-ranking Hyundai executive who caused the collision after becoming intoxicated at a work-related function. Aitken ♦ Aitken ♦ Cohn also asserted that Hyundai created a corporate environment that perpetuated drinking and driving. As a result of the circumstances leading to the collision, and Hyundai’s post-incident ratification of the drunk driving (including assisting him to flee the country), Plaintiff’s contended that both Hyundai and the driver were liable for punitive damages.

**Result:**

The matter settled for a confidential amount, after motions for summary judgment by Hyundai and the driver were denied.

## WRONGFUL DEATH

**\$1,700,000***19 Year Old College Student Killed During Fraternity Hazing Ritual*

**A**itken ♦ Aitken ♦ Cohn represented the father and brother of a 19 year old student at University of California, Riverside, who sustained fatal head injuries during a hazing ritual disguised as a football game while pledging Lambda Phi Epsilon fraternity.

The 19 year old decedent was pledging the UC Riverside colony of the Lambda Phi Epsilon fraternity that was being developed and mentored by the fraternity’s University of California, Irvine chapter.

One of the culminating events of the pledge process was a “pledges versus brothers” full-tackle football game with no safety equipment, that was hosted in Irvine by the UC Irvine chapter. The pledges were required to play without rests or water breaks, with the brothers inflicting late and out of bounds hits, and while outnumbered by as many as 4 to 1.

Aitken ♦ Aitken ♦ Cohn contended that the football game was nothing more than illegal hazing thinly disguised as an athletic event. Aitken

♦ Aitken ♦ Cohn further alleged that the each of the fraternity brothers were individually liable because they conspired to haze the pledges, which ultimately led to the death. The Defendants contended that the decedent assumed the risk of injury by participating in the football game, a sporting event, and that they were therefore not responsible for the death.

**Result:**

Aitken ♦ Aitken ♦ Cohn secured a settlement totaling \$1,700,000 from the individual fraternity brothers, as the fraternity itself was uninsured.



## PREMISES LIABILITY/PRODUCT LIABILITY

**\$4,500,000***50 Year Old Rendered Quadriplegic Diving Into Improperly Built And Maintained Pool*

**A**itken ♦ Aitken ♦ Cohn represented a 50 year old man who was rendered a quadriplegic when he dove into an improperly built and maintained pool at a hotel.

The Plaintiff, who was served and consumed several alcoholic beverages in the pool area, decided to dive into the pool to cool himself off. After entering the water, he struck his head on the bottom of the pool.

Aitken ♦ Aitken ♦ Cohn brought suit alleging that the pool was improperly built and maintained. In addition to the complete absence of legible, statutorily required “no diving” warning signs, Aitken ♦ Aitken ♦ Cohn contended that the pool was improperly built with colored plaster used to make the pool appear deeper than it actually was. Aitken ♦ Aitken ♦ Cohn further asserted that a defect in the design of the pool caused the waterline to bisect and render illegible the in-pool depth indicators, and that a defective stain product was used to stencil depth markers on the deck of the pool, which had faded

and were completely illegible and ineffectual at the time of the incident.

**Result:**

Aitken ♦ Aitken ♦ Cohn achieved a \$4.5 million settlement for the diver and his wife.



## OTHER NOTABLE RESULTS

- \$2.3 million** ♦ *Wrongful Death/Airplane Crash*
- \$1.25 million** ♦ *Wrongful Death of 66 Year Old/Automobile*
- \$1.25 million** ♦ *Automobile v. Bicycle; Multiple Fractures*
- \$975,000** ♦ *Wrongful Death in Fire/Product Liability*
- \$750,000** ♦ *Intersection Collision/Red Light Dispute*
- \$550,000** ♦ *Product Liability; Thumb Amputation*
- \$400,000** ♦ *Wrongful Death of 89 Year Old/Automobile*
- \$155,000** ♦ *Boating Accident; Shoulder Surgery*

## DID YOU KNOW?

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

**I**n 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.

A representative sample of the organizations and charities which Aitken ♦ Aitken ♦ Cohn serves includes:

- ♦ American Red Cross
- ♦ Elizabeth Glaser Pediatric AIDS Foundation
- ♦ United Cerebral Palsy of Orange County
- ♦ Laura's House
- ♦ Ryan's Reach
- ♦ Constitutional Rights Foundation of Orange County
- ♦ Public Law Center
- ♦ American Board of Trial Advocates
- ♦ Consumer Attorneys of California
- ♦ Civil Justice Research and Education Project
- ♦ Orange County Trial Lawyers Association
- ♦ Celtic Bar Association
- ♦ Orange County Bar Association
- ♦ Orange County Asian American Bar Association
- ♦ Association of Business Trial Lawyers
- ♦ Chapman Law School
- ♦ Whittier Law School
- ♦ University of Southern California Law School
- ♦ California State University, Fullerton
- ♦ South Coast Repertory Theatre
- ♦ Public Justice Foundation
- ♦ Orange County Women Lawyers Association
- ♦ Orange County Performing Arts Center
- ♦ National Association of Women Judges
- ♦ Santa Ana College Foundation
- ♦ St. Thomas More Society
- ♦ Luevano Foundation
- ♦ Hispanic Bar Association
- ♦ Orange County Lavender Bar Association
- ♦ Consumer Watchdog
- ♦ Kathleen E. Faley Memorial CSUF Special Games
- ♦ Iranian American Bar Association of Orange County

## SPOTLIGHT ON...

### *Faley Special Games at Cal State Fullerton*

**O**ne of Aitken ♦ Aitken ♦ Cohn's greatest examples of giving back to the community involves the Kathleen E. Faley Special Games.

*The Special Games were started in 1986 as a class project for a public relations management class at California State University, Fullerton.*

The following year, Kathleen E. Faley, one of the key volunteers during the first Special Games, and the sister to one of the Games' co-creators, was killed in an automobile accident. The games were subsequently named in her honor and have continued to grow every year into what is now known as the CSUF Special Games, Kathleen E. Faley Memorial. The first Special Games consisted of roughly 90 participants with varying levels of disability competing in several track and field events. Today, the Special Games have grown to include more than 2,400 special athletes and more than 4,000 volunteers annually.

Since 1988, the entire office of Aitken ♦ Aitken ♦ Cohn has participated in the Special Games. Each year on the morning of the Special Games Aitken ♦ Aitken

♦ Cohn closes its office doors so that the entire staff can volunteer and help make the Games a memorable experience for all of the participants. Additionally, firm founder Wylie A. Aitken has served as the Chairman of the Board of Directors of the Special Games since the Board was first created in 1993.

Aitken ♦ Aitken ♦ Cohn is grateful for the opportunity to be a part of such a wonderful organization and remains committed to contributing to the continued growth of the Special Games.



# THE VERDICT

AITKEN ♦ AITKEN ♦ COHN



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**\$20,000,000**

## *Child Suffers Severe Brain Injury Due To A Fall From A National Fast Food Chain Restaurant Playground*

**A** 10 year old boy fell from the cross bars of the playground at a national fast food chain restaurant and suffered a severe, traumatic brain injury when his head struck the restaurant floor tile. Due to the severity of the fall, the boy will require 24 hour life time care.

While the Defendants argued that the cross bars were not part of the play structure, Aitken ♦ Aitken ♦ Cohn was able to establish through intensive discovery that the cross bars resembled, and were repeatedly used by prior customers, as playground “monkey bars.” Investigation also revealed that a serious prior injury occurred at the same location.

Aitken ♦ Aitken ♦ Cohn contended that the playground was improperly designed as it failed to provide children with a proper padded surface beneath the cross bars and failed to warn users (and their parents) of the danger posed by these cross bars. Aitken ♦ Aitken ♦ Cohn further argued that the fast food chain *(continued on page 3)*

