

Daily Journal

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Top Verdicts of 2014

The Largest and most significant verdicts and appellate reversals handed down in California in 2014

TOP DEFENSE RESULTS

Asam v. Ortiz

case
INFO

Personal injury

Los Angeles County

Superior Court Judge Marc Marmaro

Defense attorneys: Gibson, Dunn & Crutcher LLP, Richard J. Doren, Julian W. Poon, Timothy Loose, Kirsten Galler

Plaintiff's attorneys: Brian K. Brandt; Christopher E. Purcell



RICHARD J. DOREN

After a jury awarded \$150 million to the surviving daughter of a horrific car crash that killed her parents and a sibling, the trucking company defendants knew they had their work cut out for them. The first thing they did was hire Gibson, Dunn & Crutcher LLP to take over the case.

"The jury came in Friday a week before Halloween," said Richard J. Doren, a Gibson Dunn partner. "I got a call in my hotel room that Sunday evening. And the following week we were meeting with trial counsel and took it up from there."

The crash occurred in November 2009. Michael Asam, on a trip to Oregon with

his wife and three children, drove off Interstate 210 and struck an illegally parked 18-wheeler truck.

Asam's two youngest children, then 9 and 11, climbed out of a window. But Asam, his wife, and 14-year-old son died in the fiery crash. Three days before trial, the surviving son committed suicide.

Brian Brandt and Christopher Purcell, representing the surviving daughter, argued that Asam struck debris in the road that caused him to veer out of the lane, while the defendants contended he may

have fallen asleep at the wheel. *Asam v. Ortiz*, PC051705 (Los Angeles County Sup. Ct., filed Oct. 11, 2011).

The jury awarded the \$150 million verdict after a six-week trial, a sum that rose to more than \$178 million with prejudgment interest.

Doren and his team dug into the record and did a postmortem analysis of what went wrong for their clients. "It was very emotional courtroom, which was necessarily the case to a large extent, but there was no doubt the plaintiffs' lawyers took what room they had and ran with it."

He and his colleagues asked Los Angeles County Superior Court Judge Marc Marmaro to vacate the verdict. Marmaro agreed, noting that the verdict was excessive and the jury was motivated by a "desire to punish rather than a desire to fairly compensate."

Doren and Brandt both say there were prepared to retry the case and were confident that they would win. But after four days of mediation, they agreed to a confidential settlement.

Brandt said some people have told him, "You guys did too good a job." He doesn't see it that way. "It was a clearly a historic verdict and I don't see anything wrong with that."

Doren said he too was happy with the final outcome. "I think there are a lot of things to be learned from this case," he said. The first lesson, he said, is not to let reality get lost in the emotion.

— Emily Green