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## **Defense Win against Powerful Odds Signals Changing Trends In Product Liability Trials**

### **Quick Jury Decision Sends Strong Message in \$60 million Case Against Manufacturer**

**RANCHO CUCAMONGA, CA.** – March 7, 2007 – In a stunning win for the defense, a jury has cleared L&L Machinery of responsibility for injuries sustained by plaintiff Arturo Baez as a result of an accident that rendered him a C3-C4 respirator-dependent quadriplegic.

The case is being read as a bellwether of changing jury attitudes. The speed and unanimity of the decision despite extremely tragic circumstances suggests a greater willingness among jurors to dispassionately weigh the facts in determining responsibility.

The jury took less than an hour to reach a 12-0 verdict in *Arturo and Teresa Baez v. L&L Machinery, Inc.*, RCV 083256 (San Bernardino Superior Court - Rancho Cucamonga, filed 2004) after a month-long trial before Judge Ben T. Kayashima.

“Mr. Baez suffered a horrible injury and it was only natural for the jury to feel immense sympathy for him,” said defense counsel James Yukevich of Los Angeles’ Yukevich Calfo & Cavanaugh. “But we were able to show that L&L was simply not responsible. The jury rose above its own emotions to do the right thing, and it did so unequivocally.

“This case will be long remembered as a powerful demonstration that, with a resolute defense, companies do not have to capitulate even when the circumstances are so adverse,” Mr. Yukevich added.

On August 25, 2004, 33-year-old Arturo Baez was employed as a temporary worker for Professional Wood Products, Inc., loading and unloading finished wood product from the GA-100 glue press machine. As Mr. Baez placed his head and upper torso into the machine, the press operator was distracted by a female co-worker and accidentally activated the nine-foot press lid, causing it to strike the back of Mr. Baez’s head.

Plaintiff’s counsel claimed the machine should have been equipped with safety guards, and that L&L Machinery was also liable for failing to notify customers that available new GA-100 machines were equipped with such guards. Plaintiff asked the jurors to award \$59,200,000 in damages.

The jury was instead convinced that adequate safeguards are, in fact, built into the machine, and that Mr. Baez’s injuries were caused because his employer ignored its own safety rules by allowing workers to be under the platen lid.

“While my client was absolutely convinced that there was no design defect, nor any negligence on its part, we remained open to a reasonable settlement agreement. When no such agreement was forthcoming, we had no choice but to take this matter to trial,” Mr. Yukevich said.

“I was confident we could win, but, frankly, the fact that these twelve jurors needed less than an hour to make their decision surprised me too,” Mr. Yukevich noted. “It shows, more vividly than any case I can think of, just how much respect the jury system deserves.”

Alexander Calfo and Sean Topp, of Yukevich Calfo & Cavanaugh, were co-counsel for L&L Machinery.

Jim Yukevich is available to comment on the significance of this case and how it was won.

### **About Yukevich Calfo & Cavanaugh**

Yukevich Calfo & Cavanaugh specializes in the management, defense, and trial of products liability claims. The firm advises and defends manufacturers and distributors of a wide range of products, including automotive and motorcycle products, tires, medical devices and pharmaceuticals, heavy machinery and industrial equipment, and sporting goods. The firm, which has tried cases throughout the U.S., also has proven capabilities in advanced motions and appeals, regional case management coordination, jury research, crisis management, and alternative dispute resolution.