



**2016 CLM Annual Conference  
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**Is the Reptile Real?**

**2015 Reptile Verdicts & What They Mean About Reptile Strategy**

**I. Jury Verdicts and Reptile Strategy**

The Reptile Strategy is designed to maximize jury verdicts. Since its inception in 2008, the Reptile Strategy has claimed in excess of \$6 Billion! Many lawyers have experienced "being reptiled" which involves a sense that Plaintiff's counsel used unrecognized tactics to increase the jury verdict. Many claims professionals have experienced the Reptile Strategy also, usually in the form of bad news from trial counsel reporting a verdict which seems excessive relative to the facts.

But how often is the Reptile Strategy really working? This roundtable presentation will discuss several 2015 Reptile verdicts (verdicts reported by the Reptile Strategy creators, Keenan & Ball) and assess whether a Reptile Effect appears to have been present. Below are factual summaries of ten Reptile verdicts from around the country, including facts concerning liability' and damages. Each case will be discussed, and participants will be asked to make their best estimate about the outcome. The participants will then discuss whether the verdict appears to be a "Reptile verdict" or not. Time permitting, the participants will discuss the extent to which claims professionals and lawyers should be concerned about Reptile strategy.

All of the below verdicts were first reported on the Reptile website (at <http://www.reptilekeenanball.com/>), and verdict reports were then searched for neutral reporting web sites, like Lexis and Westlaw. We also looked for media report. Some reports provide more information than others, and some verdicts reported on the Reptile website could not be found in any formal jury verdict report. Where the Reptile website has provided facts not reported officially, those facts are noted.

We hope you find the roundtable presentation interesting and useful.

**II.**  
**THE REPTILE VERDICTS**

**Verdict No. 1**  
**Tampa Bay, FL**  
**10 Year Old Boy v Corporate Owner of Multi-Family Apartment Complex**  
**Injury on Unattended Treadmill in Apartment Complex Fitness Center**

**Plaintiff Description:** 10 year old boy/resident at apartment complex.

**Incident Description:** Plaintiff was pulled under an unattended treadmill sustaining permanent damage to his dominant right arm. Plaintiff claimed the fitness center door was left ajar creating an "attractive nuisance."

**Factual Synopsis Re Liability:** Plaintiff was a 10-year-old boy who resided in a Tampa multifamily apartment complex owned by Defendant Corporation. Plaintiff claimed Defendant created an attractive nuisance for the boy, by leaving a fitness center open and unattended. The minor entered the fitness center, and was pulled under a treadmill, sustaining permanent injuries to his dominant right arm. Defendant argued no knowledge or notice of the open door. The minor and his mother lived in one of Defendant's apartments for several years prior to the incident.

On the day in question, the boy and his friend walked past the defendant's fitness center and saw that the door was propped open with a bucket of spackling compound. The fitness center was for adults only, and was equipped with an automatic door closer and locked with a key. The children entered the empty fitness center and found a large bouncing ball. They turned on the treadmill and began throwing the ball onto the treadmill. When the ball was pulled under the treadmill, the minor reached under to try to retrieve it and was jerked under the machine up to his ear. The fitness center was being remodeled at the time of the incident. Plaintiff contended the door was propped open by a vendor who was supervised by Defendant. Plaintiff's young friend shut off the machine. Plaintiff and his friend then walked home where his mother took the Plaintiff to the hospital, and he was transferred to a trauma unit.

Defendant argued the fitness center was not an attractive nuisance, and Plaintiff was aware of the dangers of playing with the machines. Defendant contended that if someone propped the door of the fitness center open, it was without Defendant's knowledge/consent, and the incident could not have been prevented by the Defendant.

**Alleged Injuries:** The minor sustained burn injuries over 4 % of his body, as well as degloving of his dominant right arm. He was also diagnosed with multiple comminuted fractures of the ulnar and radius of his right arm. He underwent open reduction and internal fixation of the fractures, skin grafting, and a subsequent surgery to remove the orthopedic hardware. He claimed permanent nerve damage as a result of the injuries. His doctors testified that he will need follow-up with a neurologist once a year for right forearm numbness, and will require future plastic surgery and special lotions for the remainder of his life. Plaintiff's experts also opined that the Plaintiff will not be able to work in hot environments, or be exposed to the sun without protective lotion. The Defendant argued that the minor Plaintiff had regained full range of motion in his right wrist, elbow and shoulder.

**Alleged Damages:** Plaintiff sought a loss of future earning capacity in the amount of \$ 388,000. Plaintiff waived any claim for past medical expenses.

## WHAT WAS THE VERDICT??

### Verdict No. 2

#### Monterey Bay, CA

#### 17 Year Old Female High School Student v. Vehicle Manufacturer

#### **Rear center passenger in vehicle wearing lap belt in head on crash suffers a flexion distraction injury rendering her a quadriplegic.**

**Plaintiff Description:** 17 year old female high school student in vehicle with three friends.

**Incident Description:** In an early morning accident, the young driver lost control of the vehicle and went down a steep embankment, crashing head on into a tree. Plaintiff was the rear center passenger wearing a lap belt and was injured when her body jackknifed, causing permanent injury to her back.

**Factual Synopsis Re Liability:** Plaintiff was a rear-center passenger in a 1996 Jeep type vehicle operated by her friend. The jeep was carrying three other passengers, including Plaintiff, and was traveling on a surface street. At approximately 3 a.m., the friend lost control of his vehicle, went down a steep embankment, and crashed head-on into a tree. Plaintiff, who was wearing a lap belt, suffered a flexion distraction injury in which her upper torso flexed over her waist and her head struck the center console. She was rendered a T10 paraplegic. Plaintiff sued the vehicle manufacturer alleging Defendant defectively designed the vehicle and was negligent for failing to warn of the dangers of sitting in the rear-center of the vehicle and for failing to retrofit the vehicle with a proper shoulder restraint. Plaintiff's counsel argued that the subject vehicle was defectively designed, in that the rear-center seat was equipped with only a lap belt and no shoulder restraint. Counsel also argued that the seat back/cushion was defectively designed, in that it failed during the collision and was part of the seat's restraint system. Plaintiff's counsel contended that the vehicle model previously included a warning about the risk of jackknife injuries, but that the warning was removed prior to the release of the subject 1996 model. Plaintiff's liability expert opined that had the rear-center seat been equipped with a shoulder restraint, Plaintiff would not have suffered the jackknife injury and subsequent paralysis, as proven by the other passengers in the vehicle whose seats were equipped with shoulder restraints and who suffered only minor injuries.

Defense counsel argued that, as a result of Plaintiff's intoxication, which was undisputed, she was not wearing the lap belt properly. Counsel contended that photographs of the lap belt immediately after the accident, as well as Plaintiff's injury-- specifically her L3 Chance fracture and abdominal bruising that extended up her right flank -- indicated she was not properly belted. Defense counsel noted the Plaintiff's biomechanical expert agreed that the belt was fully extended at the time of the accident and that the injuries supported the scenario that she was wearing a fully extended belt at the time of the accident. Defense counsel also noted that at the moment of impact, Plaintiff flew forward, unrestrained, into the fully extended lap belt and sustained the L3 Chance fracture. Defense counsel argued that the driver was at fault for the accident for driving under the influence. (He was found guilty for driving under the influence of alcohol and served a seven-year sentence before being released on probation.)

**Alleged Injuries:** Plaintiff suffered a flexion distraction injury in which her upper torso flexed over her waist and her head struck the center console. As a result, she suffered an L3 Chance fracture. Her experts described the injury as a severe jackknife injury, similar to a decapitation at the waist, in which the skin and flesh were the

only things holding her upper torso intact. Plaintiff was subsequently taken by ambulance to an emergency room, but she was rendered a T10 paraplegic and is now confined to a wheelchair. Plaintiff suffered further complications related to her paralysis, including the development of osteoporosis and three MRSA infections. Despite her complications and paraplegic state, she claimed she has turned the traumatic life event into something positive by becoming an advocate for paralysis patients and drunk driving prevention. Plaintiff also created the Walk and Roll Foundation, a dancing troupe for people with spinal cord injuries, and she authored a book and appeared on the reality TV show, Push Girls.

**Alleged Damages:** \$615,000 in past medical costs and \$7.2 million in future life care costs (for her life expectancy of 61 years). She also sought recovery of \$760,000 in future loss of earning capacity, and \$4 million in damages for her pain and suffering.

## **WHAT WAS THE VERDICT?**

### **Verdict No. 3**

**New Orleans, LA (Federal Court)**

#### **49 Year Old Male Crane Operator v. Employer**

**Crane operator injured when cab of crane he was working in broke off  
30 feet above vessel deck and fell to the deck.**

**Plaintiff Description:** 49 year old male crane operator.

**Incident Description:** Plaintiff was in the cab of a crane which broke loose and fell 30 feet.

**Factual Synopsis Re Liability:** Plaintiff was in a cab of a crane attached to a vessel at a location in the lower Mississippi River. Plaintiff was in the cab of the crane some 30 feet above the deck of the vessel. He was transferring materials from one barge to another. As he transferred a second load, the crane broke loose and fell to the deck of the vessel. The crash left Plaintiff unconscious in the cab with several serious injuries.

Plaintiff alleged violation of OSHA regulations and failure to provide a safe workplace. The employer's defense blamed a machinist who made a repair to the crane a few years earlier. The crane's collapse was linked to a faulty weld that obscured a crack in the crane's structure. As the litigation progressed, the employer filed a third-party complaint against the machinist who denied the welding was substandard and noted the crane had been in operation 50 years and had a poor maintenance record.

**Alleged Injuries:** Plaintiff suffered an L-1 transverse fracture as well as a closed head injury. The effect of the injuries left Plaintiff permanently disabled and unable to return to work.

**Alleged Damages:** Plaintiff claimed past lost wages of \$295,638, and \$1,693,459 for future lost wages. Medical expenses not provided but estimated at \$50,000.

## **WHAT WAS THE VERDICT?**

**Verdict No. 4**

**North Carolina, Johnston County**

**23 Year Old Male N. Friend Who Killed Him**

**Wrongful death action by estate of 23 year old male against friend who lured him to nightclub and then killed him.**

*Reported by Reptile as verdict fir the family of a 23 year old single man with no dependents who was killed in a bar light.*

**Plaintiff Description:** 23 year old, occupation unknown.

**Incident Description:** This wrongful death action was brought when Plaintiff, a 23-year-old male, died after he reportedly was invited to a nightclub by Defendant. Defendant allegedly became intoxicated at the nightclub, waited for the Decedent, intending to assault him, and when the Decedent arrived, struck him in the face with a beer bottle or his list, knocking the Decedent backwards onto the floor and causing the Decedent's head to strike the floor.

**Factual Synopsis Re Liability:** Plaintiff estate contended the Defendant willfully and intentionally committed assault and battery upon the Decedent. The Defendant reportedly denied liability. The Decedent died 9 days after the incident and was survived by his parents.

**Alleged Injuries:** Death of 23 year old male.

**Alleged Damages:** Decedent's salary was \$0. Medical expenses not provided but estimated at \$200,000 for nine day hospital stay. No other damages information provided.

**WHAT WAS THE VERDICT?**

**Verdict No. 5**

**New York, Bronx Supreme Court**

**Husband and Wife v. Police Department**

**Personal injury action following injuries to husband sustained as a result of an alleged police car chase causing a collision with Plaintiff pedestrian.**

*Reported by Reptile as a verdict following a high speed police chase.*

**Plaintiff Description:** 78 year old bartender and his wife.

**Incident Description:** The incident occurred in a crosswalk. The vehicle's driver was being pursued by an unmarked police vehicle. Plaintiff husband sustained injuries to his elbow, head, leg, his liver, his sacrum and several ribs. Plaintiffs sued the driver, the police vehicle's driver, and the city police department.

**Factual Synopsis Re Liability:** Plaintiffs alleged that the driver of the civilian car was negligent in the operation of his vehicle, that the police officer was reckless in the operation of his vehicle, and that the police department was vicariously liable for the police officer's actions. Plaintiffs' counsel contended the pursuit

began after a sideswipe collision in which the police vehicle's left side-view mirror was struck by the civilian vehicle's right side-view mirror. He claimed that the pursuit passed residences, schools, crosswalks, traffic signals and a stop sign. He argued that the pursuit was unnecessary, given the relatively minor nature of the civilian driver's infraction, the time at which the incident occurred, and the likely presence of pedestrians and other motorists. Plaintiffs' counsel further contended the police vehicle, a van, did not have a siren or built-in emergency lights, that other motorists would not have understood that the van was being operated by a police officer, that the police department protocol does not permit the use of vans as pursuit vehicles, and the police officer did not obtain permission for a pursuit.

The city's counsel contended the civilian driver was entirely liable for the accident and the civilian driver's vehicle struck the police van, that the civilian driver was speeding, and ignored a red traffic signal. The police officer contended the incident could not be characterized as a pursuit. He claimed that he was merely following the civilian vehicle, that he was maintaining a reasonable speed, and that he had activated a portable flashing light that clearly established his van was being operated by a police officer. He contended that the civilian driver, by fleeing the scene of the initial collision, had committed a misdemeanor offense that justified further action. Defense counsel presented another police officer who was one of two passengers of the van, who agreed that the police vehicle was merely following the civilian vehicle.

Counsel for the civilian contended that, given the context of the events, the police officer was engaged in a pursuit and that the civilian had not committed a misdemeanor offense. The civilian claimed he was not speeding, that he obeyed all traffic-control devices that were encountered during the pursuit, and that he did not know the van's passengers were police officers. He claimed that he believed that his life was endangered.

**Alleged Injuries:** Plaintiff sustained fractures of his left, nondominant arm's elbow, comminuted fractures of his right leg's fibula and tibia, a fracture of his pelvis's sacrum, fractures of six ribs, and a laceration of his liver. After an ambulance ride to the hospital, he underwent immediate application of external fixation devices that stabilized his left elbow and his right leg. After 15 days had passed, he underwent surgery that involved removal of his left elbow's fixation device, and open reduction of the underlying fracture. After two additional days passed, he underwent a similar procedure that addressed his right leg. He also underwent implantation of a screw that stabilized his sacrum. Lee's hospitalization lasted about four weeks, and he subsequently underwent about seven months of inpatient rehabilitation and physical therapy. He claimed that he suffers permanent residual pain and limitations, that he requires use of a cane, that his residual effects prevent his resumption of work, and that he requires assistance for many of his everyday activities. He claimed that he previously enjoyed golfing, but that residual effects prevent his resumption of that activity. He also claimed that he and his wife previously enjoyed dancing and playing table tennis, but that he cannot resume those activities. He further claimed that he will require additional physical therapy and that he may eventually require a professional aide.

**Alleged Damages:** Plaintiff sought recovery of \$500,700 for past medical expenses, \$3 million for future medical expenses, \$112,000 for past lost earnings, \$84,000 for future lost earnings, \$10 million for past pain and suffering, and \$10 million for future pain and suffering. His wife sought recovery of \$2 million for past loss of services, and recovery of \$3 million for future loss of services.

## **WHAT WAS THE VERDICT?**

**Verdict No. 6**  
**Georgia, DeKalb County**

**30 Year Old Male v. Doctor and Hospital**

**Medical malpractice action by 30 year old male claiming negligent severance of iliac artery and vein during gallbladder surgery resulting in nerve damage to right leg.**

*Reported by Reptile as a verdict for a convicted drug felon and that Plaintiff's counsel used the Reptile strategy to make the jury love their client.*

**Plaintiff Description:** 30 year old aviation maintenance student.

**Incident Description:** Plaintiff presented to the emergency room at with complaints of abdominal pain. He was diagnosed with gallstones. Laparoscopic surgery was scheduled for that afternoon to remove his gallbladder. The surgeon severed Plaintiff's right common iliac artery and right iliac vein during the surgery. The injury was discovered during the surgery and a repair was performed, but there was no pulse in the leg. The surgeon called for vascular surgical assistance, but those surgeons were located at another facility an hour away. It was six to eight hours later by the time they arrived and were able to perform the repair the iliac artery and vein. Plaintiff suffered an ischemic injury to the sciatic and femoral nerves in his right leg, with permanent residuals.

**Factual Synopsis Re Liability:** Plaintiff alleged the surgeon violated the standard of care in performing the surgery and the hospital was vicariously liable for his negligence. Plaintiff claimed the surgeon went in through an incision site from an appendectomy performed in March 2010, and opened using a blind entry with bladed trocar technique. In doing so, the surgeon pushed the shielded blade through the navel, seeking tension from the connective tissue. Plaintiff argued that the tension was never seen, felt or heard, and the surgeon continued to press on. When the trocar clicked, Plaintiff claimed, the surgeon pulled out the obturator, at which time there was a column of blood. According to Plaintiff, the surgeon severed the iliac artery and iliac vein located against the pelvis, beyond the area of concern. He claimed the surgeon should have stopped and retracted the blade when he felt no resistance.

Defendants contended the injury was a known complication and risk of the surgery, of which Plaintiff had been informed. The surgeon argued he performed the surgery the same way as he had done 3,000 times before and that an injury had never previously occurred with his technique. Defense experts opined that there may have been a defect in the fascia from a prior appendectomy which left adhesions stuck to the artery and vein, and that the adhesions were pulled forward with the fascia.

**Alleged Injuries:** Plaintiff suffered lacerations of the common right iliac artery and vein during gallbladder surgery. Due to loss of blood flow for six to eight hours during the surgery, he suffered an ischemic injury to the sciatic and femoral nerves in his right leg. He claimed permanent neuropathic pain and weakness in his right leg and required the use of a cane to ambulate. He was no longer able to pursue his aviation maintenance career, and was awaiting a spinal cord stimulator implant to reduce pain. Defendants did not dispute Plaintiff's injury, but denied the injury was the result of any negligence and argued Jenkins was able to work and was not permanently disabled.

**Alleged Damages:** No lost income figures provided. No medical expenses provided.

## WHAT WAS THE VERDICT?

**Verdict No. 7**  
**Virginia, Federal Court (Eastern District)**  
**Prisoner v. Prison/State**

**Prisoner injury case**  
*Reported by Reptile as settlement of a Prisoner Civil Rights*

**case. Plaintiff Description:** Unknown other than a prisoner at the time of injury.

**Incident Description:** Minimal facts provided. Inmate suffered heat stroke in jail (hyperthermia); encephalopathy, anoxic brain injury, cognitive deficits.

**Factual Synopsis Re Liability:** No further information provided. Prisoner Civil Rights Act allows incarcerated persons to sue for alleged abuse and mistreatment in prison.

**Alleged Injuries:** Inmate suffered heat stroke in jail (hyperthermia); encephalopathy, anoxic brain injury, cognitive deficits.

**Alleged Damages:** Not known. Presumably minimal, given prisoner status.

## WHAT WAS THE SETTLEMENT?

**Verdict No. 8**  
**St. Louis, Missouri**  
**50 Year Old Motorcyclist v. Vehicle**  
**Vehicle makes left turn in front of motorcyclist.**

*Reported by Reptile as a case involving a felon with no driver's license  
who suffered pelvic injury and impotence.*

**Plaintiff Description:** 50 year old automobile mechanic with a three page history of felony and misdemeanor convictions.

**Incident Description:** Plaintiff flipped over the handlebars of his Harley-Davidson and landed on the windshield of the Defendant's Nissan Maxima. His pelvis was fractured in four places and there was damage to his shoulders, arms, spine, hips, wrists, elbows and urinary function.

**Factual Synopsis Re Liability:** Plaintiff contended the Defendant was negligent in failing to keep his vehicle under control, failin<sup>g</sup> to keep a careful lookout, failing to stop, swerve or slacken his speed, and failing to yield. Defendant was determined liable before the case was presented to the jury (apparent stipulation – verdict summary is not clear).



**Alleged Injuries:** Plaintiff's pelvis was fractured in four places and there was damage to his shoulders, arms, spine, hips, wrists, elbows and urinary function. The number of injuries and the severity of them cost Plaintiff his job as an automobile mechanic for life.

**Alleged Damages:** Disabled for life from auto mechanic job. Specific figures not provided.

## **WHAT WAS THE VERDICT?**

**Verdict No. 9**  
**Oldham, Kentucky**  
**Motorcyclist's Estate v. Swimming Hole Operator-**  
**Drunk driver crossed center line and killed motorcyclist**

**Plaintiff Description:** 65 year old retired machinist.

**Incident Description:** Decedent, who was riding a motorcycle, suffered fatal injuries when a drunk driver (fleeing the police) crossed the centerline and struck him. The drunk driver had become intoxicated at a privately-operated quarry swimming hole. Decedent's estate blamed the uninsured quarry operator for permitting alcohol to be consumed on the site.

**Factual Synopsis Re Liability:** Decedent was riding his Harley-Davidson motorcycle on a sunset ride. That same evening, a 23 year old male was fleeing the police. Earlier that day at noon, the 23 year old had visited the large swimming hole (it is created by falling rain) is operated by the Defendant, a sole proprietor. Patrons pay \$ 10 to enter and are given wrist bands. Those over 21 get a different color wrist band than minors. On this day there were several hundred patrons at the swimming pool. The swimming hole operated with several rules. One is that there was no swimming. Patrons were required to use floats. There was no alcohol sold on site and ostensibly, no alcohol was permitted. Visitors sign a waiver promising not to sue and there were listed rules including not bringing in glass bottles, but there was no written prohibition against alcohol. The 23 year old (and many other patrons) drank to excess that day. The 23 year old had a bottle of champagne, four beers, four shots and several more mixed drinks. Some four hours after arriving at the swimming hole, the 23 year old left to go to work at a bar. He was driving a car loaned to him by a friend. His BAC would later be measured at .21.

The 23 year old arrived at work and was told he wasn't needed. He headed back to the swimming hole to continue the party. Along the way a police officer tried to pull him over. The 23 year old fled at speeds over 100 mph and successfully dodged the police; however he crossed the centerline and struck the Decedent on his motorcycle. A terrific impact resulted and Decedent's right leg was amputated by the impact. It was so severe that the leg was never found. Decedent was airlifted to Louisville with severe right-side injuries and bravely fought for 66 days.

The owner of the unincorporated swimming hole was pursued on theories of negligence per se for 1) violating a state law which prohibits permitting the use of alcohol at a public establishment because the swimming hole did not have a liquor license, and 2) general negligence for violating a standard of care to the public by permitting patrons to become intoxicated and then populate the local roads. There was evidence at trial from local law enforcement of several alcohol related incidents. Many patrons testified at trial to the open consumption. Thus while alcohol was purportedly prohibited, the prohibition was a sham.

The estate also sought punitive damages.

The swimming hole owner defended the case on several fronts. First, the operator denied having any knowledge that the 23 year old was drinking that day. The defense also noted its rule prohibited the use of alcohol on the premises. He argued his hands were tied in a sense as he could only ask that patrons not drink. The Plaintiff countered that the operator generates thousands of dollars in cash during the summer and even though drinking was rampant, nothing was done to prohibit obviously intoxicated patrons from driving away.

**Alleged Injuries:** 66 day hospital stay with amputated leg and ultimate death.

**Alleged Damages:** Medical bills were \$ 1,474,842. Lost wages totaled \$ 536,968. Funeral bill was \$16,400. Pain and suffering was capped at \$5,000,000 by state law. Widow also sought damages for her loss of consortium.

## WHAT WAS THE VERDICT?

**Verdict No. 10**  
**Grand Traverse, Michigan**  
**Married Couple in Vehicle v. Oil Tanker**  
**Oil tanker crossed center line on a curve and crashed with passenger vehicle.**

*Reported by Reptile as a record-setting verdict in this*

**county. Plaintiffs' Description:** Husband, 60, and wife 59. Retired. Occupations not provided.

**Incident Description:** A semi-truck driver drove a propane tanker through the curve when it crossed the center line. The tanker collided with the Plaintiffs' pickup truck, leaving them with serious injuries. It also jackknifed and caused an hours-long road closure.

**Factual Synopsis Re Liability:** Negligence case.

**Alleged Injuries:** Pelvic and foot fractures that will allegedly impair each spouse's mobility for life, as well as neurological injuries. Plaintiffs also testified to sights and experiences that continue to haunt them, including seeing the dual axles of a propane tanker crossing the center line and coming at them.

**Alleged Damages:** Insurance covers medical costs under the state's no fault laws. No figures provided.

## WHAT WAS THE VERDICT?

**Verdict No. 11**  
**San Diego, California**

**Next of Kin of Motorcyclist v. City**

**Police vehicle made U-turn in front of oncoming motorcyclist,  
resulting in death of motorcyclist. Admitted liability.**

**Plaintiffs' Description:** Three adult children of Decedent (mid to late 20's), two in college and one graduated from college, and widow of Decedent. Decedent was the owner of a motorcycle repair shop.

**Incident Description:** Liability admitted. Police officer initiating a chase made a U-turn and did not see oncoming motorcyclist, killing him.

**Factual Synopsis Re Liability:** Negligence case.

**Alleged Injuries:** Death of father. Loss of companionship, love, etc. **Alleged Damages:** \$1.1 Million in lost income stipulated to.

## **WHAT WAS THE VERDICT?**

### **III. The Reptile Verdict Effect**

Is the Reptile really something to be concerned about, or are Reptile lawyers just scheming to make us afraid and catch us off guard? Maybe it's a little of both. Most definitely Reptile lawyers over-report their verdicts and spin their verdicts for marketing purposes. On the other hand, some results seem truly stunning, and in such cases, maybe there was a Reptile effect, or at least very good lawyering by Plaintiff's counsel. Other causes are negative rulings on evidence, poor witnesses, negative outcomes on jury instructions, and a host of other potential causes.

Before we conclude a verdict was a Reptile verdict, we should carefully assess liability and damages, and determine what we think a reasonable verdict could be. We don't want to give the Reptile strategy too much credit, not do we want to underestimate litigation tactics which appear to have a significant impact.