

Verdicts

& Settlements



Garo Mardirossian and Charles B. O'Reilly took on a Ford Explorer rollover case and got \$15 million from the dealership and Caltrans — but Ford is claiming victory. PAGE 4.

By Design

From left, attorneys Garo Mardirossian, Joseph M. Barrett and Charles B. O'Reilly.

CONTRACT

A tenant in default forfeited a \$15,000 fee and his option to buy the property he was leasing based on nonpayment of fees. **PAGE 16.**

PREMISES LIABILITY

A fire department must pay \$400,000 to a plaintiff who climbed a ladder and suffered soft issue injuries **PAGE 19.**

CIVIL RIGHTS

Los Angeles County settled for \$50,000 with a new prison inmate who suffered groin injuries during horseplay at his initial intake processing. **PAGE 23.**

EMPLOYMENT

A plaintiff won \$2.5 million after being struck in the abdomen by a co-worker with a long-history of violence in the workplace **PAGE 24.**

PRODUCT LIABILITY

A dye machine worker settled with a manufacturer for \$2.3 million after suffering second- and third-degree chemical burns **PAGE 19.**

Drive to Victory

In a recent personal injury case that settled for \$15 million, the jury found that the Ford Explorer is 'defective in design.'

BY CHRISTINA LANDERS

It was a horrible accident no matter how you look at it, when a husband and wife, their two young sons and the boys' cousin were tossed from their 1994 Ford Explorer. They all sustained life-altering injuries, including paralysis for the pregnant mother of two riding in the front seat.

The family, Agop and Catherine Gozukara, their children and a cousin, sued the Ford Motor Co. and Tustin-based Joe MacPherson Ford, the dealership that sold them their sport utility vehicle. Although they reached a \$14.9 million settlement, both sides in the case are claiming victory.

"The jury spoke loudly that this vehicle had a defective design," lead plaintiffs' counsel Garo Mardirossian, who represented Catherine Gozukara, says.

And someone has to pay. In this case, that someone is Joe MacPherson Ford, which settled before the trial went into the damages phase. The company agreed to pay \$9.4 million to the couple. The California Department of Transportation settled before trial to add another \$5.5 Million. *Gozukara v. Ford Motor Co.*, BCV04208 (San Bernardino Super Ct. verdict Feb. 5, 2002).

But defense counsel for the car manufacturer sees things differently.

"This lawsuit should've never been brought against Ford," Daniel S. Rodman of Irvine's Snell & Wilmer and co-counsel for Ford says. "The jury found this car's design had nothing to do with this accident. Ford is not at fault."

According to Mardirossian, because the jury ruled in a special verdict that the Ford Explorer has a "defect in design" based on its propensity to roll over, the verdict is a milestone that will be used in future rollover cases involving the Explorer.

"It's unfortunate that Ford keeps hiding their head in the sand like an ostrich, thinking that this SUV is safe," Mardirossian says.

Ford maintained throughout the trial, and even after the jury's verdict, that the Explorer's design had nothing to do with the Gozukaras' accident.

"The jury's verdict exonerated Ford legally and financially for the cause of this action," William J. Conroy of Wayne, Pa.'s Campbell, Campbell, Edwards & Conroy Who serves as Ford's national counsel, says. "At the end of the day, the plaintiffs' attorneys are probably going to be sending us a check for costs. We'll be sending them a bill in the hundreds of thousands of dollars."

"They still got nailed for the defect," Charles B. O'Reilly of Marina del Rey's O'Reilly & Hobart, attorney for Agop Gozukara, says.

"Shake, Shake, Shake, Vibrate Car"

When O'Reilly joined Mardirossian on this case, they didn't realize at the outset how much time they would be spending together in a courtroom in Barstow.

"That time in Barstow was the best lawyering experience I've had so far," O'Reilly says.

His research in preparation for the case made him almost an expert on the history of the Ford Explorer's design, he says.

The trial lasted four months. In that time, numerous witnesses took the stand to argue whether it was the Explorer's design, the car dealership's failure to repair a vibration in the Gozukaras' Explorer, a big-rig truck's swerve or Agop Gozukara's driving that caused the accident.

On May 24, 1997, the Gozukaras were driving from their home in Newport Beach to Las Vegas on the I-15 that runs through Barstow. Agop Gozukara, 41, drove with his pregnant wife, Catherine Gozukara, 40, in the front passenger seat. Their 10-year-old son, Mickael, and his cousin, Sayat, 10, were in the back seat along with

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