

CASE DATA INFORMATION SHEET

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| VERDICT: Plaintiff | | | SUBMITTED BY: <u>John Engvall, Jr.</u> PHONE: <u>(713) 787-6700, ext. 106</u> FAX: <u>(713) 787-0070</u> EMAIL: <u>jengvall@e-h-law.com</u> | | |
| CASE NAME: Cause No. 2001-3460; <i>Mario Bejarano v. C.F. Jordan, L.P.</i> ; 346 th Judicial District Court of El Paso County, Texas. | | | | | |
| INDEX NO. | | JUDGE Angie Juarez Barill | | COURT AND COUNTY: 346 JDC, EL Paso | |
| ARBITRATOR/MEDIATOR: | | DATE OF VERDICT: March 5, 2007 | | LENGTH OF TRIAL: Three days | |
| PLAINTIFF(S) ATTORNEYS: Ben H. Langford | | | | | |
| DEFENDANT(S) ATTORNEYS: John Engvall, Jr. Brian Lopez ENGVALL & HLAVINKA, L.L.P. | | | | | |
| TOTAL AWARD: \$608,000 Border Mechanical was 20% at fault. | | | | | |
| BREAKDOWN OF AWARD: Medicals: \$123,913 Past Pain and Mental Anguish: \$100,000 Future Pain and Mental Anguish: \$100,000 Impairment Past: \$50,000 Impairment Future: \$200,000 Earnings Lost for Past: \$20,000 Disfigurement: \$15,000 All other defendants settled out of case for \$300,000 | | | | | |

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| LIABILITY PERCENTAGES: Border Mechanical: 20% Ortega Construction: 30% Mario Bejarano: 20% Prologis: 20% C.F. Jordan: 10% | |
| JURY POLL: 10/2 | TIME JURY WAS OUT: 2 days |
| COMPOSITION OF JURY: 7 men, 5 women | |
| POST-TRIAL MOTIONS AND RESULTS: | |
| HAS NOTICE OF APPEAL BEEN FILED? No | IF SO, BY WHOM? |
| INSURANCE CARRIER(S): Gallagher Bassett Services Zurich Insurance Company | |
| DATE, TIME AND PLACE OF ACCIDENT OR OCCURRENCE: May 23, 2001 Intersection of Gateway West and Henry Brennan 7:21 p.m. | |
| AGE AND OCCUPATION OF PLAINTIFF(S): 41 Auto Repair/ Auto Body | |
| DESCRIPTION OF CASE: The accident report indicates that the automobile accident occurred at approximately 7:21 p.m. The report also indicates that Gateway West is a one-way, three-lane roadway that runs west along I-10. Plaintiff Mario Bejarano, in his 1995 red Saturn, was traveling westbound along Gateway West. The accident report indicates "witnesses stated that Unit #1 had been traveling at a high rate of speed and lost control after going over the mud pile on the Gateway. Unit #1 veered to the left and struck the south curb and went into the rock median then rolled over numerous times." The accident was originally reported as a death case to police when the accident happened. A priest was called to come to the scene and performed last rites. | |

PLAINTIFF'S INJURIES, TREATMENT AND RESIDUALS (Including allegations and defenses on damages. Specific concerning medical testimony).

Sustained brain injury after the accident with a Glasgow Coma Scale of 4. He underwent a frontal craniotomy and was diagnosed with multiple scalp lacerations for the open depressed skull fracture in the left frontal region. Plaintiff was hospitalized for 45 days at Thomason Hospital and Del Sol Rehabilitation in El Paso, Texas.

SPECIALS:

\$123,000 medicals

AMOUNT ASKED OF JURY: \$2.3 million and argued Border was 95% at fault.

DEMAND: \$550,000

OFFER: \$100,000

PLAINTIFF'S EXPERTS:

Tom Seymour
5534 Collinwood Avenue
Fort Worth, Texas 76107

Carlos Gonzalez, DC
Gonzalez Family Chiropractic
4172 Mesa
El Paso, TX

DEFENDANT'S EXPERTS:

Corwin Boake, Ph.D.
The Institute for Rehabilitation and Research
1333 Moursund
Houston, Texas 77030-3405

Rene Lujan
TNM Engineering and Accident Reconstruction
725 S. Mesa Hills, Bldg. 2, Suite 4
El Paso, Texas 79912

Jim D. Wiethorn, P.E.
HAAG Engineering
325 Industrial Blvd.
Sugar Land, TX 77478
(281) 313-9700

Guido A. Barrientos, Ph.D.
5959 Gateway West, Suite 365
El Paso, TX 79925
(915) 778-8442

Tom Prestidge
PSRBB Architects, Inc.
1845 Northwestern Dr., Suite A
El Paso, TX

OTHER COMMENTS:

Plaintiff contended project site was fine when workers from Ortega and C.F. Jordan left. Plaintiff further contended that an employee from Border Mechanical showed up and turned the water on causing mud to run down the hill and onto Gateway West. Plaintiff additionally contended that Border should have initially installed the water line deeper and marked it.

Defense contended the water line was installed properly and was compliant with code. Defense also contended that they did not turn the water back on. Plaintiff's own expert stated the accident was caused by Ortega, C.F. Jordan and Prologis when they failed to walk the property before the break, failed to read the drawings and/or failed to secure copies of all drawings clearly showing the line.