

VERDICTS, JUDGMENTS & SETTLEMENTS

Trial Court Results:

Lewis, Slovak & Kovacich has achieved significant recoveries on behalf of its clients throughout the State of Montana. The firm's lawyers have proven time and again that they are willing to take serious injury cases to trial, with very favorable results. When deciding which law firm to hire for a serious injury case, you should thoroughly review the trial results of the attorney you elect to retain. The following are some of the significant judgments obtained by Lewis, Slovak & Kovacich:

1. *Sunburst v. Texaco*: \$41.2 million verdict for environmental contamination. Lewis, Slovak & Kovacich was recognized by Top 100 Verdicts in the United States for 2004; read more at www.verdictsearch.com.
2. *Parsons v. Expo Park*: \$13.75 million judgment for traumatic brain injury resulting from defective parking barrier.
3. *Musselman v. USA*: \$11.25 million FTCA judgment for traumatic brain injury resulting from hazardous snowmobile trail system maintained by US Forest Service.
4. *Salway v. Shodair*: \$2.25 million judgment for sexual assault of female patient.
5. *Dinsmore v. 1st Bank*: \$8.0 million verdict for commercial bad faith.
6. *Weber v. Blue Cross*: \$1.1 million verdict for insurance bad faith.
7. *Gibby v. Noranda*: \$1.3 million verdict for safe place to work claim resulting from underground mining operations.
8. *Johnson v. USA*: \$3.0 million FTCA judgment for dramshop liability.
9. *Sun River Co-Op v. Cenex*: \$2.5 million verdict for commercial bad faith.
10. *Jackson v. Jackson*: \$1.0 million judgment on behalf of worker injured by a piece of defective farm equipment.
11. *Quick v. MSF*: lifetime domiciliary care benefits, fees, costs, and statutory penalty (\$5.0 million) for injured worker.

Appellate Court Results:

Lewis, Slovak & Kovacich has gained a reputation for handling highly visible cases that have advanced not only the cause of its individual clients, but the rights of Montana workers, consumers, and landowners. The following are some of the significant appellate results that have established or advanced the rights of Montana citizens. Each decision has effected important change or clarification of Montana law in favor of injured plaintiffs.

1. *Lockwood v. W. R. Grace*: obtained a ruling from the Montana Supreme Court defeating the workers' compensation exclusivity defense and allowing W. R. Grace employees to sue directly for asbestos-related disease.
2. *Caroll v. W. R. Grace*: obtained a ruling from the Montana Supreme Court extending the statute of limitations for wrongful death claims resulting from asbestos-related disease.
3. *Larson-Murphy v. Steiner*: obtained a ruling from the Montana Supreme Court abolishing a century old doctrine (open range) that provided absolute immunity to livestock owners.
4. *Sunburst v. Texaco*: obtained a ruling from the Montana Supreme Court affirming a 16 million dollar compensatory award and affording private landowners a common law cause of action for restoration damages.
5. *Oberson v. USA*: obtained a ruling from the Ninth Circuit Court of Appeals affirming a substantial judgment (\$11.25 million) entered in favor of an injured snowmobiler and affirming the Federal District Court's rejection of the government's discretionary function defense.
6. *Johnson v. USA*: obtained a ruling from the Ninth Circuit Court of Appeals rejecting *Feres* doctrine defense and affirming and increasing a substantial judgment in a dramshop liability claim brought against the USA by an injured airman.
7. *Oberson v. USA*: upon certification from the Ninth Circuit Court of Appeals, obtained favorable rulings from the Montana Supreme Court finding Montana's Snowmobile Liability Act to be unconstitutional and barring application of the Recreational Use statute.
8. *Nelson v. Cenex (2005)*: obtained favorable ruling from the Montana Supreme Court on venue issue involving out of state corporate defendants.
9. *Nelson v. Cenex (2008)*: obtained favorable ruling from the Montana Supreme Court reversing the district court's dismissal of a diseased worker's asbestosis claim on the basis of workers' compensation exclusivity.
10. *Haman v. MACO*: obtained a favorable ruling from the Montana Supreme Court rejecting application of the collateral source offset statute.
11. *Oberson v. Federated Mutual Insurance Company*: obtained favorable rulings from the Montana Supreme Court on a dispositive choice of law issue and affirmance of the lower court's rejection of workers' compensation insurer's subrogation claim.

12. *Gibby v. Noranda*: obtained a ruling from the Montana Supreme Court affirming a substantial jury verdict and recognizing a project owner's non-delegable duty to provide workers a safe place to work.
13. *Winchell v. MSF*: obtained a ruling from the Montana Supreme Court affirming compensability of stress-related aneurysm absent physical trauma.
14. *MacMillan v. MSF*: obtained a ruling from the Montana Supreme Court extending protection of WDEA to management employees.

Favorable Settlements:

Lewis, Slovak & Kovacich have been successful in achieving numerous seven and eight figure settlements on behalf of injured Montanans. Such settlements have been reached only after extensive litigation and trial preparation. The cases wherein such favorable settlements have been reached include product liability claims, safe place to work claims, insurance bad faith claims, asbestos disease claims, and environmental claims. A significant number of the settlements qualify among the largest and most notable settlements in the State of Montana.

Product Liability Claims:

1. *Huston v. Time-Savers*: confidential settlement against manufacturer of large scale industrial sander used at lumber mill. The defect involved the failure to equip the industrial sander with an anti-kickback device.
2. *State ex rel. Mazurek v. Philip Morris*: settlement of tobacco litigation (\$800 million) brought by State of Montana. Tom L. Lewis and J. David Slovak appointed as Special Assistants Attorney General to team of trial counsel retained by State to pursue claim.
3. *Patterson v. TCM*: confidential settlement for family of deceased worker against manufacturer at forklift involved in worker's death.

Safe Place to Work Claims:

1. *Nelson v. EnCana*: confidential settlement of a safe place to work claim arising from a natural gas compressor station explosion.
2. *Skramstad v. Plum Creek*: confidential settlement of a safe place to work claim brought against the corporate owners of an injured employee's immediate employer. The Federal District Court ruled that workers' compensation exclusivity did not bar the claim and the Ninth Circuit Court of Appeals rejected an interlocutory appeal.
3. *Hunt v. Browning*: confidential settlement of a safe place to work claim brought on behalf of a worker that fell, suffering paralysis.

4. *Ratkiewitz v. Waste Management*: confidential settlement for man suffering leg amputation during operation of garbage truck.
5. *Lindeman v. Mountain Power*: confidential settlement for man suffering arm amputation caused by electrical contact with high voltage power line.

Insurance Bad Faith Claims:

1. *Bustell v. AIG*: \$6.7 million bad faith settlement in favor of plaintiff and as a result of the workers' compensation insurer's denial of her claim.
2. *Derks v. Conseco*: confidential settlement achieved on behalf of an elderly nursing home resident that was denied long-term care benefits. This case was featured in the New York Times.

Asbestos Disease Claims:

1. *Stone v. ARCO*: confidential settlement reached against immediate employer for asbestos-related lung disease (mesothelioma).
2. *Sprunger v. ARCO*: confidential settlement reached against immediate employer for asbestos-related lung disease (mesothelioma).
3. *Moos v. BNSF*: confidential settlement reached against immediate employer for asbestos-related lung disease (mesothelioma).
4. *Davidson v. W.R. Grace*: confidential settlement reached against immediate employer for asbestos-related lung disease (mesothelioma).
5. *Schnetter v. W.R. Grace*: confidential settlement reached, following seven days of trial, against immediate employer for asbestos-related lung disease (asbestosis).
6. *Spragg v. Anaconda Co.*: confidential settlement reached against immediate employer for lung disease resulting from refinery operations.
7. *Flamand v. Anaconda Co.*: confidential settlement reached against immediate employer for lung cancer resulting from refinery operations.

Environmental Claims:

1. *North Havre Residents v. BNSF*: plaintiffs asserted claims against BNSF for releasing dangerous contaminants into the soils and waters of North Havre; this litigation culminated in a confidential settlement on behalf of approximately 100 residents.

2. *Sunburst v. Texaco*: confidential settlement of punitive damage claim following remand from the Montana Supreme Court on behalf of approximately 90 residents of Sunburst.
3. *Ruddy v. BNSF*: confidential settlement on behalf of property owner harmed by pollution from neighboring railyard.
4. *Feight v. Golden Sunlight Mines*: confidential settlement on behalf of property owner harmed by pollution from neighboring mine.
5. *Hipkins v. CHS*: confidential settlement on behalf of property owner harmed by pollution from neighboring petroleum bulk plant.

Other Notable Settlements:

1. *Wilburn, et al. v. Horace-Mann*: confidential settlement brought on behalf of a number of former agents to recover business expenses and overtime compensation.
2. *Brown v. Ryder*: confidential settlement reached against a national truck rental company as a result of that company's negligent retention of transport drivers and failure to monitor driving hours.
3. *Hunt v. MSF*: \$1.5 million workers' compensation settlement.
4. *Dobos DeBoleraz v. MPC*: \$1.2 million worker' compensation settlement including domiciliary care benefits.