

Personal Injury Litigation

Overview

GTTC's trial lawyers are accomplished in personal injury litigation - on both sides of the "v."

We have substantial experience in the resolution of catastrophic injury and wrongful death cases and have tried scores of personal injury cases to verdict. Unlike most personal injury practices, we don't limit ourselves to representing only plaintiffs or only defendants. This balance enhances our effectiveness in both roles – we have achieved multimillion-dollar recoveries for plaintiffs and defense verdicts and summary dismissals for defendants.

Representative Matters

In multi-state class action, health self-insurer required to change practices

In 2008, David Benson was severely injured in a motorcycle accident. He received \$25,000 from the driver's insurance, but this was well below the amount of his medical expenses. To pay the remainder, he submitted a claim to his own insurer, Providence Health & Services. Providence refused to pay the claim unless he first tendered over the money he had received from the driver's insurance. He refused and Providence denied his claim. With the assistance of Jeff Thomas and Mark Wilner, Benson filed a class action lawsuit alleging that Providence was liable for damages under the "made whole" doctrine – a state common law rule that precludes such demands. Benson prevailed, and he and other members of the class were fairly compensated.

Unanimous multi-million dollar federal jury verdict in wrongful maritime death case

In 2010, 33-year-old Lia Hawkins was part of a small crew working in a Ballard shipyard as part of a project to turn a 300-foot long oceanographic-research vessel into a luxury floating hotel. She worked part time as an office assistant but, to avoid losing her job, helped the others with large-scale demolition of sections of the ship, including throwing heavy metal refuse through a gap in the ship's fourth-floor railing into a recycling container four decks below. Lia disappeared from the

workplace, leaving her car, keys and purse behind; her drowned body was later found in the water next to the ship. Her estate filed a maritime wrongful death action, alleging that Lia’s employer had failed to maintain a reasonably safe workspace on the ship, including having Lia—untrained in maritime matters generally and ship construction specifically—handling the demolition work. After a two-week jury trial in U.S. District Court in Seattle, Mark Wilner and Susannah Carr (along with co-counsel) obtained a unanimous \$3.45 million verdict. In addition, the court awarded prejudgment interest and other relief, for a total judgment amount of over \$4 million. The Court subsequently directed the U.S. Marshal’s service to seize the ship and auctioned it off to help pay the judgment.

Multi-million dollar settlement for boy severely injured by baseball pitching machine

At a youth baseball club, a young boy had finished hitting drills in the batting cage and was picking up baseballs using his helmet as instructed when he was struck in the head by a baseball fired by a still-on “Iron Michael” pitching machine. As a result, the boy suffered a traumatic brain injury requiring a lifetime of special care. The boy’s devastated family sued the facility, alleging inadequate supervision of the children using its batting cages. Mark Wilner and Jeff Tilden represented the boy’s family in this complex three-year case. Following pretrial litigation in King County Superior Court, the parties reached a settlement that required the defendant to pay \$2 million (primary layer insurance limits) and permitting a subsequent declaratory judgment action against the excess insurer for an additional \$1.6 million—a lawsuit that settled soon after it was filed. As a result, the boy will receive the services he needs and the facility has strengthened its batting-case supervision.

LDS Church defended in sex abuse cases

The Church of Jesus Christ of Latter-day Saints is the largest sponsor of Boy Scout troops in the United States. In recent years, a number of former scouts have commenced negligence suits against the church alleging sexual abuse in the 1960s, 1970s and 1980s on the part of scoutmasters and other adult men involved in scouting. Chuck Gordon, Jeff Tilden and Michael Rosenberger were retained to defend the church against a number of these lawsuits. They have successfully tried many of them and successfully handled others on appeal.

Negligence case against apartment complex in hash oil explosion

A tenant manufacturing hash oil in his Bellevue apartment caused a massive explosion that destroyed ten apartments and their contents and injured residents. With the help of Michael Rosenberger and Chelsey Mam, a tenant who lived next-door to the hash operation sued Hampton Greens Apartments and its property manager, Riverstone Residential West, for negligence. Despite having received a report of the drug operation, the complex and the property manager had failed to take action to commence eviction. In a 2015 bench trial, the King County Superior Court awarded GTTC's client the full value of his destroyed property and general damages within the specific range asked for in closing argument.

Canadian woman struck by truck, receives \$1.3 million

When their flight out of Bellingham Airport was delayed, a Canadian couple took a taxi to the Bellis Fair Mall to go shopping. After the cab driver dropped them off in a loading area at the mall, the woman was struck by an armored vehicle owned by Kenneth L. Kellar Truck Lines. With the assistance of Mark Wilner and Jeff Thomas, the woman and her husband successfully sued Kellar Truck Lines. The case resulted in a \$1.3 million jury verdict for the plaintiffs.