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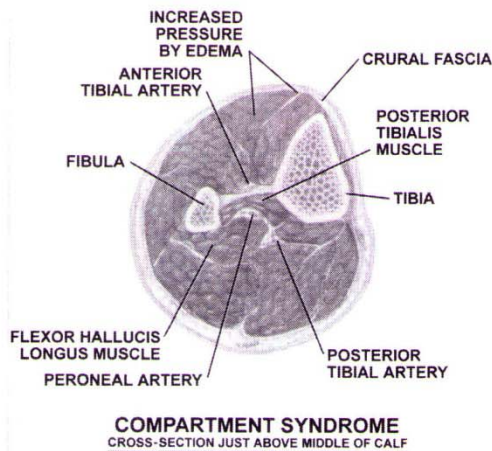
NOVEMBER 13, 2000

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Crew member injured when thrown from dinghy that crashes into yacht**MARITIME****SAN DIEGO COUNTY SUPERIOR COURT**

Marmol v. Adela Corporation, No. 725267, Central. Raymond F. Zvetina. Jury trial: 18 days. Verdict/judgment: 10/6/2000.

VERDICT/JUDGMENT: \$5,972,000

Vote: 10-2. Deliberations: 2.5 days.

TRIAL COUNSEL

Plaintiff: Cynthia D. Hafif, Law Offices of Herbert Hafif, Claremont. Greg Hafif, Law Offices of Herbert Hafif, Claremont. Jeanne A. Sterba, Law Offices of Herbert Hafif, Claremont.

Defendant: William D. Hughes, Hughes & Nunn, San Diego. Melissa Mixer, Hughes & Nunn, San Diego. Earl J. Imhoff, Coudert Brothers, Los Angeles.

FACTS/CONTENTIONS

According to plaintiff: Plaintiff claimed that defendant's negligence caused plaintiff to be thrown from a dinghy that crashed into an anchored yacht. The plaintiff was Raul Marmol, a 36-year-old crew member/prop maker. The defendant was Adela Corporation, a Florida corporation.

The incident occurred on May 28, 1998. Plaintiff was an employee of the Adela Corporation who was acting as a crew member delivering a 175-foot schooner yacht entitled the "Adela" from San Diego to Fiji. The crew members, including plaintiff, decided to go ashore utilizing a Zodiac dinghy. The first mate was driving the dinghy at night without any form of illumination when it crashed into an anchored yacht, the "Winxy." Upon impact, plaintiff was thrown from the Zodiac and hit his head and shoulder on the "Winxy."

Trial Reports

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Plaintiff alleged that defendant was negligent in failing to watch or keep a proper lookout for fixed objects or anchored vessels and for traveling at an unsafe speed. Defendant contended that it was responsible and that its officer signed a statement to that effect. Defendant, however, disputed that it was negligent. Defendant argued that there was no objective evidence by way of MRI, EEG or CT scans to support a finding of brain damage and contended that plaintiff was a malingerer and a faker.

CLAIMED INJURIES

According to plaintiff: Brain injury with psychological manifestations of seizure-like episodes; broken clavicle; bulging disks at C5-C6; treatment consisting of rehabilitation, physical therapy and epidurals.

CLAIMED DAMAGES

According to plaintiff: Approximately \$280,000 past medical; approximately \$2,000,000 future medical; approximately \$175,000 past income; approximately \$1,696,955 future income.

SETTLEMENT DISCUSSIONS

According to plaintiff: Demand: Policy of \$5,000,000. Offer: \$1,200,000 structured in an annuity over time.

TRIAL EXPERTS

Plaintiff: Wayne H. Lancaster, Ph.D., economist, Wayne Lancaster & Associates, Fullerton (714) 992-2653. David R. Rice, pediatric neurologist, Upland (909) 949-7443. Thomas Robert Garrick, psychiatrist, UCLA, Los Angeles. Shoba Sreenivasan, neuropsychologist, Los Angeles.

Defendant: Mark A. Kalish, psychiatrist, San Diego (619) 282-7172. Raymond M. Vance, orthopedic surgeon, Orthopedic Medical Group, San Diego (858) 270-4420.

COMMENTS

According to plaintiff: The insurance carrier was Lloyds of London. Motion for new trial/appeal was unknown at the time of this report except that defendant has expressed that the verdict was "excessive."