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The Harmonie Group law firms say they can win big cases and deliver favorable outcomes.

Why don't we just let the evidence speak for itself?

It's one thing to simply make bold statements about the performance of an organization. And quite another to back those claims with result after result that proves the point.

But rather than just say how capable Harmonie firms are, we thought we should offer proof. On the following pages are a few of the more significant cases of 2003. The results our firms achieved speak for themselves, but we'll let you be the judge.

THE HARMONIE GROUP®

THE JURY HAS SPOKEN.

The Harmonie Group law firms win important cases.

We know the law. We know each other. Our goal is to achieve the best possible outcome for you each and every time. It's what we call ***National Access to Excellence.*** *It is what sets The Harmonie Group apart, it's what makes Harmonie unique, and gives us the track record to prove it.*

CASE : **PRODUCT DESIGN DEFECT**
STATE : **INDIANA**
COUNSEL : **KEVIN C. SCHIFERL AND ROBERT B. THORNBURG**
FIRM : **LOCKE REYNOLDS, L.L.P.**
HEADQUARTERS : **INDIANAPOLIS, IN**
RONALD CABANISS, CABANISS SMITH TOOLE & WIGGINS, P.L., *Co-counsel (Not a Harmonie firm).*

Ford Motor Company was sued in a case of alleged negligent vehicle roof design. The plaintiffs, a husband and wife, alleged that the husband was rendered a quadriplegic during an accident due to a defect in the roof design of their 1995 Ford Explorer. At trial, the plaintiffs asked for $27 million in compensatory damages and $81 million in punitive damages. **After an eight-week trial, the jury deliberated for over four days and returned a defense verdict in favor of Ford.**

CASE : **PERSONAL INJURY**
STATE : **HAWAII**
COUNSEL : **PAUL YAMAMURA AND WESLEY SHIMAZU**
FIRM : **YAMAMURA & SHIMAZU**
HEADQUARTERS : **HONOLULU, HI**

An amusement park, located in California, was sued in Hawaii. The plaintiff allegedly suffered a subdural hematoma while riding a roller coaster at a California amusement park, but did not seek medical treatment until after she returned to Hawaii. The plaintiff contended that she learned of the park's attractions and hours of operation through an Internet website and national advertising. **After summary judgment by the trial court, the Hawaii Supreme Court concluded on appeal that the plaintiff's injury and its consequences occurred in California and that the subsequent events in Hawaii only amounted to treatment for the injury.**

CASE : **NEGLIGENT SECURITY**
STATE : **CONNECTICUT**
COUNSEL : **CHARLES A. DELUCA**
FIRM : **RYAN, RYAN, JOHNSON & DELUCA, L.L.P.**
HEADQUARTERS : **STAMFORD, CT**

Metro-North Railroad was sued in a negligent security case. James Sullivan was walking in the direction of the South Norwalk train station after an evening of socializing, when a gang attacked and shot him five times, resulting in Mr. Sullivan's death. The shooter was caught and pled guilty to first-degree murder. The plaintiff, Mr. Sullivan's estate, brought suit against Metro-North and others, claiming negligent security and failure to provide proper security in the deployment of its police officers. The pretrial demand was $3 million. The plaintiff did not ask for a specific sum in final argument, but was able to put forth economic damages to the jury in excess of $1 million. **After two and one-half hours of deliberation, the jury found that the murder of Mr. Sullivan was not foreseeable by the defendant and returned a verdict in their favor.**

CASE : **EMPLOYMENT/WHISTLEBLOWER DEFENSE**
STATE : **NEW HAMPSHIRE**
COUNSEL : **EDWARD M. KAPLAN**
FIRM : **SULLOWAY & HOLLIS, P.L.L.C.**
HEADQUARTERS : **CONCORD, NH**

An employee who alleged "whistle blower" retaliation and wrongful discharge sued a national defense contractor. The employee also alleged that the contractor took unsafe and irresponsible shortcuts in its manufacture of anti-missile radar detection devices for use on aircraft, thus exposing military and other government personnel to increased risks of a missile strike. The plaintiff sought damages in excess of $500,000 and injunctive relief against the defendant. **After 15 days of trial and one day in deliberation, the jury returned a verdict for the defendant on all counts.**

CASE : **MEDICAL MALPRACTICE**
STATE : **PENNSYLVANIA**
COUNSEL : **JAMES R. KAHN**
FIRM : **MARGOLIS EDELSTEIN**
HEADQUARTERS : **PHILADELPHIA, PA**

An obstetrician was one of several defendants sued in an obstetrical malpractice suit involving a severe birth injury. The judge found insufficient evidence that the defendant obstetrician had negligently left the patient in the care of an allegedly inexperienced colleague. While a jury verdict of $24 million was rendered against the other defendants, **the defendant obstetrician was absolved of any liability at the close of the plaintiffs' case.**

CASE : **PERSONAL INJURY DEFENSE**
STATE : **NEW JERSEY**
COUNSEL : **ROBERT M. KAPLAN/ IAN M. SIROTA**
FIRM : **MARGOLIS EDELSTEIN**
HEADQUARTERS : **WESTMONT, NJ**

An employee who had suffered a traumatic injury when his right hand was caught in the ejection chute of a snow blower sued Whitesell Construction Company. The plaintiff contended that, unbeknownst to him, the snow blower's dead man switch had been deactivated by his employer, constituting an intentional wrong as defined by New Jersey law. A plaintiff verdict on liability was entered. In a separate damages trial, the plaintiff obtained an award of $170,137. **The defendant appealed, and the Appellate Division reversed the decision**, holding that the defendant's motion for summary judgment on the issue of liability should have been granted and, failing that, the defendant's motion for a directed verdict or judgment at trial should have been granted. **On further appeal, the New Jersey Supreme Court agreed.**

CASE : **EMPLOYMENT-WRONGFUL TERMINATION/DEFAMATION**
STATE : **MARYLAND**
COUNSEL : **MONTE FRIED/BOB HESSELBACHER**
FIRM : **WRIGHT, CONSTABLE & SKEEN, L.L.P.**
HEADQUARTERS : **BALTIMORE, MD**

An employee claiming wrongful termination and defamation sued a multi-state construction contractor. She sought significant compensatory and punitive damages, claiming she had been fired because she reported employees' use of drugs and because the employer failed to provide her with a safe working environment. After extensive discovery, a motion for summary judgment was granted: The Court ruled the evidence did not establish a claim of wrongful termination and that federal labor law preempted her defamation claim. **The U.S. Court of Appeals for the Fourth Circuit affirmed in favor of the contractor.**

CASE : **MEDICAL MALPRACTICE**
STATE : **NEW HAMPSHIRE**
COUNSEL : **ROB LANNEY**
FIRM : **SULLOWAY & HOLLIS, P.L.L.C.**
HEADQUARTERS : **CONCORD, NH**

A cardiothoracic surgeon was sued for an alleged negligent placement of a tracheostomy. The physician performed a triple coronary artery bypass graft on the 62-year-old plaintiff. Post-operatively, the patient experienced respiratory distress, which required prolonged mechanical ventilation and the eventual need for a tracheostomy. The plaintiff alleged that the physician negligently placed the tracheostomy, resulting in laryngeal dysfunction and vocal cord paralysis, which required a permanent tracheostomy. The defendant asserted that the patient's injury was due to the risk inherent in prolonged use of a tracheostomy tube. **After six hours of deliberation, the Court rendered a verdict in favor of the defendant physician.**

CASE : **UMBRELLA POLICY COVERAGE**
STATE : **VIRGINIA**
COUNSEL : **JOHN M. CLAYTOR, MARK G. CARLTON AND MICHELLE WILTSHIRE**
FIRM : **HARMAN, CLAYTOR, CORRIGAN & WELLMAN**
HEADQUARTERS : **RICHMOND, VA**

Mr. Holmes Moore, who was a passenger in a vehicle operated by his wife and involved in a collision, sued GEICO Insurance Company. Mr. Moore sustained a significant brain injury and alleged damages in excess of $1.3 million. Mr. Moore was the named insured under separate personal auto and umbrella liability policies. GEICO paid the $300,000 limit covered under the auto policy. The company denied coverage under the $1 million umbrella liability policy based upon the policy's exclusion of "personal injury to any insured." Moore argued that the exclusion was void as an impermissible limitation on the coverage mandated by the state's omnibus clause statute. **The Virginia Supreme Court agreed with GEICO and ruled that personal umbrella liability policies do not fall within Virginia's omnibus clause statute and that the standard intra-family exclusion found in such policies bars coverage for claims between insureds.**

CASE : **BODILY INJURY APPEAL**
STATE : **NEW YORK**
COUNSEL : **DANIEL J. FRIEDMAN AND JOSEPH FITAPELLI**
FIRM : **ABRAMS, GORELICK, FRIEDMAN & JACOBSON, P.C.**
HEADQUARTERS : **NEW YORK, NY**

A plaintiff claiming injuries when he slipped and fell in the locker room of Silver Lake Golf Course sued American Golf Corporation. The jury awarded the plaintiff a verdict in the sum of $165,000. Abrams, Gorelick, Friedman & Jacobson represented American Golf Corporation on the appeal. The Court ruled that the plaintiff failed to establish the existence of a defect, found no evidence that the alleged defect was the proximate cause of plaintiff's accident, ruled that the defendant did not have prior notice of the alleged defective condition; and found that the verdict went against the weight of the credible evidence. **The Appellate Division reversed the verdict and further dismissed the plaintiff's complaint. Plaintiff moved for leave to appeal to the New York Court of Appeals: It was denied.**

CASE : **AUTO ACCIDENT-DEATH**
STATE : **MISSISSIPPI**
COUNSEL : **BOBBY MILLER AND DAN JORDAN**
FIRM : **BUTLER, SNOW, O'MARA, STEVENS & CANNADA, P.L.L.C.**
HEADQUARTERS : **JACKSON, MS**

Nissan and Corr-Williams were sued in an auto accident case. Kellie Brandenburg, age 17, was driving a Nissan Sentra with her teenage boyfriend in the passenger seat and another teenage boy in the back seat. Plaintiffs allege that Miss Brandenburg carefully pulled out of her driveway onto a rural Mississippi highway and the Sentra stalled in the road for several minutes, when a speeding Corr-Williams delivery van ran into it. Miss Brandenburg was killed instantly; the two passengers suffered substantial physical injuries and brain damage. Defendants argued that the car never stalled, that plaintiffs pulled out of the driveway without looking, and that the driver of the van did not have time to avoid contact. The plaintiffs voluntarily dismissed Nissan three days before trial and proceeded against Corr-Williams and its driver. Following an eight-day trial, the plaintiffs asked the jury to award damages exceeding $15 million. **The jury returned a verdict in favor of the defense after deliberating for 50 minutes.**

CASE : **CARBON MONOXIDE POISONING**
STATE : **NORTH CAROLINA**
COUNSEL : **DAN HARTZOG, JOE CHAMBLISS AND DONNA RASCOE**
FIRM : **CRANFILL, SUMNER & HARTZOG, L.L.P.**
HEADQUARTERS : **RALEIGH, NC**

The Raleigh Housing Authority was sued by plaintiffs seeking $16.2 million for injuries resulting from exposure to carbon monoxide, including headaches, nausea, nosebleeds, memory loss, cognitive defects, blurred vision, sleep disturbance, allergies, asthma, hypertension, poor concentration and behavior problems. **After four and a half weeks of trial, the jury rejected the claims of eight plaintiffs and awarded $18,000 to eleven of the plaintiffs (a total of $198,000), substantially less than the millions requested. Further, the court declined to award costs and fees and instead ordered each side to pay its own.**

CASE : **MEDICAL MALPRACTICE**
STATE : **KENTUCKY**
COUNSEL : **CAROL DAN BROWNING**
FIRM : **STITES & HARBISON**
HEADQUARTERS : **LOUISVILLE, KY**

An anesthesiologist was sued for malpractice. The plaintiff (the decedent) was brought to a local hospital with an acutely dissecting aorta. The plaintiff alleged that surgery was delayed and sued the cardiothoracic surgeon, the hospital and the anesthesiologist. The cardiothoracic surgeon settled for his policy limits and the hospital settled for a very significant amount of money. The anesthesiologist proceeded to trial. The plaintiff, who was a very successful business owner, argued for $78 million in damages based on destruction of his earning capacity. **Following a two-week trial, the Court ruled in favor of the defense.**

CASE : **PERSONAL INJURY**
STATE : **CALIFORNIA**
COUNSEL : **FLOYD SIEGAL**
FIRM : **SPILE & SIEGAL**
HEADQUARTERS : **LOS ANGELES, CA**

The owner of an apartment building, insured by RLI, was sued when the plaintiff tripped, fell and fractured her hip, resulting in two surgeries. She sued the apartment owner, contending that a defective sidewalk constituted a dangerous condition, and demanded over $400,000 in damages. **The jury, after deliberating less than four hours, returned a verdict in favor of the defense.**

CASE : **PRODUCT LIABILITY**
STATE : **MASSACHUSETTS**
COUNSEL : **JIM CAMPBELL**
FIRM : **CAMPBELL CAMPBELL EDWARDS & CONROY**
HEADQUARTERS : **BOSTON, MA**
DAVID J. RUSSELL, KELLER ROHRBACK,
Co-counsel (Not a Harmonie firm).

The estate of Rick Carter, who died as a result of an accident that occurred while he was riding a 1995 Honda Goldwing motorcycle, sued American Honda Motor Co. Inc. Mr. Carter had drifted off the highway and, after traveling for approximately 300 feet on soft gravel, lost control of his motorcycle. His estate brought suit against Honda alleging that a deviation in the metallurgical specifications for the front rim and wheel had caused the wheel to fracture which, in turn, caused Mr. Carter to drive off the highway. Mr. Carter's children claimed that they found pieces of the front wheel rim in locations that would suggest that the rim had broken before the accident occurred. Honda contended the physical evidence suggested the rim was intact before Mr. Carter lost control. The plaintiff asked for $2.5 million in damages. **After a ten-day trial and one and one-half hours of deliberations, the 8-person jury returned a defense verdict in favor of Honda.**

CASE : **MEDICAL MALPRACTICE**
STATE : **CONNECTICUT**
COUNSEL : **KEVIN M. TEPAS**
FIRM : **RYAN, RYAN, JOHNSON & DELUCA, L.L.P.**
HEADQUARTERS : **STAMFORD, CT**

An obstetrician was sued for $2.5 million in damages due to alleged medical malpractice. At trial, the plaintiff argued that the defendant-obstetrician knew of the possibility of a large fetus due to the mother's gestational diabetes and an ultrasound performed one month before delivery. The plaintiff further asserted that if the defendant had performed a cesarean section, it would have prevented the shoulder dystocia that resulted in neurological, physiological and cognitive injury to the child. **The jury returned a verdict in favor of the defense.**

THE VERDICT IS IN.

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CASE : **DRUG CASE-OXYCONTIN**
STATE : **KENTUCKY**
COUNSEL : **JOHN M. FAMULARO AND DANIEL E. DANFORD**
FIRM : **STITES & HARBISON**
HEADQUARTERS : **LOUISVILLE, KY**

Eight OxyContin plaintiffs (originally part of a class action that was denied certification) sued Purdue Pharma, claiming they were addicted to or their family members were killed by OxyContin. **The Court, on Summary Judgment, found that the plaintiffs could not demonstrate causation.**

CASE : **PREMISES LIABILITY**
STATE : **MASSACHUSETTS**
COUNSEL : **JAMES M. CAMPBELL, MICHELLE I. SCHAFFER AND TREVOR J. KEENAN**
FIRM : **CAMPBELL CAMPBELL EDWARDS & CONROY**
HEADQUARTERS : **BOSTON, MA**

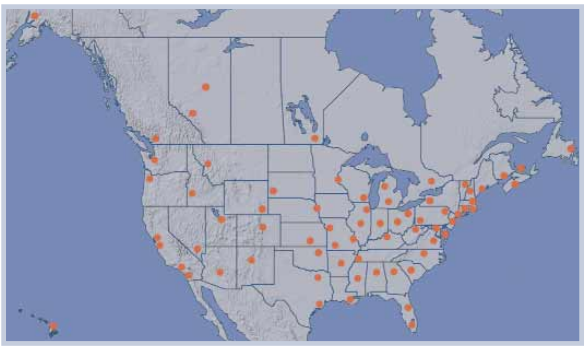
A summer camp in New England was sued when the plaintiff, age 14, suffered injuries that rendered him a quadriplegic during a general swim at the camp's enclosed lakefront swimming area. The injuries occurred when the plaintiff allegedly ran into the water to a depth above his knees and plunged headfirst into the water, striking his head on the bottom and breaking his neck. The plaintiff alleged that the camp was negligent both in failing to warn that the run and plunge entry performed by the plaintiff was dangerous, and in failing to supervise properly in order to prevent this dangerous activity. The defense argued that water entry was not dangerous when done properly – by running under control into a familiar environment to a sufficient depth and performing a shallow dive. The plaintiff, who had an extensive swimming background, was in his fourth summer at the camp and was very familiar with the waterfront area. **The 10-person jury returned a defense verdict after seven hours of deliberations.**

CASE : **MEDICAL MALPRACTICE**
STATE : **COLORADO**
COUNSEL : **JOHN CLOUGH**
FIRM : **COOPER & CLOUGH, P.C.**
HEADQUARTERS : **DENVER, CO**

An emergency room doctor was sued in a medical malpractice case by a patient alleging RSD (reflex sympathetic dystrophy) as the result of 18 to 20 needle sticks from attempts to insert an IV in her right foot. After six days of plaintiff's evidence, the court held that the defendant had no legal duty to foresee this kind of injury and found no proof of causation other than a temporal relationship. During a lunch break just prior to resuming trial on the sixth day, a juror ran into the courtroom asking for help because another juror had passed out. Without prompting, the defendant jumped up and went to the jury room to assist. He briefly and without heroic, helped the juror and returned to the courtroom when the EMT's arrived. The plaintiff asked for a mistrial. The court, after interviewing the jurors and dismissing the sick juror, asked for briefs while the plaintiff's last witness testified. **The judge entered the directed verdict motion and further ruled the mistrial motion moot.**

ABOUT THE GROUP.

The Harmonie Group is an association of independent law firms whose member firms provide legal services to corporations, insurance carriers and third party claim administrators. Membership is by invitation only and limited to highly-qualified firms with the experience and success in handling the type of complex and difficult high-stakes litigation that has earned Harmonie firms the reputation and respect they have among their peers, the courts and their clients. Our network spans all fifty states, affording clients efficient, reliable and consistent services across jurisdictions. Access to defense firms in Canada is also available through our affiliation with the Canadian Litigation Counsel.



The Harmonie Group network spans all fifty of the United States of America with access to defense firms in Canada through our affiliation with the Canadian Litigation Counsel.

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