

Consumer Attorneys™
OF SAN DIEGO
Never stand alone.™

*An Evening
with the
Trial Stars*

10.29.2009

US GRANT HOTEL

Dinner Program

WELCOME & ACKNOWLEDGEMENTS

Scott D. Levine, CASD President-Elect

DINNER SERVICE

AWARDEE INTRODUCTIONS

Carol LeBeau

AWARDS FOR THIS EVENING

Gary A. Sernaker

Outstanding Advocate Award in the case:

Thomas Royden and Kozy Amemiya v. Cloud 9 Motor Coach, Inc.

Daniel M. Gilleon

Outstanding Trial Lawyer Award in the case:

Yoon v. Schwilk, Carney

John H. Gomez & James S. Jagmin

Outstanding Trial Lawyer Award in the case:

LaFramboise v. Krebs, et al.

Kenneth M. Sigelman & Penelope Phillips

Outstanding Trial Lawyer Award in the case:

Pritchard v. Coram Healthcare, et al.

Julie K. Parker & Cassandra C. Thorson

Outstanding Trial Lawyer Award in the case:

Bailey v. Sharp Mary Birch Hospital

Thomas D. Luneau, Robert Hamparyan & John H. Gomez

Outstanding Trial Lawyer Award in the case:

Young v. Hernandez

J. Jude Basile & Michael R. Marrinan

Outstanding Trial Lawyer Award in the case:

Gomez v. City of San Diego

Robert W. Jackson & Nicholas C. Rowley

Outstanding Trial Lawyer Award in the case:

White v. Denham

CLOSING REMARKS

Gary A. Sernaker

Outstanding Advocacy Award

Thomas Royden and Kozy Amemiya v. Cloud 9 Motor Coach, Inc.

Gary Sernaker represented Plaintiffs Thomas Royden and Cozy Amemiya against Cloud 9 Motor Coach, Inc. in a hotly contested case, with amazing results. A Cloud 9 van ran out of diesel fuel while travelling northbound on Highway 67. The van came to a stop on the shoulder of the northbound lane in such a position as to force the northbound traffic into the southbound lanes. Defendant Arthur Hyss pulled out around a car stopped in the northbound lane just behind the motor coach. Mr. Hyss was travelling northbound in the southbound lane when Mr. Royden came around a blind curve and collided with him. The cars side-swiped each other, and Mr. Royden lost control of his car. He drove over the edge of the road and down a twenty foot embankment.

Mr. Royden suffered serious injuries as a result, including a degloving injury of the scalp, tearing the scalp off of the skull from the forehead back. He also sustained a fracture of the C-2 vertebrae at the odontoid process (a toothlike process at the back of 2nd vertebra of the neck) requiring mechanical fixation with a large metal screw; a broken pelvis, severe nerve damage to his scapula (shoulder blade), and a mild closed head injury.

The significant aspect of this case is that Defendant Cloud 9 was not involved in the collision itself. Cloud 9 claimed an unavoidable fuel break down and contested liability. Cloud 9, of course, blamed Mr. Hyss for crossing the double line when it was not safe to do so. Cloud 9 even tried to pin liability and causation on Mr. Royden, claiming excessive speed. Despite this, a pre-trial offer of \$100,000 was made, and was later increased to \$400,000 during trial. An adjuster sitting through the trial finally recommended that the case settle for \$950,000.

Gary engaged in tenacious investigation. He put together an amazingly prepared and presented case, and achieved extraordinary results for his client.