

## NOTABLE CASES

### **Kiner v. Jack in the Box**

In 1993, four children died and over 500 others were severely injured after consuming *E. coli* O157:H7 contaminated hamburgers purchased at Jack in the Box restaurants in the western United States. Brianne Kiner, a nine-year-old girl who was the most severely injured survivor of the outbreak, suffered from Hemolytic Uremic Syndrome (HUS), a complication from her *E. coli* infection, which caused severe kidney damage. Brianne's large intestine was removed, and her pancreas damaged. She became an insulin-dependent diabetic. Brianne fell into a 42-day coma while she was ill, and suffered mild cognitive impairment. William Marler represented Brianne in her \$15.6 million settlement with Jack in the Box. Brianne's settlement was the largest personal injury award in Washington state history.

### **Union Pacific Railroad Auto Accident Litigation**

JoAnn Beffert was trapped for 3 ½ hours after a crane at the Union Pacific railroad yard in Seattle toppled over on her pickup in February, 2001. The first attempt to pull the crane off failed when some nylon lines broke and the machine crashed back down on her pickup, crushing her legs. Marler Clark represented JoAnn in a lawsuit filed to recover hundreds of thousands of dollars in medical bills, pain and suffering, months of lost wages, and compensation for emotional distress.

### **Schuerhoff v. Schrader**

Michael Schuerhoff, a high school senior, drowned in the Sammamish River after he was pushed by classmates from an abandoned railroad trestle in January, 1996. William Marler represented Peter and Anita Schuerhoff in a wrongful death lawsuit against Brian Schrader, the teen who pushed Michael from the trestle. He also represented Michael's parents in suits against four teens for failure to act when Michael was pushed into the river.

### **Dominguez v. Lamppost Pizza and Draft Beer Maintenance Company**

In December, 2000, Steven Dominguez drank a sample of beer at the Lamppost Pizza restaurant in Huntington Beach, California. The day before Mr. Dominguez was poisoned, Draft Beer Maintenance Company had cleaned the tap line connecting the draft beer keg to the bar tap with a chemical cleaner. That line had not been flushed following its cleaning, and contained a significant concentration of potassium hydroxide. Mr. Dominguez was hospitalized for nearly a month after the incident, requiring surgery, and will need extensive surgery in the future. His case settled for a confidential sum.

## **Islei and Neer v. Dodd and the State of Washington**

In 1992, William Marler represented the parents of three young boys slain by Westley Allan Dodd in 1989. The parents of William and Cole Neer and Lee Islei filed a wrongful death lawsuit against Dodd, the State of Washington, and Asotin County, claiming he would have been in prison at the time of the murders if it had not been for bureaucratic negligence.

## **Barecca v. Nationwide Mutual Insurance Co.**

Jeff Barreca was hit by Lisa Hall, an uninsured motorist, in October, 1996. His truck was destroyed, and he suffered neck and back injuries. Nationwide paid Jeff for his truck and for medical bills, but when Jeff asked for compensation for pain and suffering, lost wages, and out of pocket expenses, Nationwide dragged its feet. At the same time, Nationwide was collecting \$50 a month from Lisa, who was told that she would lose her drivers license unless she reimbursed Nationwide for the \$1,823 they had paid Jeff. In April, 1999, Marler Clark filed a class-action lawsuit against Nationwide on behalf of Jeff Barreca and all similarly situated people, alleging that the company was obligated to settle Jeff's claim fully before taking any money from Lisa. The lawsuit also alleged that Nationwide was guilty of fraud and violated the Consumer Protection Act when it falsely told Lisa the company had paid Jeff \$1,823 and when it told her her license wouldn't be taken away as long as she made payments.

## **White Water Waterpark *E. coli* Litigation**

Marler Clark represented seven families who sued White Water after an *E. coli* O157:H7 outbreak was linked to fecal contamination and insufficient chlorine levels in a wading pool at the waterpark in 1998. Jordan Shook, one of the most severely injured children in this outbreak, developed HUS, and suffered a stroke, kidney failure, and damage to other organs as a result of her *E. coli* infection. The firm negotiated settlements that ranged from \$30,000 to several million dollars.

## **Gateway Cold Storage Anhydrous Ammonia Litigation**

In November, 2002, nearly four dozen children and two teachers at Laraway Elementary School near Chicago became ill after consuming ammonia-tainted chicken fingers provided by the National School Lunch Program. The chicken had been fumigated and shipped to school districts after being contaminated in an anhydrous ammonia leak at a St. Louis-based US Department of Agriculture commodities storage facility in November, 2001. The Illinois Attorney General convened a grand jury to look into the incident, and charges were filed against several government and corporate officers. Marler Clark filed a lawsuit against Gateway Cold Storage and Lanter Refrigeration on behalf of seventeen students and two teachers who became ill after consuming chicken tenders for school lunch. The firm settled the claims of 54 clients for confidential sums in August of 2004.