

# VERDICTS & SETTLEMENTS

## Crash fails to delay honeymoon

### \$140,000 Settlement

Plaintiff, a 61-year-old male, was operating his 1995 King F8 box truck southbound on Route 123 at approximately 45 mph. Defendant, who had a blood alcohol content of 0.19 percent, was operating his 1999 Ford Taurus directly behind the plaintiff's vehicle at a high rate of speed (at least 55 mph). Defendant failed to maintain

control of his vehicle and collided into the rear of the plaintiff's vehicle. The high speed rear collision caused plaintiff's vehicle to strike the guardrail, become airborne, overturn and roll down a 20-foot embankment. The roof was torn off the claimant's truck and his blood was splattered on the windshield and seats. Plaintiff's vehicle was a totaled.

Plaintiff was transported by ambulance to the hospital with complaints of pain in his right side, right elbow, head, chest, ribs, and upper and lower back. He also had several scalp lacerations that required sutures.

Plaintiff returned to the hospital once to have his sutures removed before leaving for five weeks for his previously planned honeymoon out of the country. Upon his return, plaintiff sought treatment with a chiropractor for low back pain, which consisted of 28 sessions over a four-month period. He made a full recovery, with some minimal scarring and indentations remaining on his scalp.

The statutory presumption of



punitive damages based upon the BAC level of the defendant was the most significant factor in the settlement of the case. Defendant's DUI charge was dismissed in the criminal court because he was arrested and administered a breath test more than three hours after the accident occurred. Plaintiff decided to settle rather than wait a year to roll the dice for more money at trial.

[07-T-141]

If you have any photos of evidence to accompany your Verdicts & Settlements Reports, submit them to:

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## Customer shot, killed by security guard

### \$1,000,000 Settlement

The plaintiff's decedent was a 16-year-old male with a history of behavioral problems and emotional disturbance. Joseph Sippio, a security guard with less than a year of experience who had qualified to carry a

firearm in the three months prior to the incident, accosted the decedent for underage possession of tobacco. During the altercation, Sippio fired his 9 mm pistol five times. The decedent was hit twice and died from the injuries.

The defendants alleged that the decedent and his mother had attacked Sippio. They contended that he was in fear for his life and justified in using deadly force. The plaintiff alleged insufficient training and negligent retention. Sippio had been employed with the company for approximately 30 days when he pepper-sprayed several teenage girls after a high school football game while working for the same security company at an IHOP in Hampton. The company performed no investigation and allowed him to return to work with a firearm.

The case was settled via court-ordered mediation on Aug. 7, 2007. Plaintiff's attorneys used a Power Point presentation to highlight the numerous inconsistent statements made by Sippio and his lieutenant after the shooting. The presentation was particularly helpful in providing the mediator with an understanding of the facts and issues that would have been argued at trial.

[07-T-145]

**Type of Action:** Wrongful death

**Injuries Alleged:** Death

**Name of Case:** Estate of Raymond Cary Jr. v. Joseph Sippio, et al.

**Court:** Portsmouth Circuit Court

**Case No.:** CL06-2202

**Tried Before:** Mediation

**Name of Judge:** Everett Bagnell, Retired Judge of the Suffolk Circuit Court

**Special Damages:** \$4,000 (approx) in funeral expenses

**Verdict/Settlement:** Settlement

**Amount:** \$1,000,000

**Verdict Date:** Aug. 7, 2007

**Experts:** Kenneth Miller, Virginia Beach and Ken Kaisaris, Tallahassee, Fla. - experts in use of lethal force; Mila Tecala, Washington, D.C. - expert in grief and mourning

**Insurer:** First Mercury

**Plaintiff's Attorneys:** Robert E. Walker and Chris Anderson, Richmond

**Type of Action:** Auto accident

**Injuries Alleged:** Head/scalp lacerations, which required sutures, chest contusion, right flank pain, right elbow pain and low back strain

**Name of Case:** Gregory Anders v. Steven Espinosa

**Special Damages:** \$12,381.55 medical bills plus \$500 lost wages

**Verdict/Settlement:** Settlement

**Amount:** \$140,000

**Verdict Date:** July 31, 2007

**Demand:** \$250,000 initial demand

**Offer:** \$40,000

**Insurer:** The Hartford Insurance Company

**Plaintiff's Attorney:** Brandon Gladstone, Fairfax