

**TRAVIS COUNTY****WORKPLACE SAFETY****OSHA — Survival — Workers' Comp Non-Subscriber**

Worker at milk plant trapped  
in hydraulic crate pusher

**VERDICT (P)**      **\$17,000,000****CASE**              Gary Martinez, Individually and as  
Representative of the Estate of Faye  
Martinez, and Jacob Martinez v. Milk  
Products, L.P., d/b/a Borden Milk,  
No. GN301465**COURT**             Travis County District Court, 353rd, TX**JUDGE**             Margaret A. Cooper**DATE**               6/30/2004

## CENTRAL

About three months before trial, after about 50 depositions had been taken, Borden Milk hired Brock & Person to help mitigate the damages exposure, said defense counsel.

The plaintiffs' attorneys used jury consultant Robert Swafford.

**MARTINEZ ESTATE** \$10,000,000 past pain and suffering  
\$7,000,000 punitive damages  
 \$17,000,000

**DEMAND** \$2,000,000  
**OFFER** \$25,000

**INSURER(S)** Mount Hawley Insurance Co.  
 (from \$0 to \$2,000,000)  
 St. Paul Surplus Lines Insurance Co.  
 (from \$2,000,001 to \$3,000,000)  
 Great American Insurance Co.  
 (from \$3,000,001 to \$26,000,000)

**TRIAL DETAILS** Trial Length: 2 weeks  
 Jury Poll: 10-2

**PLAINTIFF  
 EXPERT(S)** Kevin Marshall, Ph.D., economics,  
 Dallas, TX  
 James T. Knorpp, P.E., CSP, OSHA,  
 Keller, TX  
 Amish Singhal, M.D., emergency  
 medicine, Austin, TX (treater)

**DEFENSE  
 EXPERT(S)** None reported

-John Schneider