

ROBERT W. HARRISON

EXEMPLAR TRIAL EXPERIENCE

Robert W. Harrison | Partner
619.881.3312
robert.harrison@wilsonelser.com



MARINE EXHAUST SYSTEMS/ WAUSAU UNDERWRITERS INSURANCE COMPANY v. HORTON

San Diego, California
Legal Malpractice/2018

It was alleged the insurance defense counsel failed to notify their clients of a settlement offer received three weeks after the file was opened and while a motion to dismiss for lack of judgment was pending. Plaintiffs claimed they would have accepted the offer, if they had known about it, and avoided subsequent litigation costs. Plaintiff verdict for Marine Exhaust Systems; awarded \$87,000 but sought \$1,020,000. A defense jury verdict was returned against Wausau Underwriters Insurance Company.

MCCARLEY v. CANADA

San Diego, California
Medical Malpractice/2018

Alleged hypoxic injury due to anesthesiologist permitting the patient's blood pressure to remain too low to provide adequate perfusion; claim 23-year-old plaintiff will be unemployable and require attendant care for her life span. Plaintiff jury verdict; plaintiff awarded \$13 million.

STEFANI v. GEYMAN

San Diego, California
Legal Malpractice/2017

Defense jury verdict for our client; no award to plaintiff.

BURCH v. AH VOSS & MAC

San Francisco, California
Asbestos/2017

Alleged exposure to asbestos resulting in mesothelioma.
Settled for \$1 million after jury selection.

ISREAL v. SILLIMAN

San Diego, California
Dental Malpractice/2015

Plaintiff alleged negligent failure to diagnose squamous cell carcinoma that resulted in multiple disfiguring surgeries and a condition that has been deemed terminal. Defense jury verdict for our client; no award to plaintiff.

FLORES v. RASMUSSEN

San Diego, California
Medical Malpractice/2015

Plaintiff alleged he was conscious during surgery while under anesthesia. Settled after jury selection for a waiver.

SCHAFFER v. SPARKS

San Diego, California
Legal Malpractice/2015

Case involved the underlying formation of a business to operate a medical spa. The physician plaintiff alleged that the defendant attorney negligently failed to properly ensure that the business was in compliance with the provisions of the state's medical practice act. Defense jury verdict for our client; no award to plaintiff.

CARLSON v. CUNNINGHAM

San Diego, California
Dental Malpractice/2015

Plaintiff jury verdict; plaintiff awarded \$55,000; plaintiff sought \$401,000 and rejected last offer of \$75,000; net recovery reduced to \$30,000.

SCSRA v. NAUTILUS

United States District Court
for the Southern District of California
Breach of Warranty/2012

Lawsuit was the second action arising out of a more than ten-year dispute over a contract for the purchase of medical grade exercise equipment. Defense verdict for our client; no award to plaintiff.

FERNANDEZ v. GRAMMAR

San Diego, California
Product Liability/2012

Plaintiff school groundskeeper run over by an industrial mower sued seat manufacturer regarding alleged failure of a "dead man's switch" to shut down the mower. Defense jury verdict for our client; no award to plaintiff, who sought \$4.6 million.

SUKUMAR v. MED-FIT

San Diego, California
Breach of Contract/2010

Plaintiff sued defendant distributor of fitness equipment. Alleged defendant refused to sell machines to plaintiff and refused to return deposit. Defense jury verdict for our client; no award to plaintiff.

FOLLIS v. RUSS

San Diego, California
Accounting Malpractice/2007

Alleged failure to properly avoid tax penalties related to sale/transfer of real property. Defense jury verdict for our client; no award to plaintiff.

PARSONS-MAY v. NOCERA

San Diego, California
Dental Malpractice/2007

Alleged negligent dental treatment resulted in chronic pain syndrome. Defense jury verdict for our client; no award to plaintiff.

BRECKENRIDGE v. MORALES

San Diego, California
Vehicle Accident/2007

Rear-ender alleging aggravation of preexisting neck injury. Defense jury verdict for our client; no award to plaintiff.

YOUNG v. RITT

San Diego, California
Medical Malpractice/2007

Plaintiff alleged gastroenterologist was negligent in advising him that lab results indicated he had a cancerous lesion and later determined error was due to plaintiff sharing the same name and telephone prefix as another patient. Defense jury verdict for our client; no award to plaintiff.

SUKUMAR v. NAUTILUS

San Diego, California
Breach of Contract/2007

Alleged breach of contract and resultant business losses in the millions of dollars stemming from provision of defective fitness equipment. Defense jury verdict for our client; no award to plaintiff.

TOUN v. AL-FARA

San Diego, California
Dental Malpractice/2007

Alleged negligence in placement of dental implants. Defense jury verdict for our client; no award to plaintiff.

SAKHAPOUR v. CASSELL

San Diego, California
Dental Malpractice/2007

Defense jury verdict for our client; no award to plaintiff.

ELASALI v. MAYER

San Diego, California
Legal Malpractice/2007

Defense non-suit; bench trial.

BALOUGH v. HALOUZKA

San Diego, California

Chiropractic Malpractice / 2006

Alleged chiropractic manipulation resulted in disc herniation and surgery. Plaintiff jury verdict; plaintiff awarded \$141,258.58.

MEEK v. MARTINO

Imperial County, California

Chiropractic Malpractice / 2006

Alleged chiropractic manipulation resulted in disc herniation and surgery. Defense jury verdict for our client; no award to plaintiff.

GANSHCHOW v. LAVERSON

San Diego, California

Medical Malpractice / 2006

Although plastic surgeon advised against excessive breast enhancement, the plaintiff insisted and subsequently developed necrotic tissue. Plaintiff declined his offer to perform a corrective procedure, which was later performed by another physician. Plaintiff sought damages in excess of \$300,000 including \$250,000 for general damages. Plaintiff jury verdict; plaintiff awarded \$176,107.

PAYON v. ODELL

San Diego, California

Chiropractic Malpractice / 2005

Defense jury verdict for our client; no award to plaintiff.

PASKIN v. KRAMER

San Diego, California

Medical Malpractice / 2005

Wrongful death claim brought by husband and children; patient developed massive infection following elective surgery to relieve snoring. Defense jury verdict for our client; no award to plaintiff.

CULLINS v. WOODS

San Diego, California

Chiropractic Malpractice / 2005

Alleged chiropractic manipulation resulted in disc herniation. Defense jury verdict for our client; no award to plaintiff.

SUKUMAR v. DIRECT FOCUS

United States District Court
for the Southern District of California
Breach of Contract/2004

Plaintiff ordered fitness machines with a number of special features and when they were manufactured claimed that virtually the entire order was defective. After three rounds of court actions and delivery of the machines (alleged by the plaintiff each time to be defective), a retired appellate justice was appointed as a special master. An inspection of the machines by the special master resulted in the determination that the machines complied with the contract terms. Plaintiff verdict; defendant was ordered to sell machines to plaintiff..

SJOBERG v. PAUL

San Diego, California
Dental Malpractice/2004

Periodontal surgery, plaintiff alleged negligent failure to remove suture resulted in post-operative complications. Plaintiff jury verdict in amount of \$16,119.55; plaintiff's last demand was \$75,000.

MACMAHON v. MORRIS

San Diego, California
Medical Malpractice/2003

Alleged negligent performance of cataract surgery. Defense jury verdict for our client; no award to plaintiff.

ROSS v. RICHMOND

San Diego, California
Legal Malpractice/2003

Plaintiffs alleged negligent handling of two underlying real estate litigation matters. The defendant attorney had left a series of voicemail messages on his client's answering machine that were increasingly profane and threatening, including a promise that when he finished with them the plaintiffs would be "bankrupt." The two plaintiffs did, in fact, go bankrupt. Defense jury verdict for our client for negligence, breach of contract and intentional misrepresentation fraud; no award to plaintiff.

PEUKERT v. RONCONE

San Diego, California
Dental Malpractice/2003

Alleged negligent orthodontic treatment. Defense jury verdict for our client; no award to plaintiff.

FUNK v. SAIKI

San Diego, California
Dental Malpractice/2003

Defense jury verdict for our client; no award to plaintiff.

MANDIVIL v. RATNER

Orange County, California

Dental Malpractice/2003

Alleged negligence in surgical procedure to relieve TMJ. Defense verdict in bench trial for our client; no award to plaintiff.

EDELSON v. GREENBERG

San Diego, California

Dental Malpractice/2003

Alleged negligent placement of crowns. Defense verdict for our client; no award to plaintiff.

BURKART v. ENGLERT

San Diego, California

Dental Malpractice/2003

Defense jury verdict for our client; no award to plaintiff.