

CASE SUMMARY

On August 31, 2011, Levi McCathern and Jeff Wright successfully obtained a jury verdict in favor of their clients Daryl Flood, Inc. d/b/a/ Daryl Flood Warehouse and Movers, Inc. (“Daryl Flood”) and Allied Van lines, Inc. (“Allied”) in a lawsuit brought against them by Joseph E. Prado in the 191st Judicial District Court in Dallas County, Texas.

Plaintiff Joseph Prado filed suit against Daryl Flood, Inc., Allied and Bernardo Landeros d/b/a Ashley Movers, arising out of an accident that occurred on May 15, 2007. He alleged that he was employed by all three Defendants and that since Defendants were nonsubscribers to the Texas Workers’ Compensation system, Defendants were precluded from asserting any common law defenses. He claimed Defendants were negligent in providing him with an unsafe workplace and a defective ramp that allegedly collapsed and caused him to fall and break his ankle as he was attempting to load a sofa onto the trailer. As a result of the accident, Plaintiff sustained an open fracture that required multiple surgeries, including a fusion of the bones and placement of permanent hardware. Plaintiff alleged he had been unable to work since the date of the accident and would be unable to work for the rest of his life. Plaintiff sought over \$2,000,000 for past and future lost wages and loss of earning capacity and over \$75,000 in medical expenses. He also sought damages for past and future pain and suffering, mental anguish and disfigurement. Daryl Flood and Allied denied they were Plaintiff’s employer and denied any responsibility for the accident or his damages.

On August 29, 2011, the case was called to a trial by jury and lasted three days. At the conclusion of their case, Plaintiff and his attorney asked the jury to award him more than \$4.5 million in damages. Mr. McCathern argued and showed evidence to the jury the Defendant’s were not responsible for the accident or for any of Plaintiff’s alleged damages. After hearing all of the evidence and arguments of counsel, the 12-person jury unanimously determined that Daryl Flood, Inc. and Allied Van Lines, Inc. were not liable or negligent and returned a verdict in favor of all three Defendants. Therefore, there was not anything recovered in this case.