

Supplement to the Los Angeles and San Francisco

**Daily Journal**

JANUARY 19, 2011



# TOP VERDICTS

OF 2010

## Editor's Note

For regular readers, you'll notice, this year we combined what traditionally were two editions – Top Plaintiffs' Verdicts and Top Defense Verdicts – into one issue called Top Verdicts. In deciding who makes these lists, we focus on verdicts rendered at the trial level by a jury or a judge, or by a panel of arbitrators. To be considered, the verdict or award had to have been handed down in California in calendar year 2010.

This list is always informative because we

ask lawyers to take stock of their victories months later.

A copyright case topped the list of Top Plaintiffs' Verdicts by Dollar this year. *Oracle v. SAP's* \$1.3 billion verdict is believed to be the largest copyright verdict ever handed down in the U.S. The second-largest verdict, \$677 million in *Lavender v. Skilled Healthcare Group*, was a stunningly large award for an elder abuse case.

In another unusual development, gay rights

cases dominated our Top Plaintiffs' Verdict by Impact list this year. Our Number 1 verdict, *Log Cabin Republicans v. U.S.A.*, gay men and women asked that they be allowed to serve openly in the U.S. Armed Forces. The ruling by federal Judge Virginia Phillips of Riverside, while still on appeal, almost certainly helped push the Congress last month to reach its historic decision to repeal the military's "don't ask don't tell" policy. Number 2 on this list, *Perry v. Schwarzenegger*, also is shaping up as

a catalyst for change. Federal Judge Vaughn Walker's ruling that reversed California's ban on gay marriage appears to be on a fast track to the U.S. Supreme Court. Two other unusual cases appear on the list this year: The first, the divorce of Jamie and Frank McCourt, riveted Los Angeles for much of this year and not just because hundreds of millions of dollars were in play. The case turned on forensic analysis of documents. Secondly, we made an usual decision this year to allow a settlement onto the list. The \$20 million the state of California forked over to a young woman who was kidnapped and held for 20 years by an ex-con exposed gaping problems in the probation system. *Jaycee Dugard v. California Department of Corrections and Rehabilitation*.

*Jasmine Networks v. Marvell Semiconductor*, which tops of list of defense verdicts, certainly was riveting for lawyers to watch. The case was rooted in an in-house lawyer's conversation with colleagues after he failed to hang up from a telephone call with a rival company's executive.

And finally, this year we decided to take a look at how some of the cases that appear on our lists have fared at the appellate level. The stunning reversal in *Mattel Inc v. MGA Entertainment* in the fight over the Bratz doll line tops the list.

– The Editors

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# CONGRATULATIONS to the Top Verdicts!



Hon. <b>Robert Altman</b> (Ret.)	Hon. <b>Alfred Chiantelli</b> (Ret.)	Hon. <b>Dennis Choate</b> (Ret.)	Hon. <b>Patricia Collins</b> (Ret.)	Hon. <b>Patricia Covett</b> (Ret.)
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Hon. <b>James Gray</b> (Ret.)	Hon. <b>Charles Hayes</b> (Ret.)	Hon. <b>Joe Hilberman</b> (Ret.)	Hon. <b>Richard Hodge</b> (Ret.)	Hon. <b>Yuri Hofmann</b> (Ret.)
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Hon. <b>Laurence Kay</b> (Ret.)	Hon. <b>Michael Marcus</b> (Ret.)	Hon. <b>Wayne Peterson</b> (Ret.)	Hon. <b>Enrique Romero</b> (Ret.)	Hon. <b>Bonnie Sabraw</b> (Ret.)
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Hon. <b>Robert Thomas</b> (Ret.)	Hon. <b>Alexander Williams III</b> (Ret.)	Hon. <b>John Zebrowski</b> (Ret.)	Hon. <b>Linda Bulmash,</b> Esq.	Hon. <b>Scott Dickinson,</b> Esq.
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# Castaneda v. State of California

“**F**or all the sad words of tongue and pen, the saddest are those ‘it might have been.’”

Attorney Conal Doyle used those words from a John Greenleaf Whittier poem to convey a daughter's loss of a future with her father, as he delivered closing arguments in a case that shined a spotlight on medical neglect of immigrant detainees held in government facilities.

Doyle filed a wrongful death claim in Los Angeles County Superior Court on behalf of the then 17-year-old daughter of Francisco Castaneda, an immigrant detainee originally from El Salvador who had his penis amputated and died a year later of penile cancer after state and federal officials refused to allow him to have a biopsy while in custody. On Nov. 10, the jury returned a \$1.7 million verdict in favor of the daughter Vanessa Castaneda. *Castaneda v. State of California*, VC050229

Despite the horrifying details of the case, winning it was hardly a slam-dunk for Doyle and his co-counsel Tom Dempsey and the Washington, D.C.-based public interest law group, Public Justice.

Initially, the state offered Castaneda's daughter \$10,000. During the trial, lawyers from the state attorney general's office played up the fact Castaneda had limited contact with Vanessa for most of her life.

Doyle focused on the father-daughter relationship they could have had and painted Castaneda as a man who wanted to get a second chance in life, including to opportunity to build a better relationship with his daughter.

According to Doyle, state and federal officials, “really viewed his life as not being worth very much.

“I wanted to prove that every human life has value,” he said.

As a result of the wrongful death suit, and a companion federal case, Castaneda's story was told in newspapers and on TV new programs all over the world, including in the Washington Post and on CBS's 60 Minutes. Prior to his February 2007 death, Castaneda testified before Congress in an effort to improve health care for immigration detainees.

Now it is being taught to health care and detention officials as an example of what not to do.

— Amy Yarbrough



Conal Doyle

**Amount of award:**  
\$1.7 million

## Wrongful Death

Los Angeles County  
Superior Court

Los Angeles

Judge Thomas McKnew Jr.

**Plaintiffs' attorneys:** Willoughby Doyle, Conal Doyle in Oakland; Law Office of Thomas M. Dempsey, Thomas M. Dempsey in Beverly Hills; Public Justice, Adele Kimmel and Amy Radon in Washington, D.C.

**Defendant's attorneys:** California Attorney General's Office, Mark Santa-Romana III and Richard Rojo in Los Angeles