

“ Law overrides violence with reason.

Law stands for what we have in common,
not merely what divides us. Law respects disagreement;
it patiently considers evidence
and advocacy; it engages
with the views of all.”¹



TOP 10 LARGEST ARIZO

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\$27,625,500

Marc Wichansky v. David Zowine et al.,
U.S. District Court for the District of Arizona, CV13-01208⁴

This was an acrimonious “business divorce” case between former friends and partners Marc Wichansky and David Zowine. Wichansky alleged that Zowine had been stealing from clients and the state of Arizona in fraudulent invoices. When Wichansky found out, Zowine began a campaign to oust him from the company and suppress the investigation. Zowine and other employees who joined him set up a secret satellite office and stole computers. Wichansky alleged that Zowine assaulted him in the office, grabbed him by the neck, threw him across the office and punched him. The jury awarded \$11 million against Zowine for breach of shareholder, officer and director fiduciary duties, as well as \$14.375 million in punitive damages. Punitive damages also were awarded against defendants who were found to have aided and abetted Zowine (Charles Johnson for \$1.5 million, Pat Shanahan for \$750,000 and Martha Leon for \$500). The jury found Zowine had committed assault and battery but that Wichansky was not damaged by it. The total award included \$16,625,500 in punitive damages, which was the largest punitive award in Arizona in 2016.

In these days of division in our country, we all can strive to respect the rule of law and help it to unite us. As in the past, Arizona judges, juries and attorneys continued to accomplish law's virtues in 2016.

Here are 2016's leading verdicts. The largest Arizona verdict in 2016 of more than \$27 million was a hostile business break-up. The highest Arizona verdicts were also about asbestos exposure of a shipyard worker that resulted in mesothelioma, a road design case about visibility at an intersection that resulted in a motorcycle driver's death, a civil suit for child abuse, and a medical malpractice verdict against a hospital. They also included an insurance bad faith verdict out of one of Phoenix's worst hail storms, an impaired driver who struck a person waiting for a bus, a condemnation case for elimination of a street access route, a death in a psychiatric facility, and a pedestrian struck in a crosswalk.

Arizona juries gave four verdicts of \$10 million or higher, and 13 verdicts between \$1 million and \$10 million. Three of the top verdicts were from federal court. The 10 highest awards were awards given by juries, none in bench trials. The largest two verdicts were within two days of each other in April, both in federal court.

As ever, this article focuses on verdicts given in civil cases by Arizona juries and judges. Please see the endnotes for any notable post-verdict activity or appeals as of the time we completed our writing.² The case numbers are listed with the case name, and online dockets are available if you want to look at the post-trial lawyering in more depth or see who the lawyers or judges were.³ The focus here is on how the Arizona juries and judges decided these cases, and what they awarded.

TOP 10 VERDICTS IN 2016

2

\$17,000,000

Sandra Coulbourn et al. v. Crane Company and The William Powell Co., U.S. District Court for the District of Arizona, CV13-08141⁵

George Coulbourn worked as a civilian mechanic on Navy ships in the 1960s and alleged he was exposed to asbestos dust. He developed mesothelioma, a terminal cancer in the lining of the lungs, and he died in 2012. His family contended that Crane Company and The William Powell Company failed to warn of the health hazards of asbestos, failed to properly test asbestos-containing products, failed to remove them from sale, and conspired to misrepresent the risks. The companies denied liability and contended that numerous other companies and the Navy were negligent. The jury awarded \$9 million in compensatory damages and \$8 million in punitive damages. The jury found Crane Company 20 percent at fault and The William Powell Company 5 percent at fault.

stop line 24 feet away from an intersection, before starting a left turn and then colliding with Jarvis, who died at the scene. Jarvis' family alleged that the City of Phoenix negligently designed and maintained the intersection, and that its stop line location and sight obstructions created a high accident risk. They argued that Phoenix ignored prior complaints of poor visibility and that the intersection was a low priority because it would be demolished as part of a highway extension project. Phoenix contended there were adequate sight lines at the intersection, which was constructed before 2000. Phoenix argued the intersection was safe because no serious injuries had occurred there before, and that the intersection was controlled by the Arizona Department of Transportation. The jury awarded \$11 million and found Phoenix 95 percent at fault and non-party at fault Santerelli 5 percent at fault.

3

\$11,000,000

Ivy Jarvis et al. v. City of Phoenix et al., Maricopa County Superior Court, CV2013-016145⁶

Kirk Jarvis, 43, was riding his motorcycle when he was hit by a car driven by Patsy Santerelli. Santerelli had stopped at a painted

4

\$10,000,000

John Roe v. Charles Gibson, Coconino County Superior Court, CV2014-00281⁷

This was a civil suit for child abuse. "John Roe" and his parents claimed that family member Charles Gibson sexually assaulted Roe over many years of his childhood. They claimed he sustained severe emotional injuries as a result. Charles Gibson

disputed the claimed damages but was not able to deny liability because he had been criminally convicted of the abuse. The jury awarded \$10 million.

Arizona juries gave four verdicts of \$10 million or higher, and 13 verdicts between \$1 million and \$10 million.



\$6,300,000

Mark Brown et al. v. Banner Health, Maricopa County Superior Court, CV2014-014745⁸

This was a medical malpractice case. Mark Brown, 39, was flown to Banner Good Samaritan's emergency department after suffering from a severe headache, dizziness, neck pain, nausea, and vomiting. After seven hours, he was diagnosed with vertigo. Brown and his family alleged that he had in fact suffered a vertebral artery dissection, but that it was not properly diagnosed at Good Samaritan. Shortly after his discharge, he suffered a massive stroke. The stroke was permanently disabling and left him needing to use a wheelchair. Banner Health defended that its physicians met the standard of care, and that vertebral artery dissections are rare and did not appear to be the cause of his symptoms. The jury awarded a total of \$6.3 million, including \$5,040,000 to Mark Brown, \$1,008,000 to his wife Linda Brown, and \$252,000 to his son Cohen Brown.

Martinez knew or should have known that he was incompetent to drive when she gave him the keys, because of his impairment symptoms. Martinez denied she knew about his drug use or impairment. Barela admitted that he had used crystal meth one to two days before. The jury found Barela negligent and awarded \$3 million compensatory damages against him, in an equal split to Chavez's parents. The jury also awarded \$50,000 punitive damages against Barela. The jury found in favor of Martinez.



\$3,200,000

Harvey Property Management Company, Inc. et al. v. The Travelers Indemnity Co., U.S. District Court for the District of Arizona, CV12-01536⁹

An epic wind and hail storm pounded the Phoenix area on Oct. 5, 2010. It caused more than \$2.7 billion in property damage to the region, and eventually resulted in a large number of cases against insurers, including this one. Harvey Property Management Company owned two apartment complexes in west Phoenix. Its insurer Travelers Indemnity Company paid \$286,000 for property damage caused by the storm. Harvey Property Management alleged that Travelers failed to properly process its claim and that the amount paid was insufficient. Travelers defended that it processed the claim properly and that it completely paid for damage caused by the storm. Travelers also argued that alleged roof damage was due to normal wear and tear and not caused by the storm. The jury awarded \$3.2 million on the claim that Travelers breached the terms of the policy.



\$2,869,360

City of Phoenix v. John Garretson as Trustee of the Emery E. Oldaker Trust, Maricopa County Superior Court, CV2007-004793

This case was an award for loss of certain street access to a downtown Phoenix commercial property, caused by construction of the light rail. The property was on a high-profile corner near Talking Stick Resort Arena. In 2006, the City of Phoenix began light rail construction and cut off two driveways that connected the property to Jefferson Street. Garretson contended that decreased the value of the property. Phoenix argued it did not owe Garretson compensation because the property had access through another street. The case went up on appeal to the Arizona Supreme Court, which determined that the elimination of access to Jefferson Street was a taking of a property right and a compensable interest. On remand, this jury awarded \$2,869,360 for the diminished value of the property.



\$3,050,000

Antonio Apodaca and Rosa Becerra v. Raymond Barela and Cecelia Martinez, Maricopa County Superior Court, CV2014-003139

Jesus Chavez was waiting for a bus when he was struck by a pickup truck and killed, along with two others. The truck was driven by Raymond Barela, 43. Chavez's parents alleged that Barela fell asleep at the wheel, crossed into oncoming traffic and then drove onto a sidewalk next to the bus stop. They also claimed Barela had used crystal methamphetamine and was impaired. Barela was criminally convicted of three counts of manslaughter and sentenced to 21 years. Plaintiffs also alleged that his mother Cecelia



TIE \$2,000,000

Hashmet Dorosti v. Recovery Innovations of Arizona, Inc., Maricopa County Superior Court, CV2013-015770¹⁰

Mehdi Najafian, 42, had a history of bipolar disorder and was involuntarily admitted to Recovery Innovations of Arizona's psychiatric facility for being a danger to others. While suffering from a manic episode there, he was placed and held face-down in a restraint position by employees and then died. His mother alleged that the restraint was carried out without appropriate supervision or direction and that shortly before he became unresponsive he said that he could not breathe. She alleged that Recovery Innovations failed to de-escalate and disengage from Najafian and that the final restraint was unnecessary and unreasonably dangerous. She alleged he died of asphyxiation. Recov-

AD

ery Innovations denied falling below the standard of care and defended that Najafian died of excited delirium. The jury awarded \$2 million.



TIE \$2,000,000

Rosemary Martin v. Byron Falk et al.,
Maricopa County Superior Court, CV2014-009409¹¹

Rosemary Martin was walking in a crosswalk when she was hit by a vehicle driven by Byron Falk. Falk admitted

negligence. Martin sustained a left tibia fracture that required open reduction and internal fixation plus left knee replacement, a closed head injury, ligament damage to her right knee that required reconstruction, burns to her back and right arm, two cracked teeth, and scarring of her legs. She argued that she could no longer do work that required standing for several hours. Falk argued that she did not report her symptoms until six months later, that her fractures had healed and were stable, and that she had no restrictions and could return to work. The jury awarded \$2 million.

Plaintiffs Won 57 Percent of the Trials

Statewide, plaintiffs prevailed in 57 percent of the trials, and defendants prevailed in 43 percent. Over the past ten years, the statistical chance of plaintiffs prevailing in any given case has remained within the range of 54 percent to 66 percent.

Venue Comparison

Jury awards consistently vary by county in Arizona. Averages and medians¹² for plaintiffs' verdicts in each venue are below, and also on the map.

2016 ARIZONA PLAINTIFF'S VERDICT AVERAGES BY VENUE

VENUE	Average Plaintiff's Verdict	Median Plaintiff's Verdict	Percentage of Trials Won by Plaintiffs
Statewide	\$840,917	\$40,346	57
United States District Court for the District of Arizona	\$6,196,890	\$787,500	40
Coconino County	\$3,923,595	\$1,473,510	100
Maricopa County	\$346,688	\$25,736	60
Yuma County	\$229,975	\$229,975	50
Santa Cruz County	\$225,699	\$32,546	100
Pima County	\$194,983	\$197,500	100
Pinal County	\$167,333	\$167,000	66

The statewide average plaintiff's verdict¹³ in 2016 was \$840,917. The statewide median plaintiff's verdict was \$40,346. The average plaintiff's verdict in the U.S. District Court for the District of Arizona was \$6,196,890. Part of the reason the average was so high is that the top 1, 2 and 6 verdicts were from this court. Its median verdict was \$787,500.

Coconino County's average and median were also unusually high, at \$3,923,595 and \$1,473,510 respectively, because two of the three plaintiff's verdicts were in multi-millions, including number 4. It had no defense verdicts reported in 2016. That data does not reflect the general trend of Coconino County in recent years.

Sixty-six percent of all the verdicts came from Maricopa County, as is typical. Maricopa County dominates the state in number of civil cases tried and filed there. Its average verdict was

\$346,688, and median was \$25,736.

Yuma County reported two verdicts that averaged \$229,975. The average in Santa Cruz County of its three verdicts was \$225,699, with a median of \$32,546. Pinal County reported two plaintiff's verdicts that averaged \$167,333.

Cochise County had one plaintiff's verdict of \$225,000 and no defense verdicts. Yavapai County reported one plaintiff's verdict of \$20,000 and two defense verdicts. Gila County had one plaintiff's verdict of \$11,250 and no defense verdicts. Graham County reported one plaintiff's verdict of \$2,415 and no defense verdicts.

Mohave County and Navajo County had two defense verdicts each. No verdicts for either side were reported out of Apache, Greenlee, or La Paz Counties.

Punitive Awards

Arizona juries gave several large punitive awards in 2016, in eight cases. The largest award by far was in the *Wichansky* case (number 1 above) for \$16,625,500. Coming in second was the *Coulbourn* case (number 2 above) with \$8,000,000 in punitive damages. As noted

above, both cases were in the United States District Court for Arizona. The two top punitive awards were from federal court, with one from Pima County, and the rest given by Maricopa County juries.

The awards included \$790,000 in a legal malpractice case, \$200,000 each for a defamation case and for a sexual abuse case, \$146,200 in a trade secret and interference with contractual relations case, and \$100,000 awarded for a trespassing claim. In the *Apodaca* case above (number 7 above), the jury awarded \$50,000.

Business Verdicts and Personal Injury Verdicts

The average business plaintiff's verdict was \$887,466 with a

median of \$97,270. Such cases included breach of contract, breach of fiduciary duty, fraud, insurance bad faith, employment, condemnation, and property damage. Of all of the business cases tried in 2016, plaintiffs won a high 81 percent of them.

The average plaintiff's personal injury verdict was \$820,228. The median was \$40,000. The cases in this category had one or more person who was physically injured. They included motor vehicle accident injury, product liability, medical malpractice, premises liability, abuse, and wrongful death cases. These kinds of cases made up 75 percent of all the cases tried to verdict in 2016. Of all the personal injury cases tried in 2016, plaintiffs won only 49 percent of them.

This was the closest in recent years for the averages of these two very different kinds of cases.

SIGNIFICANT DEFENSE VERDICTS

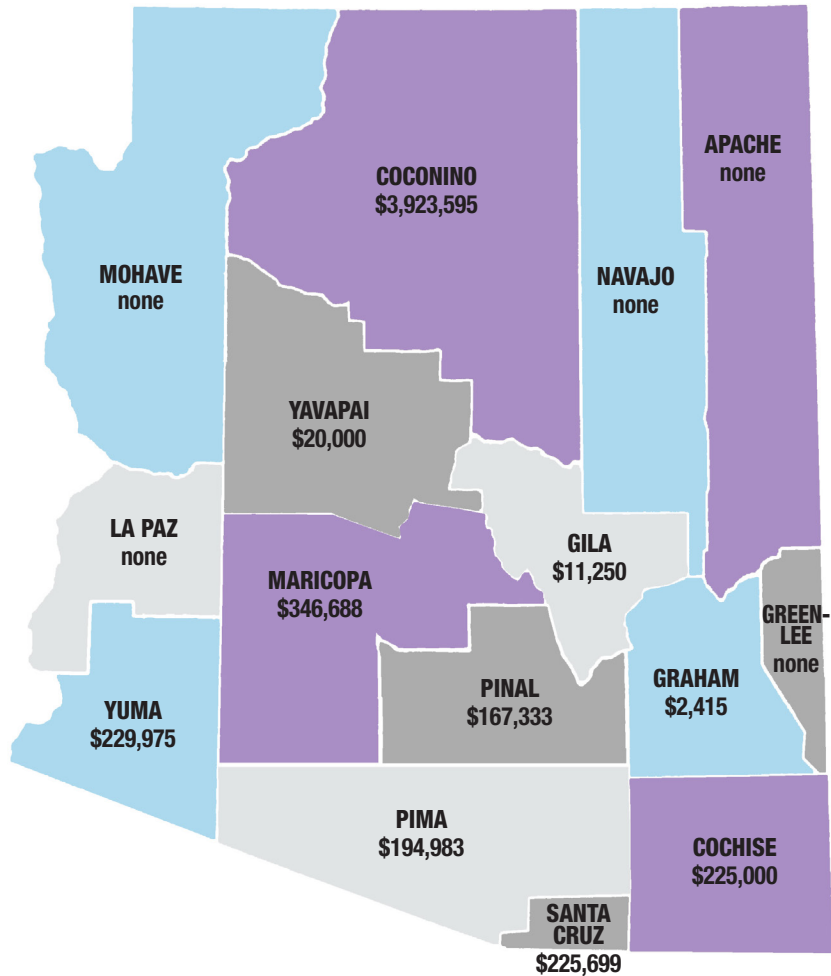
We highlight noteworthy defense verdicts below in the interest of equal time and coverage. These are from a variety of different types of cases in which the claimed damages at trial were high. Here are a selection of 2016's significant Arizona defense verdicts:



Daniel Kloberdanz v. Joseph Pellino et al., U.S. District Court for the District of Arizona, CV13-02182

This was an excessive use of force and false arrest case. Daniel Kloberdanz, an attorney, responded to a motor vehicle accident involving his secretary. Steven Carpenter and Joseph Pellino, Maricopa County Sheriff's Office Deputies, and Robert Burghart, a MCSO posse member, investigated the accident. Kloberdanz claimed Pellino pushed him to the ground for no reason, tackled him, and that his head was slammed into the ground while being placed under arrest. Kloberdanz alleged excessive force against Pellino, Burghart, and Carpenter, and battery, intentional infliction of emotional distress, false arrest, and malicious prosecution as to Pellino. Kloberdanz sought \$1,000,000 and punitive damages. Pellino argued Kloberdanz interfered with the DUI investigation of the secretary multiple times and that Kloberdanz was warned

2016 ARIZONA PLAINTIFF'S VERDICT AVERAGES BY COUNTY



Statewide Plaintiff Verdict Average \$840,917

U.S. District Court \$6,196,890

to step back. When Kloberdanz approached a fourth time, Pellino assessed Kloberdanz as a threat, handcuffed him, and placed him under arrest. Burghart assisted with the arrest. Carpenter argued he was not involved in the physical altercation and arrest. The jury found for Carpenter and Burghart on the excessive force claim and for Pellino on the false arrest claim. The court declared a mistrial on the remaining claims against Pellino.

The two top punitive awards were from federal court, with one from Pima County, and the rest given by Maricopa County juries.

B

Dallas Fisk v. Category 5, L.L.C d/b/a Hurricane Grill and Wings et al.,Maricopa County Superior Court, CV2013-014929¹⁴

Dallas Fisk and his spouse were driving through an intersection when they were struck by a vehicle that allegedly ran a red light, driven by non-party Holly Kast. Fisk's spouse died. Kast had a 0.284 blood-alcohol level, and Fisk brought a dram shop wrongful death claim against Hurricane Grill and Wings, alleging Hurricane overserved Kast. Fisk sought wrongful death compensatory damages and damages for his crash injuries in the amount of \$3 million. Hurricane Grill argued it was Fisk who ran the red light and caused the accident. Hurricane Grill also argued Kast consumed three pints of beer and two shots over two hours and that it did not violate the dram shop statutes because Kast did not appear intoxicated. In addition, 50 minutes had passed from the time Kast left the restaurant, but the accident scene was only 10 minutes away.

C

Mark Feurer v. Muhammad Nayer, Mohave County Superior Court, CV2013-00787

This was a medical malpractice in which Mark Feurer claimed Muhammed Nayer failed to timely diagnose and treat a spinal epidural abscess. Feurer claimed Nayer

did not ensure an emergency MRI was completed, did not timely consult a neurosurgeon, and did not timely transfer Feurer to a Las Vegas hospital. As a result, he suffered leg paralysis and a neurogenic bowel and bladder and sought \$6 million at trial. Nayer claimed by the time he saw Feurer that it was too late to prevent Feurer's injuries. Nayer also maintained that he did order an emergency MRI but did not receive the results until eight hours later, and that it took another eight hours to transfer Feurer to the Las Vegas hospital.

D

Dawn Nazos v. City of Phoenix and Jesus Ambrocio, Maricopa County Superior Court, CV2014-009187¹⁵

This was a wrongful death motor vehicle accident case involving a collision between a City of Phoenix garbage truck and a motorcycle. Dawn Nazos claimed that city employee Jesus Ambrocio ran a stop sign while driving the Phoenix garbage truck and caused the accident, killing her husband Jason Nazos. She sought \$5,800,000 at trial. Ambrocio and Phoenix argued that Ambrocio did stop at the stop sign, and that Nazos was moving between 75 and 95 mph when he struck the garbage truck.



Mark Schmidt v. Diamond Resorts International Marketing, Inc. and Sean O'Leary,

Maricopa County Superior Court, CV2014-092114

Mark Schmidt, a sales agent for Diamond Resorts, claimed he was wrongfully terminated under a constructive discharge theory in retaliation for providing fraudulent information to potential timeshare owners. His supervisor, Sean O'Leary, disproportionately assigned Schmidt lower-tier clients and unpromising sales leads, and otherwise negatively impacted Schmidt's ability to sell to clients. Schmidt sought \$585,000 in damages. The court granted a directed verdict for O'Leary. Diamond Resorts defended that accurate and true information was provided to clients and that Schmidt decided to resign his employment on his own.



Timothy Daniels et al. v. Rio Vista Surgical Associates, P.C. and Abedon Saiz, Maricopa County Superior Court, CV2011-094814¹⁶

This was a personal injury medical malpractice case.

The Daniels family alleged that Abedon Saiz, a general surgeon, admitted 14-year-old Cody Daniels to a hospital that was not licensed in pediatric care, and that Saiz subsequently misdiagnosed Daniels' small bowel obstruction. Before surgery, Saiz

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advised the family that Daniels had to be airlifted to a licensed pediatric hospital. During the flight, his bowel ruptured, causing him to require a complete small bowel transection. The Daniels family also alleged continuing and significant complications due to the rupture, and sought \$25 million at trial. Saiz argued that he met the standard of care because he was unaware of the hospital's lack of license for pediatric care and that he was ready to perform surgery, and that the hospital was at fault because it told Saiz that Daniels had to be transferred. Saiz also claimed that Daniels was not in an emergency condition when he was transferred.



Edward Bazurto v. Archer Company USA, Inc., et al., Pima County Superior Court, CV2013-3772

This was a product liability case. Edward Bazurto, a construction worker, was pouring an expanding cement-like product, Dexpan, manufactured by Archer Company USA, Inc., in concrete foundation holes when the product blew out of the hole. The Dexpan knocked off Bazurto's safety glasses and burned his left eye. Bazurto sustained acute and long-term injuries as a result. Bazurto alleged Dexpan was not adequately tested, the material data sheet should have required safety goggle use (not glasses), and that the product's warnings were inadequate. Bazurto asked the jury for \$1.2 million. Archer argued the warnings were proper, Dexpan was adequately tested, and that safety glasses were appropriate eye protection under the circumstances. Archer also argued Bazurto's employer was negligent for not properly training its employees in the use of the product.



Pierre Vanoss et al. v. BHP Copper, Inc., Pima County Superior Court, CV2013-4884¹⁷

This was a mine construction site wrongful death case. Jon Pierre Vanoss, employed by non-party contractor Tetra Tech, was working at the Pinto Valley Mine, owned by BHP Copper, Inc., when he fell to his death in an unwitnessed accident. Vanoss' parents and his two children, and another child he had with his girlfriend, alleged BHP Copper failed to maintain a safe work site, did not comply with mine safety and health administration regulations, and failed to properly supervise Tetra Tech. The Vanoss family asked the jury for \$25 million. BHP Copper argued that it met the standard of care and that Vanoss caused his own death when he carelessly left his work station and crossed safety barriers. BHP also argued that Tetra Tech ignored established safety rules, and that BHP was unaware of any such violations and had no reason to know Tetra Tech was acting unsafely.

Where Are They Now?

Here are significant appellate opinions from 2016 about past years' notable verdicts:

Scot Sobieski et al. v. American Standard Insurance Co. of Wisconsin et al., Arizona Court of Appeals, Div. One, CA-CV 14-0416.

This 2013 verdict was in an insurance bad faith case for \$1.5 million. The Court of Appeals affirmed in part, reversed in part, and vacated in part. It found the Sobieskis presented sufficient evidence from which the jury could conclude that the insurer's investigation of the claim was not reasonable. It affirmed the judgment against American Standard for breach of the duty of good faith and fair dealing. The Court of Appeals vacated the \$1 million punitive damages award, in the absence of evidence linking the insurer's denial of coverage to an improper motive.

Brandon Orosco et al. v. Maricopa County Special Health Care District, Arizona Court of Appeals, Div. One, CA-CV 15-0850.

This was a 2014 verdict for \$4.25 million in a medical malpractice case. In a published opinion, the Court of Appeals affirmed an award made pursuant to an offer of judgment. The court held that a second offer of judgment did not extinguish the first one, and that the expense of a private process server was properly included. In a separate memorandum decision, the Court of Appeals affirmed the denial of motions for judgment as a matter of law and for new trial or remittitur. These related to evidentiary rulings, closing argument, and jury instructions. On remand, the trial court was directed to ensure that fees awarded under Rule 68(g) did not include improper double expert witness fees.

Keg Restaurants Arizona, Inc., et al. v. Tucson Oro Valley Keg LLC et al., Arizona Court of Appeals, Div. One, CA-CV 15-0054.

In this 2014 verdict, the jury found for Tucson Oro Valley Keg

The number of verdicts reversed
its declining trend and increased
by 18 percent, back to approximately
2014 levels.

for breach of contract and breach of the covenant of good faith and fair dealing, awarding a total of \$3,443,634 on its counterclaims. The Court of Appeals affirmed the award in all respects. It found there was sufficient evidence to support the jury's verdicts and its awards of damages to Tucson Oro Valley Keg. It also found the jury instructions were proper, as was the trial court's award of expert witness fees.

Joseph Winckler v. BNSF Railway Company, Arizona Court of Appeals, Div. One, CA-CV 13-0516.


This was a \$3,852,256 verdict in a Federal Employers Liability Act trial in 2012. In a memorandum decision, the Court of Appeals vacated judgment for Winckler and remanded for a new trial on the negligence claim. The court found BNSF was entitled to summary judgment on an Arizona state regulatory claim. Although BNSF was granted judgment as a matter of law at the close of evidence on the regulatory claim, the jurors had participated in a long trial that focused on the regulation and its requirements. The Court of Appeals held this deprived BNSF of a fair trial.

Three of 2015's top 10 verdicts have pending appeals that are in progress. One of 2015's significant defense verdicts has a pending appeal.

Trends

- The number of verdicts reversed its declining trend. Based on the number of verdicts reported, the number of Arizona cases that are tried all the way to verdict had until 2016 been steadily declining for six years. That trend reversed in 2016 and the number of verdicts increased by 18 percent, back to approximately 2014 levels.
- The top verdicts for 2016 were slightly down, after an upward spike the year before. The top ten verdict amounts for 2016 looked most like the ranges in 2012 and 2014.
- Medical malpractice verdicts for plaintiffs have continued to become more common in Arizona, and larger in amount. This rise started four years ago, and continues to show as a trend.
- Reliably year over year, counties with smaller populations and on the outer geographical parts of Arizona lean more conservatively on verdicts, and tend to return defense verdicts or plaintiff's verdicts that are relatively lower.
- Punitive damages remain rare and are generally given by Arizona factfinders only when they are presented with aggravating or extreme facts. We typically see punitive damages awarded in roughly ten cases per year. Amounts range considerably.
- Over the past ten years, the average percentage chance of a plaintiff winning at trial in all types of civil cases is 59 percent. This percentage has remained within a very close range in that decade; it was highest in 2008 and lowest in 2014.

Conclusion

We consider this yearly article part of our leadership of and service to the profession, and we are honored to write it. We hope you continue to find it interesting, useful and informative. If you enjoy these verdicts articles, please follow Kelly on Twitter @KellyLWilkins where she reports on verdicts and other legal news, and Troy on Twitter @TroyRobertsLaw. Please feel free to contact us any time for more details about the verdicts or to report significant ones that happen in the future.¹⁸ 

endnotes

1. Martha Minow & Robert Post, *Standing up for 'so-called law,'* BOSTON GLOBE, Feb. 17, 2017, available at http://paper.bostonglobe.com/popovers/dynamic_article_popover.aspx?guid=84120602-66dd-4173-bb7e-a93c3d1662b4.
2. This article makes no comment on the merits of the claims or defenses in these cases, or the parties or specific lawyers involved. This article does not analyze or include cases that settled before or during trial, mistrials, stipulated judgments, judgments as a matter of law, or criminal cases. The verdicts as summarized do not include costs, fees or reductions that may have been established later. The parties listed are those who were active when the verdict was delivered. Significant post-verdict developments are in these endnotes. Because the focus

of this article is on the verdicts, not all of the post-verdict activity is reported here.

3. pacer.gov for the federal system; superiorcourt.maricopa.gov for Maricopa County; agave.cosc.pima.gov for Pima County; and <https://apps.supremecourt.az.gov/publicaccess/caselookup.aspx> for the other counties.
4. Other defendants were Karina Zowine, Brett Costello, Mike Ilardo, Alisa Ilardo, Charles Johnson, Kai Knowlton, Martha Leon, Rio Mayo, Michael Narducci, Pat Shanahan, and Sarah Shanahan. A motion for motion for a new trial and motion for judgment as a matter of law was filed by the Zowines, the Ilardos, Charles Johnson, Martha Leon and the Shanahans. The court reduced the punitive awards against Pat Shanahan to \$55,000 and that against Charles Johnson to \$550,000. Otherwise the court denied the motions. Those same defendants have filed a notice of appeal.
5. Other plaintiffs were George Coulbourn, Jr., Scott Coulbourn and Shannon Coulbourn Moses.
6. Another plaintiff was Karson Jarvis, and another defendant was City of Phoenix Street Transportation Department. Phoenix filed a motion for judgment as a matter of law and a motion for a new trial or in the alternative for remittitur.
7. Other plaintiffs were Christy Gibson, Kelly Gibson and Jane Roe.
8. Other plaintiffs were Linda Brown and Cohen Brown.
9. Other plaintiffs were Lynwood Limited Partnership t/a Lynwood Apartments and Villa Del Sol Limited Partnership t/a Villa Del Sol Apartments. Travelers was granted partial summary judgment on plaintiffs' bad faith claim.
10. Recovery Innovations filed a renewed motion for a mistrial and/or for a new trial, which were denied. It has filed an appeal.
11. Another defendant was Marguerite Falk.
12. To calculate an average for a particular county, we add up all the verdict totals where damages were awarded, then divide by how many plaintiffs' verdicts there were in that county. To calculate the median in a venue, we place the plaintiffs' verdicts in value order and find the middle number, where exactly half of those verdicts are higher and half are lower.
13. Average verdicts and median verdicts are computed from all plaintiffs' verdicts in the particular venue. Defense verdicts and reductions for comparative negligence or non-party fault are deliberately not factored into the analyses of averages and medians for the reasons noted above. If we included defense verdicts into that analysis, the average of all civil verdicts statewide in 2016 (plaintiff's and defendant's verdicts) would be \$478,957.
14. Fisk's motion for a new trial was denied.
15. Nazos' motion for a new trial or for judgment as a matter of law was denied. This case is on appeal.
16. Other plaintiffs were Leslie Daniels and Cody Daniels.
17. Plaintiffs' motion for a new trial was denied, and they have filed an appeal.
18. Thank you to Editor Tim Eigo for encouraging this project for its thirteen years and for inspiring us all to write more and write better. Thanks too to Art Director Karen Holub for the colorful and creative artwork. We thank the readers for your kind comments about this yearly article.