

# Personal Injury & Wrongful Death

CPM has been one of the leading firms in California consistently handling catastrophic and serious personal injury cases. The attorneys at CPM have extensive experience and success in all aspects of personal injury litigation, including cases and trials involving aviation, pharmaceuticals, premises liability, product liability, motor vehicles, boats, bicycles, dangerous highways, pedestrians, railroads and wrongful death.

Serious injury and wrongful death cases require attorneys not only with extensive experience, but also the financial resources to properly prepare the case for trial and see it through to verdict. CPM works with physicians in multiple medical fields, life-care planners who focus on rehabilitation plans for injured victims, and economists and other trained professionals to assess the full extent of harm suffered by the injured person(s) or surviving family member(s) to assist in obtaining the best result possible.

The needs of individuals who have been seriously injured or killed as a result of the negligent or willful conduct of others, and the needs of their family members, can be overwhelming. It takes a strong, dedicated team to successfully handle a serious personal injury lawsuit to resolution. For decades, the attorneys at CPM have met that challenge, having dealt with a wide array of catastrophic injury and death cases, including amputations, disfigurement, paralysis, brain injuries, spinal cord injuries, severe burns, dog bites and other devastating harms.

For more information, or to discuss a potential legal matter, please follow up with Frank Pitre, Niall McCarthy, Gary Praglin, or Kelly Weil.

## Noteworthy Cases

### *Thomas Fire Cases*

Los Angeles Superior Court

## Key Contacts

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CPM represents individuals and families who were affected by the Thomas Fire, which blazed through 280,000 acres in Ventura and Santa Barbara Counties beginning in December 2017. The fire, which claimed over 1,000 homes and two lives, was started by power poles owned and negligently maintained by Southern California Edison. Amid high winds, the power poles “slapped” into each other, creating an electrical arc that ignited the brush below. The large fire was followed by heavy rains, which led to mudslides that destroyed or damaged hundreds of homes and claimed 21 lives.

### ***Woolsey Fire Cases***

#### **Los Angeles Superior Court**

CPM represents individuals and families who were affected by the Woolsey Fire that burned through Los Angeles and Ventura Counties in November 2018. The fire originated from power equipment owned and operated by Southern California Edison located at the Santa Susana Field Laboratory owned by Boeing. The Woolsey fire claimed over 1,600 homes and 3 lives.

### ***Wong v. Carnival Corporation, Princess Cruises et.al.***

#### **Central District of California**

The plaintiffs allege that the defendants allowed the *Grand Princess* cruise ship to sail for Hawaii on February 21, 2020, knowing that many passengers and crew from a prior Mexico *Grand Princess* cruise were still on board after being exposed to the Coronavirus, and after *knowing* that a recently boarded passenger had symptoms but the medical crew took no action. The defendants also knew that a sister ship, the *Diamond Princess* had already been quarantined due to COVID-19 passenger deaths and illness. The plaintiffs allege that the Defendants’ actions caused decedent Ronald Wong to become infected with Coronavirus aboard the *Grand Princess*, and then die from COVID-19.

### ***Martin v. Hollywood Premier Healthcare Center et.al.***

#### **Los Angeles Superior Court**

CPM represents the family of 84-year-old Vincent Martin, who tragically died of COVID-19 on April 4, 2020 while in the care of the defendants’ nursing home. The plaintiffs are Mr. Martin’s surviving wife and two adult children, who are suing for elder abuse and wrongful death. The plaintiffs allege that: the defendants failed to protect Mr. Martin from exposure to the disease; concealed from Mr. Martin and his family that the disease was rampant in the facility; and lacked adequate infectious disease control to protect its patients. The defendants failed to disclose that their administrator and staff had tested positive for the virus. The defendants then failed to properly test Mr. Martin for COVID-19 and failed to

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inform the family of his condition as he was dying. Vincent Martin died without his family being present or even knowing that he had Coronavirus because of the defendants' unsafe practices.

### ***Osborne v. Telenko et. al.***

#### **Orange County Superior Court**

CPM represents a young man who was the victim of the defendant's reckless driving under the influence of alcohol. The plaintiff was only 19-years-old at the time of the incident. The plaintiff was sitting on the hood of the defendant's stopped vehicle when the defendant, who was intoxicated, began driving. The plaintiff fell off the vehicle and his head struck the asphalt. The plaintiff suffered severe bilateral brain damage as a result of the incident.

### ***Herrera v. Victor Valley Global Medical Center et. al.***

#### **San Bernardino Superior Court**

CPM represents a young woman who suffered serious personal injuries as a result of a routine hysterectomy. The plaintiff alleges that her doctor did not do the surgery, instead allowing another gynecologist, with whom the plaintiff had never met (or even spoken), to perform the operation without consent. The plaintiff alleges that the stirrups used by the defendants damaged her leg during the surgery. The lawsuit alleges that the defendants then falsified the operative report. While the plaintiff was hospitalized recovering from her injuries, she was then assaulted by a nurse, causing additional injury.

### ***PG&E "San Bruno Fire" Cases***

#### **San Mateo County Superior Court**

CPM represented the victims of the September 9, 2010 PG&E pipeline explosion in the Crestmoor neighborhood of San Bruno, CA. The blast and resulting fire destroyed 38 homes, killed 8 people, and injured many. The plaintiffs alleged that PG&E demonstrated a conscious disregard for safety in failing to properly maintain, test, and operate the pipeline, and requested punitive damages. Frank Pitre was named CAOC 2013 Consumer Attorney of the Year for his work on these cases.

### ***Redwood City Fire Cases***

#### **San Mateo County Superior Court**

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CPM represents dozens of tenants who fell victim to the June 2013 blaze to a major apartment complex fire in Redwood City. The apartment served low-income tenants, including many seniors and those with mental and physical disabilities. The complex did not have a safety sprinkler system, resulting in the entire complex being gutted, causing dozens of tenants to lose all of their possessions and property.

### ***Lisa Seligman-Mazurek, et al. v. American Medical Response, et al.***

#### **San Diego County Superior Court**

On October 16, 2009, plaintiff's decedent Michael Mazurek, 41, an orthopedic trauma surgeon for the United States Navy, rode his bicycle to work at the Naval Medical Center in San Diego. While Mazurek was traveling south on Murphy Canyon Road, a medical transport van operated by Gustavo Gonzalez allegedly cut off Mazurek. As a result, Mazurek struck the back and side of the van, causing him to slide under the rear right tire of the vehicle, which ran him over. Michael Mazurek's surviving spouse and children sued American Medical Response Inc., Gonzalez's employer, and claimed Gonzalez negligently operated the vehicle, causing the accident and decedent's wrongful death.

### ***Dalson v. Biggs***

#### **Solano County Superior Court**

The plaintiff was jogging when attacked by three vicious dogs which broke free from owners yard. The plaintiff sustained life-threatening injuries.

### ***John Doe v. The Roman Catholic Bishop of Monterey, et al.***

#### **Monterey County Superior Court**

From 2006 through April 14, 2009, Plaintiff John Doe was a victim of a priest's sexual harassment, molestation, and abuse. Defendant Roman Catholic Bishop of Monterey failed to identify, evaluate, and/or supervise the actions of another named defendant in his role serving the Diocese of Monterey as a pastor at several local parishes.

### ***Calderon, Gomez, Saavedra v. Julieta B. Duerr, et al.***

#### **Monterey County Superior Court**

On November 5, 2011, while in the care of the defendants, the plaintiff was one of six physically- and cognitively-impaired young residents living at their facility known as Mount Carmel, in Marina, California 93933. At approximately 11:45 p.m., an intense blaze was reported to police and firefighters. When

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firefighters and police arrived, they became aware of the dependent adults who were trapped inside the burning care facility. Five of the six young dependent adults ultimately succumbed to the fire.

### ***Murillo, et al. v. National Railroad Passenger Corporation, et al.***

#### **Contra Costa Superior Court**

CPM successfully represented the family of an elderly couple who were killed by an Amtrak train while their car was trapped at a dangerously designed grade railroad crossing in Crockett, California in an action against the National Railroad Passenger Corporation (“Amtrak”), Union Pacific Railroad Company and the State of California Department of Transportation.

### ***Manlapaz, et al. v. Bills Trucking, et al.***

#### **Santa Clara Superior Court**

CPM represented the family of a woman killed after being crushed by a semi-truck with two dirt hauling trailers while she was crossing the street near a construction site in Mountain View, California.

### ***Gonzalez v. Oil Can Henry’s International***

#### **Monterey Superior Court**

CPM successfully represented a four-year-old child who suffered brain damage after being struck and run over by a driver at an oil change service shop which failed to properly control vehicle and pedestrian safety in conjunction with its promotion of quick service.

### ***Balcony Collapse***

#### **San Francisco Superior Court**

CPM represented 13 victims of personal injuries and wrongful death arising out of the Franklin Street balcony collapse in 1996.

### ***In re MGM Grand Hotel Fire Litigation***

Multidistrict consolidated litigation by personal injury wrongful death claims in the mammoth fire that destroyed the MGM Grand in Las Vegas, Nevada.

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## ***Carnaham v. State of California***

**Fresno County Superior Court**

CPM filed an action against the State of California and over 100 separate defendants on behalf of scores of individuals killed or injured in a severe dust storm on I-5 over the 1991 Thanksgiving weekend.

## **News**

Lawsuit Filed on Behalf of 7-Year-Old Twin Girls Whose Parents Were Killed in a Horrific Collision Caused by Two Young Street Racers

06.06.2023

Parents of Slain Saugus High School Student Sue School District on the Anniversary of 15-Year-Old Gracie Muehlberger's Tragic Death

11.20.2020

CPM Helps Couple to Sue Carnival Corporation and plc & Princess Cruise Lines for Allegedly Covering Up Coronavirus as Influenza

10.23.2020

CPM Helps Family Sue Carnival and Princess Cruises for Intentionally Hiding Knowledge of COVID-19 Before the Cruise Ship Left Port

05.27.2020

CPM Partners Justin Berger & Robert Hutchinson Will Be Featured on CBS's "Whistleblower"

06.10.2019

As CPM Fights for Fire Victims, California Says PG&E Power Lines Caused Camp Fire That Killed 85

*The New York Times*, 05.15.2019

CPM Files Wrongful Death Lawsuit and FAA Claim on Behalf of Young American Woman Killed in Boeing 737 MAX 8 Crash in Ethiopia

2019

CPM Clients Wildfire Victims Accuse PG&E of Resisting Oversight

*Courthouse News*, 03.04.2019

Attorneys (including CPM): PG&E has long failed to handle wildfire risk

*San Francisco Chronicle*, 03.01.2019

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CPM Helps County of San Mateo File Suit Against Opioid Manufacturers Over Opioids Flooding the County

*Daily Journal*, 2019

CPM Files Series of Lawsuits on Behalf of Camp Fire Victims

12.10.2018

PG&E Sees 'Significant Liability' in California Wildfire Report

*Bloomberg*, 06.11.2018

Cal Fire Releases Cause of a Dozen More October Fires: Nearly All Tied to PG&E

*KQED*, 06.08.2018

CPM Partner Frank Pitre Receives the 2018 Lifetime Legal Achievement Award for Advocacy Regarding California Wildfires

06.02.2018

SIX-TIME FELON PG&E WANTS A FREE PASS – DON'T LET THEM HAVE IT

San Mateo Jury Awards \$2.3 Million to CPM Client Former MLB Pitcher Who Was Attacked In Front of His Home

03.20.2018

CPM Sues Pacific Gas and Electric Company for Rash of Deadly Northern California Wildfires

*NBC Bay Area News*, 11.14.2017

CPM Among Five Top Law Firms to Announce Series of Lawsuits against PG&E on behalf of Fire Victims

*Davis Vanguard*, 11.14.2017

CPM client former SF mayor among plaintiffs in seven new lawsuits against PG&E over North Bay fires

*San Francisco Examiner*, 11.14.2017

New PG&E reports show widespread problems during Wine Country fires

*San Jose Mercury News*, 10.31.2017

California fire mystery: PG&E lines fell in winds that weren't 'hurricane strength'

*San Jose Mercury News*, 10.12.2017

Dispatch calls link PG&E power lines to North Bay wild fires, cause still under investigation

*KTVU*, 10.12.2017

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CPM Wildfire Litigation Experts Leading Charge of Investigation on North Bay Fires

CPM Files Lawsuit Against Immigration and Customs Enforcement for Family of Fallen Oakland Muralist, Tony Ramos  
08.03.2017

CPM client sues Palo Alto VA facility over Vietnam vet's fatal fall  
*San Francisco Chronicle*, 05.15.2017

CPM Files Lawsuit on Behalf of Parents of Oakland Ghost Ship Fire Victim  
01.13.2017

As CPM Fights for Justice to Be Served, Government Disclaims Responsibility for Kate Steinle's Death

CPM Partner: Exploding Samsung 7 Phones Are Just the Tip of the Iceberg  
10.19.2016

Federal Jury Finds PG&E Guilty of Obstructing Investigators  
*ABC 7 News*, 08.09.2016

CPM Files Lawsuit Against Hyperloop One for Retaliation and Assault  
07.12.2016

CPM Files Federal Claim Against ICE for Family of Slain Oakland Muralist, Tony Ramos  
06.02.2016

CPM Client Kate Steinle's Family Sues Federal Agencies After Alleged Murder By Undocumented Immigrant  
*ABC News*, 05.27.2016

CPM Client Steinle Family Files Claims to Hold SF Sheriff Ross Mirkarimi, ICE and the Bureau of Land Management Responsible for Daughter's Death  
09.01.2015

Experts say balcony collapse that killed 6 likely due to dry rot  
*The Daily Californian*, 06.18.2015

CPM Attorneys Selected as Top 10 Under 40

CPM Represents City of Richmond Regarding Chevron Refinery Fire

CPM Partner Pitre Selected by "Best Lawyer" as 2015 Personal Injury Lawyer of the Year



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Center for Investigative Reporting Covers CPM's Spinal Screw Case  
11.03.2014

22 lawsuits - and counting - filed against owners of Redwood City building gutted by fire devastating CPM clients  
*San Jose Mercury News*, 08.23.2013

CPM client couple who escaped from deadly apartment fire in Redwood City sue building's owner  
*San Jose Mercury News*, 07.18.2013

Judge Rules Jury Can Set Punitive Damages in PG&E Pipeline Blast  
10.30.2012

CPM Client Receives Largest Verdict Awarded in Individual Wrongful Death Suit in San Diego County  
05.20.2011

Frank Pitre Receives Edward I. Pollock Award

CPM Facilitates \$894 Million Pfizer Settlement

## Publications

Punitive Damages: How Much Is Enough?  
*Civil Litigation Reporter.*, Volume 20, Number 1 (Feb. 1998)

## FAQs

### What is personal injury law?

Personal injury law is an area of law allowing one who has been wrongfully hurt to seek to recover money for injuries sustained because of the fault of another person. This could include an automobile injury, an injury at a business or restaurant, or a defective product. A person can be deemed at fault based on violating an established law, such as laws in the Vehicle Code, or by whether such behavior was deemed to be unreasonable.

### How does someone who is hurt obtain monetary recovery?

Personal injury law is designed to compensate the victim, through money, for the losses sustained as a result of the accident. The money that can be recovered includes items such as medical and ambulance bills, future medical care, lost pay for work, destroyed or damaged property, inability to work in the future, and other items. In addition, there is also recovery for non-economic damages, such as pain and suffering,

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emotional distress, inconvenience, loss of enjoyment of life, and anxiety.

If the conduct is deemed sufficiently egregious, such as drunk driving or other reckless behavior endangering the health and lives of others, then one can also seek damages designed to punish the wrongdoer. These are called punitive damages.

### **How do I show that the conduct caused the injury?**

In many cases, victims need to have a doctor explain that the injury sustained was caused by the fault of the wrongdoer. This can be anything from a rear-end car accident to an injury sustained on a bicycle ride; a doctor is usually necessary to explain how the injury occurred and whether that injury will improve or continue. Some cases also need experts such as accident reconstruction experts, who can explain what happened in the accident.

### **What does a person have to do when they bring a personal injury matter?**

The person who brings a case, called a “plaintiff,” has to participate in many things. This includes providing his or her attorney issues related to the injury and other personal information. The plaintiff also usually submits to a deposition, where the attorney for the wrongdoer asks the plaintiff questions about his or her injuries and what happened in the accident. The plaintiff may also have to be evaluated by a doctor hired by the wrongdoer or the wrongdoer’s insurance company. Finally, the plaintiff will probably have to attend settlement conferences and possibly a trial.

### **Do cases have to go through a trial?**

Most cases eventually settle with an agreement reached with the insurance carrier of the person who committed the wrong. Sometimes, the cases go to trial, where a jury decides whether the person was at fault for the injuries sustained and what amount of money will compensate the victim for those injuries.

If you have any questions about the process or want to discuss a personal injury case, feel free to contact attorney Frank Pitre at (650) 697-6000.

Cotchett, Pitre & McCarthy, LLP, based on the San Francisco Peninsula for over 45 years, engages exclusively in litigation. The firm’s dedication to prosecuting or defending socially just actions has earned it a national reputation.