



YOU BE THE JUDGE/JURY



Case # 1 – Child Falling off Playground Equipment

BASIC FACTS:

Claimant is a 2 1/2 year old male whom insured describes as "headstrong and active. The claimant was enrolled in our insured's daycare program. The claimant was climbing on a wooden and metal playground structure when he fell approximately 5 feet to the ground below.

The ground cover was pea gravel, however our investigation has revealed that at the time of the claimant's injury, the insured was not in compliance with ground cover requirements and the insured was apparently in the process of upgrading. The investigator has also indicated that the equipment may not have been age appropriate for a 2 1/2 year old.

The insured was in compliance with the required ratios, however, there's evidence that no one was directly near the child on this equipment. One of the teachers has indicated that she was approaching the claimant when she observed him on the platform of this equipment and says she was on her way to help the claimant down when she was distracted by another child. By the time she looked again, the claimant had already fallen. There are statements from other caregivers that give indication that a caregiver from another section of the playground had to alert the claimant's caregivers that the claimant had fallen.

We were also advised that prior to this loss the mother had lost her job and her home.

DAMAGES:

The claimant sustained a displaced, spiral fracture of his left femur. He was admitted and sedated while the fracture was manipulated and held in traction. A cast was applied, which started at the claimant's torso and covered the lower part of his body. He tolerated the procedure well and left the emergency room the same day.

Less than one month later, the cast was removed and the fracture was shown to be healed. Presumably as a precautionary measure, due to the claimant's young age, the doctor put him in a long-leg, thigh-high socket type cast for three weeks. Once the second cast was removed, the leg was found to have no deformity, there was good range of motion and he was starting to stand up and walk.

Eight months later the claimant is seen again. The doctor notes him to be walking well. The claimant's mother indicated that the claimant occasionally walks with his toe in, on the left, when he is tired or going up and down stairs. The doctor felt this may be the result of fatigue and advised the mother to let him work out on a bike when he is able. He also complained of some pain in his left thigh on occasion, particularly when it is cold. The doctor also noted that the claimant was a well-developed, active child who ran around the exam room without difficulty and his leg lengths were equal,

The claimant was to return in a year to check the leg lengths, however, there were no subsequent visits so it would appear that this is not an issue.

Claimant Demand

The Claimant attorney has submitted a demand for \$ 180,000.

The Claimant attorney has also mentioned punitive damages based on reckless indifference

Now.....You Be The Judge/Jury

Based on the information provided - select what you think was the final outcome & expense

Final Results:

<input type="checkbox"/>	Settled out of Court	Amount of Settlement	\$ _____
		Fees & Expenses (medical & legal)	\$ _____
		Total Expenses	\$ _____
<input type="checkbox"/>	Went To Trial		
	<input type="checkbox"/> Verdict for Plaintiff	Amount of Award	\$ _____
		Fees & Expenses	\$ _____
		Total Expenses	\$ _____
	<input type="checkbox"/> Verdict for Defendant (comp)		
		Fees & Expenses	\$ _____

What was major reason/deciding factor for your decision?



YOU BE THE JUDGE/JURY

Case # 2 – Camp Canoe Accident - Drowning

(non Markel case)

BASIC FACTS:

A family is suing Camp _____ for the death of a young camper. The parents are alleging negligence by the Camp in the drowning of their son, age 9, when he and other campers paddled canoes in a river.

The camp leader of that canoe trip, then 18-year-old _____, testified by videotape that he was not certified in canoeing and had not even read the camp's rules on aquatic trips when he was appointed guide for the group of seven canoes.

Another witness, the camp bus driver also testified on videotape that he was the one who ultimately freed the boy. He testified the youngster had fallen out when the canoe tipped over and was pinned underwater for several minutes by the overturned canoe holding him against an exposed tree in the middle of the river.

Three counselors finally pushed away the canoe filled with water amid the strong current to pull the boy up.

Testimony estimated the canoe, which usually weighs about 100 pounds, can have up to 2,000 pounds of pressure when filled with rushing water.

Carrying the boy, then unconscious and still wearing a life jacket, _____ said, "I walked straight toward the other bank."

He earlier testified that the water measured at a low level of only about 2 1/2 feet.

After arriving on the bank, Scott testified that he began CPR on the child, who was splotchy blue in the face. Others also helped and were able to revive a weak pulse until an ambulance arrived.

_____ and _____ also testified that they had previously known of that tree being an obstacle with the water level so low. Two girls from the camp the week before the drowning had flipped their canoe there and were temporarily stranded on top of the tree limbs.

But no camp staff member sawed the tree limbs and trunk down until after the drowning, they testified.

YOU BE THE JUDGE/JURY

Case # 3 – Blobbing Injury

BASIC FACTS:



The claimant was a camper at the time of this incident. The injury apparently resulted when the claimant was using what is called a "BLOB". A blob is a large rectangular flotation device that is stationary in the water. One person sits on one end of the "blob" and another jumps from an elevation, onto the opposite end. The sitting person is then propelled off the blob and into the water. The claimant is alleging that she was "blobbed" by a counselor, who was much heavier than the claimant. The claimant's ear apparently struck the water in such a fashion that it caused the eardrum to rupture.

The initial injury appeared to be well healed so the camp allowed the claimant to resume swimming. It is believed that this may have been improper after-care. Upon returning home the claimant was taken to the doctor for an unrelated cough. During that examination, it was found that the rupture was still not healed. The claimant underwent an initial surgery wherein a patch was placed over the rupture. This surgery was not successful and therefore, she underwent a second surgery where there was actual drilling involved and a "fat graft" to repair the perforation. The lawsuit alleges that a 3rd surgery may be required but we have been given no medical documentation to this effect. There is an allegation of a 30% hearing loss.

DAMAGES:

The medicals are believed to be in excess of \$10,000.

INVESTIGATIVE BACKGROUND:

It appears that the after-care provided by the camp nurse is what may have increased the severity of the injury.

If the claimant's allegation is true, that she was "blobbed" by a much older, much heavier counselor, liability could also be adverse for the insured. However, the claimant has admitted that it was actually more fun if they were "blobbed" by a heavier person. Depending on her maturity level, we may be able to place some comparative negligence on the claimant.



YOU BE THE JUDGE/JURY

Case # 4 – Exposed Pipe

BASIC FACTS:

Camper, age ten on the date of loss, had been a camper at our insured location, for eight days before the incident. The counselor who was assigned to the claimant's group reports that the claimant was playing with another child. The other child was standing on an exposed water line near their cabin. The other child stepped off the water line and the pipe sprung upwards and struck the claimant in the mouth.

The pipe is a 1/2 inch galvanized water pipe that is about eight feet long. The pipe is part of an abandoned water faucet. It was protruding out of the ground at a 25-30 degree angle about 3-4 inches off the ground at its highest point. The insured's own maintenance crew had partially removed it. Following the incident the maintenance crew completely removed the pipe remains.

The counselor reports that the children were supposed to be showering at the time of the incident. They were to clean up the cabin area in preparation to leave camp the following day. He reports they were not allowed in the area of the incident due to a concern about rattlesnakes. There were no signs posted in the area nor was there any supervision to enforce the off-limit restriction.

The claimant indicated in his statement that he was packing to leave the camp and finished packing early. He went outside with seven other children. They were there about five minutes, pushing the pipe up and down, when the pipe suddenly struck the claimant in the mouth. There were no counselors in the vicinity. The claimant said he had never been told not to play at that location. He had played there earlier in the week and nothing was said. He stayed at camp until the following day. He slept OK that night and received no first aid and could eat only soft food.

He was picked up by his parents the following day and taken that same afternoon to his family dentist. The camp had called the parents immediately after the incident but the parents didn't want to come and pick up the claimant that day because they wished to avoid an emotional trauma to the child. The camp's application includes no waiver or release.

DAMAGES

Medical records confirm that the claimant has undergone a root canal of one tooth and bonded restoration for the seven fractured teeth. One tooth sustained a pulp exposure.

Claimant's attorney has forwarded a specials package including treatment to date totaling \$7,462.00 with anticipated future treatment totaling \$16,450.00.

The claimant's attorney has submitted a demand of \$75,000.



Now.....*You Be The Judge/Jury*

Based on the information provided - select what you think was the final outcome & expense

Final Results:

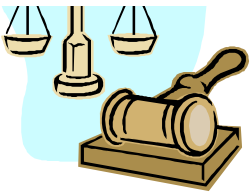
Settled out of Court

Amount of Settlement	\$ _____
Fees & Expenses (medical & legal)	\$ _____
Total Expenses	\$ _____

Went To Trial

<input type="checkbox"/> Verdict for Plaintiff	Amount of Award	\$ _____
	Fees & Expenses (medical & legal)	\$ _____
	Total Expenses	\$ _____
<input type="checkbox"/> Verdict for Defendant (camp)		
	Fees & Expenses	\$ _____

What was major reason/deciding factor for your decision?



YOU BE THE JUDGE/JURY

Case # 5 – Camp Vehicle (Van) Accident

BASIC FACTS:

This is a single vehicle accident which occurred on a two lane highway. The loss occurred at 1:20 a.m. The weather conditions were cloudy and the road surface was wet. The insured operator is 24 years old and employed as a camp counselor for the insured. The loss occurred when the operator was returning to the camp after spending a day mountain hiking in Vermont with the nine passengers, ages 7 to 12.

While enroute the operator fell asleep at the wheel went off the road, crossed the highway going into the median striking the guardrail causing the insured vehicle to overturn twice.

Neither the operator nor the passengers were ejected from the vehicle. There were no witnesses. The state police and paramedics responded to the scene taking the operator and all passengers to the local emergency room.

The operator was cited for driving with an expired license and failure to keep his vehicle under control. There was no indication of any alcohol consumption nor any medication which would have affected the operator's driving.

DAMAGES

The insureds leased Dodge Van that was declared a total loss.

Of the nine passengers, one passenger sustained the most serious injury of a comminuted mid-shaft fracture of the right femur. The claimant underwent two surgeries, the first was external fixation followed by open reduction and internal fixation. The other eight passengers have concluded their treatment and to date no bodily injury claims were presented.

The claimant is represented by counsel who has filed suit to protect the statute. His demand is \$400,000, however, all indications are that he is willing to settle for less. The 15 year old male claimant's surgical rod from first surgery has been removed and it appears there have been no further complaints. He has made a remarkable recovery with an excellent range of motion and strength. The claimant was released by his treating physician to resume his normal participation in gym class and other sporting activities, including skiing.



Now.....*You Be The Judge/Jury*

Based on the information provided - select what you think was the final outcome & expense

Final Results:

<input type="checkbox"/>	Settled out of Court	Amount of Settlement	\$ _____
		Fees & Expenses (medical & legal)	\$ _____
		Total Expenses	\$ _____
<input type="checkbox"/>	Went To Trial		
	<input type="checkbox"/> Verdict for Plaintiff	Amount of Award	\$ _____
		Fees & Expenses (medical & legal)	\$ _____
		Total Expenses	\$ _____
	<input type="checkbox"/> Verdict for Defendant (camp)		
		Fees & Expenses	\$ _____

What was major reasons or deciding factors for your decision?



YOU BE THE JUDGE/JURY



Case # 6 – Fall From Bunk Bed

BASIC FACTS:

The claimant had not been feeling well (vomiting and diarrhea) and so she went to the insured infirmary at about 7:30pm. She was given Pepto-Bismal. The claimant's mother works in the infirmary. The mother had the claimant lay down on the top bunk in the infirmary. There were other children and another nurse in the infirmary. The claimant was leaning over the top rail talking to another camper in the bottom bunk, when the rail gave way and the claimant fell at about 8:05pm. The claimant landed on her left, non-dominant, arm. The arm was immediately identified as broken and deformed with blood on the arm, suggesting a compound fracture. Neither the mother nor the other nurse actually saw the fall.

DAMAGES

The claimant was transported by ambulance to Valley Children's Hospital. She was diagnosed with an open fracture of both the radius and ulna. She remained overnight and surgery was performed the following day. A plate and pin were inserted. The surgical report confirms two bleeding puncture wounds to the forearm caused by the fractures and insertion of the pin through the elbow. She remained an additional day in the hospital and then returned to camp.

Recently submitted photos show obvious/severe scarring on both sides of the forearm and on the elbow. The medical records submitted have not suggested any permanent residual disability.

ADDITIONAL INFORMATION:

The insured director inspected the rail and noticed the two lower screws on the metal clamps were missing. The beds were new, having just been purchased in June. The frames came unassembled and the insured staff assembled the beds. The explanation given by the insured for the missing screws was that they were needed for other beds.

Now.....*You Be The Judge/Jury*

Based on the information provided - select what you think was the final outcome & expense



Final Results:

- Settled out of Court**
- | | |
|-----------------------------------|----------|
| Amount of Settlement | \$ _____ |
| Fees & Expenses (medical & legal) | \$ _____ |
| Total Expenses | \$ _____ |
- Went To Trial**
- Verdict for Plaintiff
- | | |
|-----------------------------------|----------|
| Amount of Award | \$ _____ |
| Fees & Expenses (medical & legal) | \$ _____ |
| Total Expenses | \$ _____ |
- Verdict for Defendant (camp)
- | | |
|-----------------|----------|
| Fees & Expenses | \$ _____ |
|-----------------|----------|

What was major reasons or deciding factors for your decision?

CASE RESULTS

Case # 1 – Child Falling off Playground Equipment

Settled out of Court	Amount of Settlement	\$ 45,000
	Fees & Expenses (medical & legal)	\$ 9,566
	Total	\$ 54,566

Case # 2 - Camp Canoe Accident – Drowning

(NOT A MARKEL INSURANCE COMPANY CASE)

Went to trial	Amount of award by jury	\$ 5 million
	Fees & Expenses (medical & legal)	\$ unknown
	Total Expenses	\$ in excess of 5 million

Houston Chronicle Wed, 22 May 2002

Lawsuit over fatal canoe trip costs Camp _____ \$5 million

SECTION- A, PAGE 35

BYLINE- JO ANN ZUNIGA

A Harris County jury awarded more than \$5 million Tuesday to a Houston family suing Camp _____, for the death of a young camper.

Medical costs totaled \$277,209.43, which the jury awarded as damages.

In addition, the jury awarded more than \$5 million for the child's pain and suffering as well as the parents' loss and past and future anguish.

Case # 3 – Blobbing Injury

Settled out of Court	Amount of Settlement	\$ 45,000
	Fees & Expenses (medical & legal)	\$ 9,566
	Total	\$ 54,566

Case # 4 - Exposed Pipe

Settled out of Court	Amount of Settlement	\$ None
	Fees & Expenses (medical & legal)	\$ 5,540
	Total	\$ 5,540

Case originally filed by attorney for plaintiff but over time lost interest and failed to follow through and case dropped. We suspect attorney wasn't willing to pursue as there wasn't much money to be gained.

NORMALLY WOULD EXPECT HAVE BEEN \$ 50 k TO \$ 100 K

Case # 5 - Camp Vehicle (Van) Accident

Settled out of Court	Amount of Settlement	150,000
	Fees & Expenses (medical & legal)	\$ 29,500
	Total	\$ 198,811

Plus \$ 19, 169 to replace vehicle

Case # 6 - Fall From Bunk Bed

Settled out of Court	Amount of Settlement	105,000
	Fees & Expenses (medical & legal)	\$ 5,254
	Total	\$ 110,254