

# Case Study

Disability & Employment Report #398

## **SECURITY GUARD RUN OVER BY FORKLIFT AT WORK LOSES LIFESTYLE AND LIVELIHOOD DUE TO AMPUTATION**

**NATURE OF CASE:** Litigation resulting from a work place injury resulting in a below-the-knee amputation.

**OUTCOME:** Case settled for over \$16 million.

**ATTORNEY:** Ricardo Echeverria of Shernoff Bidart Echeverria, 600 South Indian Hill Boulevard, Claremont, CA 91711, (909) 621-4935, represented the plaintiff.

**VOCATIONAL EXPERT:** Richard H. Andersen, M.S., C.V.E., C.R.C., of VECTOR, Inc.  
Tim Lanning of FHL Economics, (714) 542-8853, served as the economist.

**ATTORNEY COMMENT:** “Mr. Andersen was an integral part in proving plaintiff’s damages. His preparation and testimony were well received by the jury.”

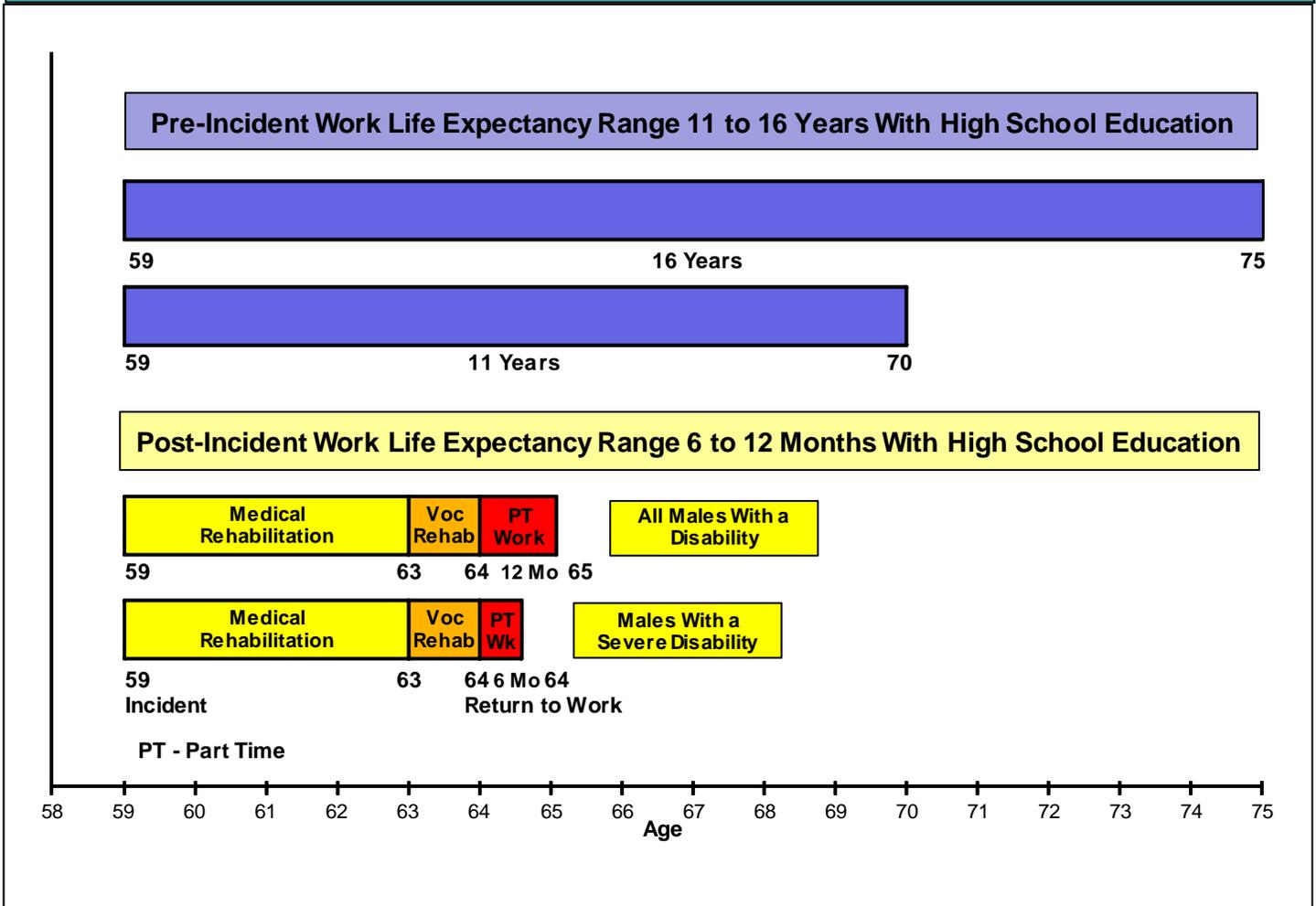
**CASE BACKGROUND:** Plaintiff, a Security Guard, was 59 years old at the time of the incident. He was run over by a forklift while at work, suffering a right ankle fracture, multiple lacerations to the right lower extremity, and a severe degloving injury. As a result, he underwent at least 14 surgeries and developed an infection of the right lower extremity, which eventually led to a below-the-knee amputation.

**FOCUS ISSUE:** Prior to the incident, Plaintiff worked full time and lived independently, enjoying such activities as lifting weights, walking his 3 dogs, and caring for his brother’s grandchildren. Andersen interviewed the plaintiff, administered a series of vocational tests, and reviewed Plaintiff’s medical records. The records revealed that Plaintiff had always been employed in jobs involving physical activity, because that is the type of work he enjoyed. His job as a Security Guard involved bending, prolonged sitting, walking, and climbing stairs. His prior job as an Appliance Installer involved bending, kneeling, squatting, pulling, and lifting up to 100 pounds.

The medical records revealed that Plaintiff is precluded from his former areas of work by his injuries, and would find it difficult to sit, walk, or stand for longer than 40 minutes, even if he did find a comfortable prosthesis. Vocational testing revealed that Plaintiff was functionally illiterate, reading at the 4th grade level and performing mathematics at the 5th grade level, further limiting his access to jobs.

**TRIAL TESTIMONY:** At trial, Andersen testified that Plaintiff would more than likely remain unemployable due to his medical condition, including his use of a cane and walker. Andersen also completed a transferable skills analysis, which took into consideration Plaintiff’s work history, vocational test results, and physical restrictions. No transferable skills were located. However, Andersen testified that if the plaintiff were to be employable, he would be relegated to part time (50%) sedentary work in the safety and security field, with a shorter work life than he originally anticipated (see graph).

## PRE-INCIDENT / POST-INCIDENT WORK LIFE EXPECTANCY



Source: *The New Work Life Expectancy Tables, Revised 2015*

**ABOUT RICHARD ANDERSEN:** Richard Andersen holds national certifications as a Rehabilitation Counselor and Vocational Evaluator with 40 years experience in vocational rehabilitation. He has also testified in Superior Court in 10 California counties. VECTOR, Inc. specializes in vocational rehabilitation counseling, disability research and forensic rehabilitation services, including vocational expert testimony on **personal injury, medical malpractice, wrongful death, wrongful termination, and harassment matters**. The firm, founded in 1975, serves both plaintiff and defense attorneys, providing the link between the physician and the economist to precisely determine damages.

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