

Wheeler Trigg O'Donnell Prevails in Personal Injury Trial in Plaintiff-Friendly New Mexico

News

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After a two-week trial, a Santa Fe, New Mexico jury issued a complete defense verdict in favor of Wheeler Trigg O'Donnell's client, La Montanita Food Cooperative, in this personal injury lawsuit. The plaintiff, Michael Scott Reilly, claimed La Montanita, the largest community-owned, natural food cooperative in New Mexico, was liable for permanent and disabling neurological injuries he claimed he suffered when he was struck by a door as it was opened outward from a storeroom onto an outside passageway. Despite the defense's admission that the plaintiff had received a permanent injury in the accident, the jury deliberated for only an hour before finding that La Montanita was not liable for the injury.

New Mexico counsel originally retained to defend La Montanita had recommended a very substantial settlement. As negotiations failed to progress, La Montanita's insurance company hired Bryan Cross of WTO to try the case - just one month before trial was set to begin.

A pivotal point in the trial occurred when WTO lawyers succeeded in excluding testimony from the plaintiff's purported safety expert who had been testifying as an expert

in New Mexico for over 30 years. WTO attorneys also developed powerful impeachment evidence that resulted in the Court holding the plaintiff in civil contempt and imposing a fine on the plaintiff for lying in the Court's presence during cross examination.

La Montanita and its insurer were extremely pleased with the outcome of this case. It was the first case in at least 10 years that the insurance company had taken to trial in Santa Fe, a dangerous plaintiff-oriented venue with a reputation for large verdicts.

Reilly v. La Montanita, No. D-101-CV-2008-01535 (N.M. Dist. Ct., Oct. 2, 2009)