

Practice Area

# Personal Injury

The depth of our experience is unrivaled. We have handled every conceivable case, including the most complex and catastrophic injury cases for the world's largest insurance companies and self-insured businesses.

OVERVIEW

PEOPLE

CASES OF INTEREST

PUBLICATIONS

Porter Scott attorneys have handled personal injury and wrongful death cases in almost every county of California since 1976. We help clients quickly and inexpensively evaluate each case to determine whether or not it should be settled or aggressively litigated and tried before a jury. We have successfully resolved thousands of personal injury cases through jury trials, arbitrations, dispositive motions, settlements, and mediations. The depth and breadth of our experience has helped us develop effective strategies for investigations and the preservation of evidence, discovery, depositions, and the retention of experts. When trial is necessary, our clients can rest assured that they are in the hands of capable trial attorneys who are comfortable in a courtroom.

The firm's experience in personal injury matters includes:

- Assault, battery, and false imprisonment
- Automobile, trucking, and motorcycle accidents
- Aviation accidents
- Bicycle accidents
- Boating and marine accidents
- Construction site accidents
- Dog bites
- Elder abuse
- Environmental contamination
- Heavy equipment accidents
- Highway design accidents
- Loss of consortium claims
- Mass torts
- Medical malpractice
- Pharmacy malpractice
- Products liability
- Slip/trip and falls
- Transportation Liability
- Uninsured motorist claims
- Wrongful death claims



David Melton and Kayla Cox received a **defense verdict** for Placer County in the Superior Court of California on a slip and fall case for a Retailer. Plaintiff claimed that her fall from slipping on a grape in the produce department fractured her right shoulder. She underwent an open reduction and internal fixation to repair the fracture. The Retailer provided evidence that there was nothing on the floor in the area of the incident, and even if there was, its employees conducted reasonable inspections of the premises. Resultingly, the Retailer did not have notice of a dangerous condition. Plaintiff asked the jury for a

six-figure damage award. The jury deliberated for less than two hours and found that the Retailer was **not negligent**.

David Melton and his co-counsel obtained a **defense verdict** after 2 ½ weeks in a jury trial in Merced County. The firm represented the Winton Cemetery District, a small governmental entity responsible for running a public cemetery. Plaintiffs were a husband and his second wife who were visiting the husband's first wife's grave. The husband stumbled and tripped into the grave's headstone which fell on top of his wife and crushed her leg. The headstone weighed 500 pounds. The wife was in the hospital and rehabilitation facility for 6 months following the accident and had 5 operations to her right leg. Her attorneys argued that she suffered an exacerbation of other pre-accident conditions, that she would need a future total knee replacement and long term attendant care. Plaintiffs' counsel asked the jury to award \$10 million for the injured wife and \$1 million for the husband's loss of consortium claim.

Plaintiffs argued that the District stole the plaintiff's golden years, knew that headstones were becoming unglued at the cemetery, failed to protect the public, and failed to properly inspect for loose headstones. The District

argued that the headstone was not a dangerous condition at the time of the accident, stumbling into the headstone was not a foreseeable use of the headstone, the headstone was at least partially glued, and the District had a reasonable inspection process to find loose headstones.

The jury defended the case 12-0 finding that **the headstone was not a dangerous condition** at the time of the accident. The jury deliberated for about an hour.

David A. Melton and Kayla K. Cox **won summary judgment** on behalf of a multinational retail corporation. A customer claimed that she was injured while shopping at one of the retail corporation's stores. The customer sued the retail corporation based on a premises liability cause of action. In response, the retail corporation filed a motion for summary judgment, arguing that as a matter of law it was not liable for plaintiff's alleged injuries because plaintiff's alleged injuries were not foreseeable. In support of its motion for summary judgment, the retail corporation presented evidence showing that in recent years, there were no incidents at the subject store that were similar to the incident involving plaintiff and that resulted in injuries similar to the plaintiff's. The Sacramento Superior Court agreed that the plaintiff's injuries were not

foreseeable and, consequently, the retail corporation was not liable for the plaintiff's injuries and entered **judgment in favor of the retail corporation.**

David Melton and Taylor Rhoan received a **defense verdict** in the Superior Court of California, County of Yolo on a **slip and fall** case for a retailer. Plaintiff claimed that he slipped inside the restroom after it had been mopped and injured his neck resulting in a 3-level discectomy and fusion surgery. The retailer argued that plaintiff had notice of the wet floor and proceeded into the restroom **despite** several warnings. Plaintiff asked the jury for a high six-figure damage award. The jury deliberated for 90 minutes and found that **the retailer was not negligent.**

A jury trial was just completed in the Humboldt County Superior Court, in Eureka, CA. Plaintiff was rear-ended in a motor vehicle accident by an employee of a large retailer. Plaintiff complained of chronic neck pain and occipital neuralgia for over 4 years since the accident. Defendants admitted liability and course and scope at trial. Plaintiff's counsel asked the jury to award plaintiff damages for a **lifetime** of chronic, debilitating, and excruciating pain and

asked for an award in the high six-figures. The **jury agreed with Defense** and did not award plaintiff for a lifetime of pain and suffering. They returned a verdict for a total of **only** \$35,000.

## Technology in the Courtroom – Is it a Recoverable Cost at Trial?

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