



## H A Y S C O U N T Y

**NEGLIGENCE****Medical Malpractice - Wrongful Death****Blunt head trauma sustained during clean up****SETTLEMENT** \$1,050,000.00

**CASE** Madorah McGinnis, et al. vs. Waste Management of Texas, Inc. d/b/a Longhorn Disposal

**COURT** Hays County District Court, 274th, TX

**JUDGE** Judge not assigned

**DATE** 11/04/1996

**PLAINTIFF**

**ATTORNEY(S)** **James B. Lewis**, Glover, Anderson, Chandler & Uzick, Houston, TX (Madorah McGinnis, et al.)

**Matthew J.M. Prebeg**, Glover, Anderson, Chandler & Uzick, Houston, TX (Madorah McGinnis, et al.)

**Lonnie E. Chunn**, Chunn & Pilcher, San Antonio, TX (Madorah McGinnis, et al.)

**DEFENSE**

**ATTORNEY(S)** **Kenton Campbell**, Thornton, Summers, Biechlin, Dunham & Brown, Austin, TX (Waste Management of Texas, Inc.)

**Mike Clark**, Thornton, Summers, Biechlin, Dunham & Brown, Austin, TX (Waste Management of Texas Inc.)

**Robert Summers**, Thornton, Summers, Biechlin, Dunham & Brown, Austin, TX (Waste Management of Texas Inc.)

**FACTS & ALLEGATIONS** William Edwin McGinnis, 77, was assisting with cleanup at a car wash in Buda on Aug. 21, 1995. The metal lid on a trash Dumpster owned by Waste Management of Texas had been broken for some time, a fact reported to Waste Management on about Aug. 14, 1995. The plaintiffs alleged that when Mr. McGinnis opened the lid, it slipped out of his hand and hit him in the head. He fell back hitting his head on the concrete. The defense contended that Mr. McGinnis simply slipped and fell or fell as a result of other medical problems and hit his head.

**INJURIES/DAMAGES** Mr. McGinnis suffered closed head injuries. He was hospitalized from Aug. 21 to Aug. 31, then transferred to a rehabilitation center where he died on Sept. 6. The medical examiner determined death was due to complications of blunt head trauma, which was disputed by the defense. His total medicals were approximately \$30,000.

**RESULT** The parties settled for \$1,050,000.

**PLAINTIFF**

**EXPERT(S)** Vaughn Adams, medical

**DEFENSE**

**EXPERT(S)** Richard Howard, biomechanical

**INSURER(S)**

Delta Lloyds for Buda Car Wash self insured, Waste Management

**Attorney's Fees** \$400,000

**Expenses** \$50,000

**The remaining \$600,000 was paid to the client and medical providers, if any.**