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Frivolous Lawsuits

by
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Finally... a sitting judge with enough gumption to throw out a frivolous lawsuit brought before him... one that should never have gotten as far as it did. A California father had sued the school his daughter attended and the coach of the girls' softball team. It seems that the coach, while trying to instill the will to win in the daughter committed the politically incorrect mistake of telling the girl she was acting like a two year old. In dismissing the case even before it could get started the judge ruled "there's nothing wrong with a coach using words that might seem rude, demeaning or even intimidating" to accomplish his goal. Three cheers for this judge, if only more were like him.

Frivolous lawsuits have become the bane of our judicial system in the last few decades and unless something is done to prevent them the respect for the integrity of our courts will continue to decline. Needless to say a great many in our legal community are against any such reform because it could mean a great reduction in their share of the take from such courtroom activity. Many times after a frivolous lawsuit is filed small and medium sized corporations will agree to settle out of court because of their potential costs if they tried to fight the charges, and many lawyers know this. We must say, contrary to public opinion, many credible attorneys will do their best to dissuade a plaintiff from filing such a suit. Unfortunately, it seems, all too few.

We've all heard of the famous, or infamous, McDonalds suit by the little old lady who spilled hot coffee on her legs and ultimately was awarded a six or seven figure amount for pain and suffering. But there are many more that are not as successful and/or lucrative that take up the court's valuable time.

- In March 1995, a San Diego man attempted to sue the city and Jack Murphy Stadium for \$5.4 million over something than can only be described as a wee problem: Robert Glaser claimed the stadium's unisex bathroom policy at a Billy Joel and Elton John concert caused him embarrassment and emotional distress thanks to the sight of a woman using a urinal in front of him. He subsequently tried "six or seven" other bathrooms in the stadium only to find women in all of them. He asserted he "had to hold it in for four hours" because he was too embarrassed to share the public bathrooms with women. He was unsuccessful in his attempt.

- In 1993, McDonald's was unsuccessfully sued over a car accident in New Jersey. While driving, a man who had placed a milkshake between his legs, leaned over to reach into his bag of food and squeezed the milkshake container in the process. When the lid popped off and spilled half the drink in his lap, this driver became distracted and ran into another man's car. That man in turn tried to sue McDonald's for causing the accident, saying the restaurant should have cautioned the man who had hit him against eating while driving.
- In 1994, a student at the University of Idaho unsuccessfully sued that institution over his fall from a third-floor dorm window. He'd been mooning other students when the window gave way. It was contended the University failed to provide a safe environment for students or to properly warn them of the dangers inherent to upper-story windows.

There were some, however, that made it to court that cost someone some big money. One such case is the following: San Carlos, California, man sued the Escondido Public Library for \$1.5 million. His dog, a 50-pound Labrador mix, was attacked November 2000 by the library's 12-pound feline mascot, L.C., (also known as Library Cat). The man won the case.

Our current overly-litigious society is not merely an offense to common sense — it costs everyone money, though most are not aware they pay to support this madness through a trickle down to consumers in the form of markedly higher prices. This trickle down accounts, for example, for \$8 of an \$11.50 diphtheria, pertussis and tetanus (DPT) vaccine, \$191 of a \$578 tonsillectomy, \$170 of a \$1,000 motorized wheelchair, and \$3,000 of an \$18,000 heart pacemaker. In other words the companies collect their attorney fees from each of us up front in anticipation of future lawsuits.

There are some frivolous lawsuits being reported that are nothing but urban legends and myths. Most of you have heard many of them, especially the one where a lady, after washing her poodle, tried to dry him in her microwave leading to his death. It was not true. I liked this one, which is also a myth:

In November 2000, Mr. Grazinski purchased a brand new 32 foot Winnebago motor home. On his first trip home, having joined the freeway, he set the cruise control at 70 mph and calmly left the drivers seat to go into the back and make himself a cup of coffee. Not surprisingly, the Winnie left the freeway, crashed and overturned. Mr. Grazinski sued Winnebago for not advising him in the handbook that he could not actually do this. He was awarded \$1,750,000 plus a new Winnebago.

The United States House of Representatives recently passed a bill that would punish attorneys who continually file frivolous lawsuits with the loss of their license for a year, and charge the plaintiff with the cost of all court costs. It is doubtful that the Senate will take action on this bill for unknown

reasons but a word from your mouth to your Senator's ear might just be the grease needed to get the Senate wheel's in motion.

Something's got to stop the nonsense.

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