



The Voice

And The Defense Wins

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DRI members [Jeff Curran](#) of **Gable Gotwals** in Oklahoma City and [Leighton Oshima](#) of **Oshima, Itomura and Fujimoto** in Honolulu recently obtained a unanimous defense verdict for a national retailer in Hawaii Circuit Court. *Gail Ireland, et al., v. Blockbuster L.L.C.*, Case No. 13-1-2349 -08 (ECN). The plaintiff claimed that her pre-existing spondylolisthesis was asymptomatic before an accident at Blockbuster where she was rammed into from behind by an unattended child. Afterwards, Plaintiff saw several specialists, one of whom ultimately performed extensive surgery—transforaminal lumbar interbody fusion, excision of a facet cyst with L5 laminectomy, left far lateral decompression of the L5 nerve root, and instrumentation and cage placement. The plaintiff claimed the store was negligent in failing to control the child and allowing a dangerous condition to exist on its premises. Defendant denied the existence of the dangerous condition, and further claimed that while the surgery may have been necessary for her preexisting condition, it was not causally related to the accident. After a week-long trial in Honolulu and about an hour's deliberation, the jury returned a unanimous defense verdict.

Mr. Curran is an active member of the DRI Product Liability Committee, currently serving on its steering committee. Mr. Oshima is a member of the DRI Workers' Compensation Committee.

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