

Daily Journal

FEBRUARY 18, 2015

Top Verdicts of 2014

The Largest and most significant verdicts and appellate reversals handed down in California in 2014

TOP DEFENSE RESULTS

Acuna v. Riddell Sports Inc.

case
INFO

Product liability

Los Angeles County

Superior Court Judge William A. MacLaughlin

Defense attorneys: Yukevich Cavanaugh, James J. Yukevich, Thomas Borncamp, David A. Turner, Andrea C. McCarthy

Plaintiffs' attorneys: Baum, Hedlund, Aristei & Goldman PC, Ronald L.M. Goldman, A. Ilyas Akbari, Diane Marger Moore



Photo courtesy of Yukevich Cavanaugh

JAMES J. YUKEVICH, THOMAS BORNCAMP

At a time of growing concern about head injuries in football, and of damages that leagues and manufacturers might face, Yukevich Cavanaugh scored a significant defense win last March when a Los Angeles County jury cleared a helmet maker of all liability in a \$37 million lawsuit.

Edward Acuna was a 17-year-old defensive lineman for Pomona's Garey High School when an on-field collision caused a severe brain injury. He was left partially paralyzed, ending his college aspirations.

In 2009, Acuna — through his father — sued Illinois-based Riddell Sports Inc., claiming that the maker of the Riddell Revolution helmet worn by the young athlete knowingly manufactured a defective helmet pad that led to his injury.

Acuna's attorney, Ronald L.M. Goldman of Baum, Hedlund, Aristei & Goldman PC, argued that Riddell knew its helmets would offer better protection if made with high density vinyl nitrile — rather than polyurethane — for the padding.

During trial, Riddell's lawyers pushed back against those claims by challenging whether Acuna's injury could have been prevented by any helmet.

James Yukevich and Thomas Borncamp of Yukevich Cavanaugh argued that Acuna's in-

jury was caused by a rapid rotational movement of the head, rather than the plaintiff's contention of a direct blow.

Through videos and testimony of witnesses, including a biomechanical engineer and the helmet's designer, they showed that no helmet could have prevented such a rare injury, Yukevich said.

Further, they presented the manufacturer's tests on the Riddell Revolution helmet and broke down its technology in plain language for the jury to prove that it's one of the best helmets on the market, Borncamp said.

"We showed that this company had a long history of optimizing head protection and invested a great deal in researching how to put the best helmet on someone's head and what are the best materials to use for the helmet," he said.

The jury deliberated for less than 30 minutes before finding that Riddell's helmet could not have prevented Acuna's injury. *Acuna v. Riddell Sports Inc.*, LC090924 (Los Angeles County

Super. Ct., filed Aug. 24, 2010).

"There were a lot of eyes on us at the time because it's rare that any of these helmet cases are actually being tried," Yukevich said. "The NCAA guys and the high school coaches ... all the way down to entry level Pop Warner-type teams, everybody wanted to follow and see exactly how this was going to develop."

Goldman admits there were mistakes made in the trial, but he holds that the jury couldn't get past the "ingrained myth" that choosing to play football means subjecting oneself to injury.

"When the myth and the science clash, the myth wins," Goldman said. "Unfortunately, I think we and our client felt victim to that, and it's a double tragedy."

The plaintiff didn't pursue an appeal, instead choosing to resolve litigation costs between the two parties.

"We accepted the verdict as it was, and everybody's moving forward," Goldman said.

— Kylie Reynolds