

THE EVIDENCE REPORT

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Hal Copeland, Editor

Video Produces Another Settlement

Once again a dramatic, emotional video produced by **Litigation Graphics** has played a leading role in settling a recent personal injury case.

The plaintiff, the guardian of Kenneth (Kenny) Welch, was represented by Brian D. Melton of Shackelford, Melton & McKinley in Dallas.

Kenny Welch, 46, a popular Bennigan's restaurant manager and single father of an 18 year old daughter, Megan, was returning to his home in Arlington from a seminar in Colorado.

Mr. Welch was traveling south, with no passengers, at highway speed on I-35 near Gainesville, Texas. On Saturday evening, August 14, 2004 at 9:30 p.m., a black yearling bull, weighing about 600 pounds, unexpectedly appeared in his lane of traffic. The bull crashed through the windshield, and catastrophically injured Mr. Welch. Rescuers extricated him from the wreckage with heavy duty cutting tools and Care-Flighted him to John Peter Smith Hospital.

Mr. Welch sustained such severe physical and brain function damage that he cannot care for himself and will need constant care for the remainder of his life. He takes medications and nourishment through a feeding tube to the stomach. He resides at Manor

Care Nursing Home, North Richland Hills, Texas. A doctor estimated that he could live about 20 more years, to his mid 60's.

Kenny's sister relocated from Boston to be a caretaker. She recalled tearfully on camera how devastated she was to see his pitiful condition in the hospital bed.

The bull was one of 9 which escaped that evening from the Gainesville Livestock Market. This commercial facility is a livestock sale barn which sold about 44,000 head in 2005. It occupies 3 acres under roof on a 6 acre tract of land. Cattle sales occur on Fridays and trucks pickup the purchased animals in the next day or so.

21 head of livestock were in "holding pen N-28". A "block gate" was to the east. They were herded along "N-Alley" to the west. Nine of the 21 simply walked through several open gates. A "people gate" from the unloading area was found open.

Two other drive-through gates were also open. No perimeter fencing around the parking lot existed and the animals roamed freely onto I-35. The escaped animals resulted in three accidents, one of which caused Mr. Welch's catastrophic injuries. There have been other previous incidents of animals escaping the barn and wandering off the sale barn property.

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Where Persuasion & Technology Merge

Dallas is "Where Persuasion and Technology Merge" during the annual convention of Demonstrative Evidence Specialists Association. From May 11-14 members from across the nation will converge at the Fairmont Hotel.



DESA is a professional organization committed to maintaining standards and levels of excellence in the field of demonstrative evidence preparation and presentation. Seminars will include leading speakers in the legal field as well as member showcase presentations.



Marsha Drebelbis, president of **Litigation Graphics**, Dallas, is 2005-2006 president of the Demonstrative Evidence Specialists Association. She will host DESA's annual event.

Video Achieved Just Result

The video includes deposition excerpts of the Gainesville Livestock Market owner, and interviews with four family members, three friends and employees of Bennigan's and Kenny's physical therapist.

As one family member lamented:

“Kenny had a happy and fulfilling life. The tragedy changed his life forever. He remains in a vegetative state with little if any recognition of family and friends. Life as he knew it is gone.”

The substantial settlement achieved at mediation provides for Kenny's maintenance and continuous care for the rest of his life.

Brian Melton commented, “The video was expertly prepared by **Litigation Graphics** and was instrumental in achieving a just result for the client.”

This 23-minute Welch video is available for viewing at Litigation Graphics, 2909 Cole Avenue, Suite 100, Dallas, Texas.

Call 214/951-0032 or e-mail info@litigraph.com to reserve a seat.

The Case for Clarity

What is a Yankee?

To a European, a Yankee is an American.

To a Southerner, The Yankee is a Northerner.

To a Bostonian, a Yankee is the American League baseball rival.

Clarity is the most important characteristic in effective communications.

Television networks race to be on the scene first so their viewers can see as well as hear the news. “They know that people remember best what they receive visually,” according to PA.

Benton, author of *Lions Don't Need to Roar*.

For settlement, mediation and trial, the use of graphics brings clarity to your case.

You Have a Problem?

1. Exactly what is the problem? Write it down or type it out. Be specific.
2. What are the causes of your problem? Make a list. Again, put your thoughts on paper.
3. What are the possible solutions? Describe as many solutions as possible.

4. Try each case (solution) as a defense attorney. Then become the prosecution and oppose each of those solutions.

Which of those solutions will you actually put into effect?

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