

## South Florida Attorneys Used This Trial Strategy to Clinch an \$80 Million Damages Award

It took the jury less than 20 minutes to return the \$80 million damages award to the surviving parents of a 14-year-old girl, who was hit by a pickup truck while she was walking to her school bus stop.

by **Michael A. Mora**

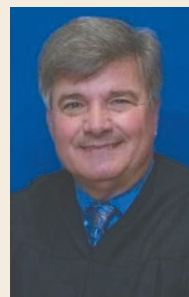
### What You Need to Know

- A driver of a four-door pickup truck swerved off the road and into the grassy area adjacent to the road, striking a 14-year-old girl walking to the bus stop with her older sister.
- The two attorneys asked a Palm Beach County jury to award their clients eight figures in damages and the jury delivered.

Two attorneys said that in convincing a Palm Beach Circuit Court jury to deliver a verdict in the tens of millions of dollars for the parents of a slain teenager, the award recognized the magnitude of what

the defendant took from their clients.

Daniel Lustig and Robert C. “Burr” Johnson, partners at Pike & Lustig in West Palm Beach, approached the penalty phase of a wrongful death trial with the strategy of bringing



**Palm Beach Circuit Judge John S. Kastrenakes**

the jury to tears as they asked for eight figures in damages for the estate of Tiana Davis.

“It’s critical that attorneys ask jurors for what they believe in,” Lustig said in an email. “If you don’t ask, you won’t get it. If you are able to explain the ‘why,’ and the



**Daniel Lustig, left, and Robert C. “Burr” Johnson, right, partners at Pike & Lustig in West Palm Beach.**

Courtesy photos

reasoning behind what you are requesting, the jury will be responsive.”

Michael Cristoforo, a partner at Crary-Buchanan in Stuart who represented the defendant, did not respond to a request seeking comment.

This jury award was one of the largest in the Palm Beach County jurisdiction.

Retired Palm Beach Circuit Judge Jeffrey J. Colbath, who is not involved in this matter, said a verdict like this was only possible because of a tragic story eloquently told by skilled attorneys making the jury genuinely feel the consequences of the loss.

Colbath said, “The large monetary judgment tells society that people will be held accountable for their actions and that the value of a life is acknowledged.”

Now, Cristoforo has less than 30 days to appeal the jury award that went before Palm Beach Circuit Judge John S. Kastrenakes.

### **Trial Strategy**

Carl Johnson II, the driver of the 2012 GMC Sierra four-door pickup truck, swerved off the road and violently collided with Davis, 14, as she was

walking to her school bus stop with her older sister, according to court documents.

Davis experienced “horrendous pain as medical personnel attempted to keep her alive,” according to the complaint. Despite multiple emergency operations at St. Mary’s Medical Center, Davis died from her injuries two days later.

Attorneys Lustig and Johnson said they strategically placed four people on the stand, starting with Davis’ older sister, and one of the paramedics on the scene. Then the victim’s mother testified, followed by Davis’ father.

“The sister testified that she heard this thud,” Johnson said. “She turned around to see her sister lying there bleeding from the mouth.”

Lustig said it was critical to show what the sister, one of

the paramedics and the victim’s parents saw because it provided the jury with a window as to why they should award the type of verdict they were seeking in the case.

He also noted that the father, who was in the middle of the ocean in Alaska for work when he became aware of the accident, immediately flew 18 hours to return home to his family.

“There were moments in the trial where all six jurors were in tears,” Johnson added, noting that it took the jury less than 20 minutes to return an \$80 million damages award.

The jury allocated \$40 million to each surviving parent for their pain and suffering, loss of support and services, and loss of companionship due to their young daughter’s death.