

SOUTHERN CALIFORNIA

LOS ANGELES COUNTY

MEDICAL MALPRACTICE

Unlicensed Practitioner — Dentist

Patient with tooth damage said dentist lacked a valid license

DECISION **\$1,433,765**

CASE Ping Yang and Yaping Zhang v. Yuhua Jiang
a/k/a Annie Jiang, No. KC052109

COURT Superior Court of Los Angeles County,
Pomona, CA

JUDGE Peter J. Meeka

DATE 12/29/2008

PLAINTIFF
ATTORNEY(S) Mark West, Law Offices of Mark West,
Rosemead, CA

DEFENSE
ATTORNEY(S) None reported

FACTS & ALLEGATIONS From 2004 through 2007, plaintiff Ping Yang, 52, unemployed, received dental care from Yuhua Jiang, who was also known as Annie Jiang. During that time, Jiang put braces on Yang's teeth.

Yang sued Jiang for dental malpractice, alleging that Jiang had been practicing dentistry without a license.

Jiang did not appear at trial.

INJURIES/DAMAGES *loss of consortium; loss of teeth; tooth loss*

Yang alleged significant bone and tooth damage, which would result in the loss of at least 23 teeth.

Plaintiffs' counsel sought \$83,765 in past and future medical damages, plus unspecified damages for Yang's pain and suffering.

Yang's spouse made a claim for loss of consortium.

RESULT Judge Peter J. Meeka ruled for the plaintiffs, awarding them \$1,433,765 in damages, plus costs.

PING YANG \$900,000 pain and suffering
 \$83,765 medical costs
 \$983,765

YAPING ZHANG \$450,000 loss of consortium

EDITOR'S NOTE This report is based on information that was provided by plaintiffs' counsel.

—Joshua Couzens

EMPLOYMENT

Wrongful Termination — Wages and Hours — Retaliation

Pltf said he was fired for filing worker's compensation claim

DECISION **\$43,590**

CASE Luis Aussenac v. Studio RFD Inc. and
Rohit Fernandez, No. BC370129

COURT Superior Court of Los Angeles County,
Central, CA

JUDGE Michael L. Stern

DATE 12/24/2008

PLAINTIFF
ATTORNEY(S) Alireza Alivandivafa, Law Offices of Rob
Hennig, Los Angeles, CA
Rob Hennig, Law Offices of Rob Hennig,
Los Angeles, CA

DEFENSE
ATTORNEY(S) Randy Godin, Law Offices of Randy Godin,
Beverly Hills, CA

FACTS & ALLEGATIONS On Feb. 20, 2007, plaintiff Luis Aussenac, 30s, was terminated from his welder and carpenter job with Studio RFD Inc.

Aussenac sued Studio RFD and owner Rohit Fernandez for wrongful termination, claiming that he was fired in retaliation for filing a worker's compensation claim earlier that day.

Aussenac also alleged that Studio RFD did not pay him overtime wages, even though he routinely worked more than eight hours a day.

The defense responded that Aussenac, like many Studio RFD employees, was an independent contractor, and therefore ineligible for overtime pay.

The defense contended that Aussenac was discharged because the project he was working on had concluded.

INJURIES/DAMAGES *emotional distress*

Aussenac alleged emotional distress. He sought damages for pain and suffering, lost wages and unpaid overtime.

RESULT After a bench trial, the judge found in favor of the plaintiff, awarding \$43,590 plus 10 percent interest per annum, which began accruing for the general damages on Dec. 24, 2008, and which had already been accruing for about a year on the unpaid overtime and wages.