

HOW DAVID BEATS
GOLIATH

ACCESS TO CAPITAL
for
CONTINGENCY-FEE
LAW FIRMS

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Advantage®

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The following is a sample chapter from the soon to be published book:

How David Beats Goliath
Access to Capital for Contingency-Fee Law Firms

PART 1
BACKGROUND

Meet Wendy

I begin this book by introducing you to Wendy and telling her story. Wendy (not her real name) is completely paralyzed from the neck down. She will be confined to a wheelchair for the remainder of her natural life and will require nursing care 24 hours a day, 7 days a week. She is just over 30 but has the mental capacity of a two year-old child. Wendy has not always been like this. In the beginning of 2006, she was an active, happily married 26-year-old woman who worked full-time as an Assistant Branch Manager for a rental car company in central California. Wendy was born and raised in Northern California, graduated from high school in 1997 and went on to attend the University of California, where she earned a degree in accounting. Wendy loved her work, and in her free time she loved going dancing with her husband and taking shopping trips with her Mom. She enjoyed perfect health and engaged in no risky behaviors. There was no reason why Wendy had to end up like this. Her catastrophic condition is the result of a dangerous and defective prescription drug, which caused the blood flowing out of her brain to clot. An important vein became blocked,

and quickly Wendy's brain began to die due to a lack of oxygen--a condition known as catastrophic spastic quadriplegia.

At the time this tragedy occurred, Wendy and her husband, Sergio, had been happily married for a year and a half. They were heading out for a Valentine's Day dinner when Wendy developed a severe headache. She apologized to Sergio, saying she needed to go home and rest.

On February 15, 2006, Wendy sought out her primary care doctor. She was now dealing with plugged ears, dizziness, vomiting, headache, and neck pain. Wendy associated the ear pain with a runny nose and cough that had started the previous day. She was given some medication for her symptoms and sent home. She described her headache as the "worst headache of her life".

Late on the following evening, February 16, 2006, Wendy went to the emergency room. She complained of headache, earache, pain behind her eyes, head congestion, dizziness and vomiting. Because of the severity of her headache and dizziness, a lumbar puncture was done, and interpreted as normal. A CT scan of her head was also done, and also interpreted as normal. The emergency room doctor gave her some Vicodin for her headache and discharged her with a diagnosis of viral cephalgia (a headache caused by a virus).

That evening, Wendy's family heard her fall to the floor. When they went to help her, they found that she was having a seizure. Wendy was taken by ambulance back to the same emergency room where she had been seen earlier in the day. During the ambulance transport, her condition deteriorated rapidly and she was unconscious by the time she reached the ER. At the Hospital she was intubated with a breathing tube, and had a repeat head CT scan done. This time the

CT scan was interpreted as being consistent with a blood clot in one of the large veins that drains the blood from her brain.

Wendy was then transferred to the area's regional medical center for neurological consultation. Neurology recommended an angiogram and an MRI of the brain, which again confirmed an extensive venous sinus thrombosis or massive blood clot in the brain.

Neurology placed a "bolt" pressure monitor in Wendy's skull, which showed a high intracranial pressure. Neurosurgery recommended urgent transfer to another larger hospital for removal of the brain clot.

On February 19, Wendy was transported by helicopter to a large teaching hospital on the West Coast. A brain CT scan and venogram again confirmed she was suffering from a massive blood clot in her brain, which by now had caused irreversible brain damage and spastic quadriplegia. Tragically, Wendy would never walk again and would need round-the-clock nursing care for the rest of her life.

As horrible as this series of events were, Wendy and her family were fortunate to be able to obtain the services of one of the best trial lawyers in the country, Albert G. Stoll, Jr. He took their case without asking for any upfront payment whatsoever and during the three years that the case lasted, Attorney Stoll paid for all of the costs of the litigation, which ended up totaling \$295,000! And he did this all with the full knowledge that if they did not eventually win the case, his \$295,000 would be lost.

Wendy and her family were fortunate to get the best legal services available for a case like hers. Just as importantly, attorney Albert G. Stoll, Jr. was financially savvy enough to access the capital he would need to hire the best possible expert witnesses for Wendy's

case—12 experts in all. So rather than having to worry about how he was going to pay for the large expenses on Wendy's behalf (and for his other 40 clients), Albert could focus on implementing the best possible legal strategies. And even though he was doing battle with one of the largest corporations in the United States, a company with thousands of employees and billions of dollars in assets, he was able to access plenty of capital precisely because he had taken the time to learn about and implement many of the suggestions contained in this book. By keeping his financial ship in order, Attorney Stoll was able to access hundreds of thousands of dollars from one of the least expensive sources available in the marketplace. It was truly a "David vs. Goliath" scenario as Stoll and his staff of five employees took on and defeated a mega-corporation in a protracted legal fight.

In the end, the proceeds from Wendy's case were enough to provide the life-long medical care that she will need, along with a house for her and her husband to live in. Her basic needs will now be taken care of thanks to the skill and dedication of one lawyer.

Although the names have been changed, Wendy's story is true. But unfortunately, not every story ends like this one. Many, many times, cases like Wendy's are not pursued with the same vigor because the law firm involved has not taken the time to learn about and implement sound financial planning and strategies. And therefore they become limited in their ability to pursue justice on their clients' behalf. Make no mistake about it, there is a battle raging daily in our courts between the lawyers who represent victims like Wendy and the corporations and insurance companies whose objective is to pay as little as possible for their mistakes, and to delay any payment as long as possible.

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