

VENTURA COUNTY**INTENTIONAL TORTS**

Assault and Battery — Damages — Punitive

Plaintiff claimed he was beaten, stabbed by five men**DECISION** **\$398,466****CASE** Ryan Mitchell v. George Myron Harrison, Joshua Robert Frerichs, Keegan Nicholas Germano, Cody Ross, and Cody Robert Greer, No. 56-2009-00353364-CU-PO-VTA**COURT** Superior Court of Ventura County, Ventura, CA**JUDGE** Mark S. Borrell
DATE 1/31/2011**PLAINTIFF****ATTORNEY(S)** David R. Ring, Bamieh & Erickson, PLC, Ventura, CA**DEFENSE****ATTORNEY(S)** None reported

FACTS & ALLEGATIONS On Nov. 9, 2007, plaintiff Ryan Mitchell, 25, and his girlfriend attended a house party in the Pierpont area of Ventura. Mitchell contended that after being egged on by some people at the party about a previous conversation, an altercation broke out and he was chased onto the street by five men: George Myron Harrison, Joshua Robert Frerichs, Keegan Nicholas Germano, Cody Ross and Cody Robert Greer. Mitchell alleged he was beaten to the ground by the men. He claimed they then stabbed him, puncturing his left lung and liver.

The five men were arrested and entered guilty pleas for criminal assault and battery upon Mitchell.

Mitchell sued Harrison, Frerichs, Germano, Ross and Greer for assault and battery and malicious conduct. The matter proceeded to a bench trial.

Mitchell contended that the defendants maliciously attacked him after a verbal altercation, causing his personal injuries.

Frerichs settled his case with Mitchell prior to trial, while Greer was dismissed by the court. The case proceeded against Harrison, Germano and Ross, with Ross being the only one to answer the complaint. However, all three defendants defaulted at trial.

INJURIES/DAMAGES *contusions; emotional distress; liver, laceration; punctured lung; scar and/or disfigurement, body; scar tissue*

Mitchell was taken by ambulance from the scene of the incident to the emergency room. He sustained lacerations to his left lung and liver, for which he underwent emergency

surgery to repair the organs and close the wounds. He also sustained multiple bodily bruises from the attack. He spent five days in the hospital and spent an additional two months recovering at home. He missed work during that time.

Mitchell claimed that he still deals with some residual pain due to scar tissue at the wound sites, and that he now has scars from the stab wounds. He claimed he suffers from emotional trauma due to the attack, and that he is fearful when he returns to the area of the attack.

He asked the judge for \$42,766 in damages for past medical costs, \$3,000 for future medical costs (to correct the scar tissue), \$2,500 for lost earnings, \$250,000 for pain and suffering, \$200 for property damage, and \$100,000 in punitive damages, for defendants' malicious conduct.

RESULT The judge entered a default judgment against Harrison, Germano and Ross, and awarded Mitchell \$398,466 in total damages.

RYAN MITCHELL \$42,766 past medical cost
\$3,000 future medical cost
\$2,500 past lost earnings
\$200 property damage
\$100,000 punitive damages
\$250,000 pain & suffering
\$398,466

EDITOR'S NOTE This report is based on information that was provided by plaintiff's counsel. There was no defense counsel.

—Dan Israeli

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