

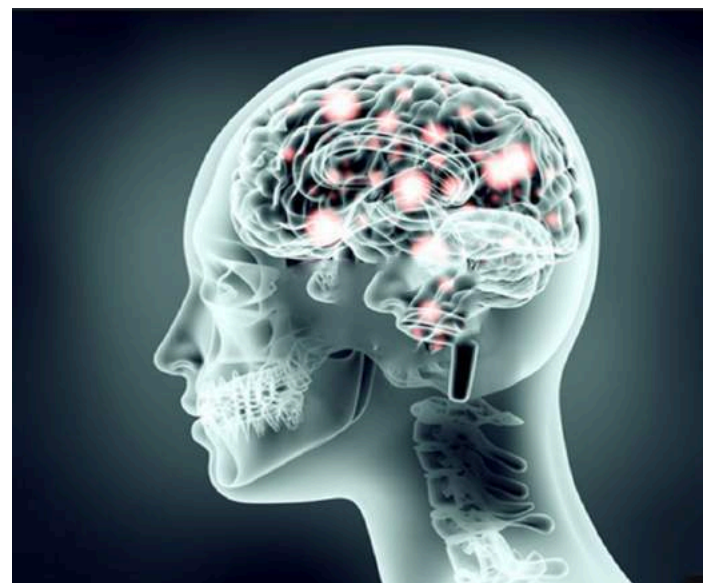


# DAVID M. PARIS

MANAGING PARTNER AT  
NURENBERG PARIS

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## HIGHLIGHTS

- HAS RECEIVED OHIO SUPER LAWYERS TOP 5, 10, 50 & 100 HONORS SINCE 2007
- HAS OVER 30 YEARS OF TRIAL EXPERIENCE
- NAMED "LAWYER OF THE YEAR" FOR THE CLEVELAND METRO REGION IN THE AREA OF PLAINTIFF'S PERSONAL INJURY LITIGATION BY BEST LAWYERS® IN 2015 & 2017
- SELECTED FOR MEMBERSHIP IN THE AMERICAN BOARD OF TRIAL ADVOCATES (ABOTA) AND INTERNATIONAL ACADEMY OF TRIAL ATTORNEYS (IATL) — AVAILABLE ONLY BY INVITATION TO TRIAL ATTORNEYS WHO HAVE DEMONSTRATED EXCELLENT TRIAL SKILLS WHILE MAINTAINING THE HIGHEST LEVEL OF PROFESSIONALISM, INTEGRITY, HONOR, AND COURTESY.



## About David:

### Helping Injured Clients In A Variety Of Ways:

David M. Paris is the managing partner of Nurenberg, Paris, Heller & McCarthy. Over the past 30 years he has appeared in more than 50 jury trials and has represented thousands of injured victims as well as 700,000 consumers in class actions. He has achieved in excess of 40 seven figure and eight figure settlements and verdicts for his clients with more than \$200 Million in total recoveries.

Mr. Paris has developed an expertise in and has successfully litigated cases involving wrongful death and catastrophic injuries, which have occurred in a variety of circumstances including defective products, medical negligence, construction sites, and work place activities and trucking accidents.



# LITIGATION EXPERIENCE:



## MEDICAL NEGLIGENCE

### **Successful Litigation In Significant MEDICAL NEGLIGENCE Cases Have Included:**

- Multiple cases involving misinterpreted pathology slides resulting in cervical and penile cancer and wrongful death.
- Multiple cases involving misdiagnosis and/or failure to timely treat infections resulting in death and/or loss of limb.
- Multiple cases involving negligent surgical techniques in removing bronchial carcinoid, pancreatic cysts, tonsils and abdominal myeloma resulting in wrongful death and/or brain damage.
- Multiple cases involving the failure to diagnose lung cancer and breast cancer resulting in wrongful death.
- Multiple cases involving the failure to diagnose and timely treat vascular injuries resulting in wrongful death and loss of limbs.
- Failure to timely treat kidney malformations observed in utero resulting in renal failure.
- Negligent calibration of Lasik device resulting in blindness.
- Failure to maintain mean arterial pressures at safe levels during extended spinal surgery resulting in ischemic optic neuropathy.
- Failure to monitor liver enzymes with new medication regimen resulting in liver failure and wrongful death.
- Multiple cases involving the failure to diagnose and/or timely treat coronary artery disease and ascending aortic aneurysm resulting in wrongful death.
- Multiple cases involving failure to diagnose and/or timely treat perioperative preeclampsia resulting in maternal stroke and wrongful death.
- Failure to diagnose and/or timely treat prostate cancer resulting in wrongful death.
- Failure to timely treat alcohol withdrawal symptoms in a hospital setting resulting in severe agitation and wrongful death.
- Failure to diagnose and timely treat a post-surgical spinal hematoma resulting in cauda equina and paraplegia.
- Failure to diagnose and timely treat elevated bilirubin levels in a neonate resulting in brain damage caused by kernicterus.



# LITIGATION EXPERIENCE:

## WORKPLACE & CONSTRUCTION SITE

**Successful Litigation In Significant WORKPLACE & CONSTRUCTION SITE Cases Have Included:**

- Electrocutions due to crane contact with overhead transmission lines resulting in extensive burns and amputations.
- Electrocutation due to negligently grounded utility pole guide wire resulting in extensive burns and amputations.
- Electrocutation due to improperly maintained factory wiring resulting in brain damage.
- Electrocutation due to utility company's improper communication techniques during switching operation resulting in wrongful death.
- Winch failure in mining operation resulting in bilateral hand amputations.
- Improper communication techniques in foundry resulting in crane dropping hot molds onto worker causing extensive burns and fractures.
- Failure to bleed the nitrogen from an accumulator cylinder from the tag axle of a cement mixer and/or warn of same prior to repair resulting in explosion and wrongful death.
- Failure of backing truck driver on construction site to keep flagger in sight resulting in wrongful death.
- Multiple cases involving failure to require tie off and/or guarding on elevated construction sites resulting in falls, wrongful death and quadriplegia.
- Improper communication techniques in surveying operations at railroad site resulting in wrongful death.
- Multiple cases of improper brake maintenance on construction equipment resulting in brain damage or loss of limb.
- Improper blocking device furnished on press resulting in loss of hand.
- Improper flagging and communication techniques resulting in crush injury to flagger and wrongful death.



# LITIGATION EXPERIENCE:

## PREMISES LIABILITY

### **Successful Litigation In Significant PREMISES LIABILITY Cases Have Included:**

- Negligent security operations in hospital parking garage resulting in assault causing severe physical and psychological injuries.
- Negligent maintenance of parking lot resulting in pregnant client's fall, premature delivery, loss of twin A and severe and disabling injuries to Twin B.
- Negligent safety practices during tarping of garbage hauling trucks resulting in fall and disabling injuries.
- Negligent creation and maintenance of aisle displays in store resulting in customer fall and wrongful death.
- Landlord negligently maintains apartment balcony resulting in collapse causing severe injuries to multiple tenants.

## PRODUCTS LIABILITY

### **Successful Litigation In Significant PRODUCTS LIABILITY Cases Have Included:**

- Multiple cases involving injuries caused by punch presses and related "safety equipment" resulting in loss of limbs.
- Multiple cases involving design and manufacturing defects in plastic pneumatic wheels fitted on snow blowers which explode during inflation.
- Design of personal detection system in robotic pouring system in foundry which caused molten metal to be poured on visitor resulting in extensive burns and wrongful death.
- Design and manufacture of dump truck which failed to incorporate safety strut to prevent inadvertent descent of truck bed onto owner resulting in wrongful death.



# LITIGATION EXPERIENCE:

## TRAUMATIC BRAIN INJURY

### **Successful Litigation In Significant TRAUMATIC BRAIN INJURY Cases Have Included:**

- Construction supervisor struck in head by dropped pipe resulting in subarachnoid hemorrhage and disabling cognitive deficits.
- Landscaper struck head on pavement after being thrown from a malfunctioning concrete buggy resulting in subarachnoid hemorrhage and disabling cognitive deficits.
- Nurse run off the road into a tree resulting in extensive brain injuries affecting cognition, gait and speech.
- Head-on collision resulting in closed head injury and cognitive deficits.
- Multiple cases involving electrical shock with 220V resulting in cognitive deficits.
- Pedestrian struck by tractor-trailer resulting in subarachnoid hemorrhage and disabling cognitive deficits.
- T-bone collision resulting in a closed head injury and disabling cognitive impairments.

## TRUCK INJURY

### **Successful Litigation In Significant TRUCK INJURY Cases Have Included:**

- Truck driver fails to maintain safe distances resulting in collision causing severe spinal injuries.
- Semi tractor-trailer negligently proceeds across railroad crossing resulting in collision with train, derailment and multiple injuries and wrongful death.
- Trucking company negligently hires and retains driver with mental illness manifested by fatigue and hallucinations and resulting in a crash causing catastrophic injuries.
- Trucking company negligently hires incompetent driver who loses flagger in mirrors during backing operation resulting in wrongful death.
- Trucking company negligently hires and retains incompetent driver who is unable to stop for red light due to overloaded dump truck and improperly maintained brakes resulting in collision and wrongful death.
- Multiple cases involving truck drivers suffering from fatigue and traveling left of center resulting in collisions and disabling injuries.
- Multiple cases involving trucking company negligent maintenance of wheels which become detached and strike cars causing severe and permanent injuries.
- Heavy equipment tow truck driver negligently lifts tractor while driver in cab causing him to fall into moving traffic and suffer above knee amputation.
- Tow truck operator negligently winches car stuck in snow while customer attempts to exit car causing severe injuries.



# LITIGATION EXPERIENCE:

## EDUCATION & TRAINING

- Undergraduate:
  - Ohio State University, August 1974
  - BA – Sociology
- Graduate
  - Cleveland-Marshall College of Law, December 1977
  - J.D.

## BAR ADMISSIONS

- Ohio, 1978
- California, 1978
- U.S. District Court, Northern District of California, 1978
- U.S. District Court, Southern District of Ohio, 1978
- U.S. District Court, Northern District of Ohio, 1978
- U.S. Court of Appeals, 6<sup>th</sup> Circuit, 1981
- United State Supreme Court, 1998
- U.S. District Court, Central District of California, 2000

## PROFESSIONAL ASSOCIATIONS & MEMERSHIPS

- International Academy of Trial Lawyers, State Chair (2006-Present)
- The American Association of Justice
- Ohio Association of Justice
- Cleveland Academy of Trial Attorneys (President, 2001-2002)
- American Board of Trial Advocates (ABOTA); (Ohio Chapter Trustee 2014-Present)
- Ohio State Bar Association
- California Bar Association
- Cleveland Metropolitan Bar Association
- National Board of Trial Advocacy Certified Civil Trial Specialist
- Ohio Eighth Appellate Judicial Conference, Life Member
- Cleveland-Marshall College of Law Alumni Association, Life Member
- Million Dollar Advocates Forum, Member



# LITIGATION EXPERIENCE:

## HONORS

- Ohio Super Lawyers® (2004-2017)
  - Ohio Super Lawyers: TOP 5 in Cleveland, Ohio (2013)
  - Ohio Super Lawyers: TOP 10 in Ohio (2013)
  - Ohio Super Lawyers: TOP 50 in Cleveland, Ohio (2007-2009, 2012-2017)
  - Ohio Super Lawyers: TOP 100 in Ohio (2007-2017)
- Named 2017 “Lawyer Of The Year” for the Cleveland Metro Region In The Area Of Plaintiff’s Personal Injury Litigation By Best Lawyers®
- Named 2015 “Lawyer Of The Year” for the Cleveland Metro Region In The Area Of Plaintiff’s Personal Injury Litigation By Best Lawyers®
- Included in Best Lawyers Since 2008 for Personal Injury Litigation - Plaintiffs
- The National Trial Lawyers, TOP 100
- CATA’s Distinguished Service Award (2009)
- Cleveland State University Distinguished Alumni Award (2010)
- Cleveland-Marshall College of Law Alumni of the Year (2011)
- Speaker: Cleveland State University Scholarship Luncheon (2014)

## PROFESSIONAL APPOINTMENTS

- Cleveland-Marshall College of Law Alumni Association, Trustee (1982-1983)
- Plaintiff’s Steering Committee, “City of New Orleans” Amtrak Crash (1999-2004)
- Ohio Eight Appellate Judicial Conference, General Litigation Committee (2001)
- Certified Grievance Committee, Cuyahoga County Bar Association (2002-2008)
- Cleveland-Marshall College of Law, Visiting Committee (2009-Present)
- Cleveland Metropolitan Bar Association, Judicial Excellence Task Force (2010-2014)
- Cleveland Metropolitan Bar Association, Judicial Selection Committee (2011-Present)
- Cleveland Metropolitan Bar Foundation: Trustee (2013-Present)
- Cleveland Metropolitan Bar Foundation: Chair New Fellows Committee (2014-Present)
- Cleveland Metropolitan Bar Foundation: Vice President of Endowment (2014-2015)





# LITIGATION EXPERIENCE:

## PRESENTATIONS/PUBLICATIONS

- Trial Advocacy Institute, Cleveland-Marshall College, Instructor (1990-Present)
- Preparing And Trying The Auto Case (Professional Systems, Inc., 1989, 1994)
- The Supplemental Action (OAJ, 1990)
- Insurance Litigation in Ohio (NBI, 1993)
- The Constitutionality of Ohio Workers' Compensation Subrogation Statute (CATA, 2001)
- The Digital Trial Lawyer (Akron Bar Association, 2002)
- Trial Advocacy Program CMBA NITA (2005-Present)
- The Negligent Hiring/Retention Case (Lorain County Bar Association, 2010)
- Trucking Litigation (Lorain County Bar Association, 2011)
- Speaking Objections At Depositions (CATA, 2013)
- ADA: Sudden Emergency & Negligent Retention (OAJ, 2014)
- Trends in Medical Malpractice (CMBA, 2015)
- Traumatic Brain Injury (CMBA Journal, 2016)
- Exploding Plastic Pneumatic Wheels (Video Blog, 2016)
  - Link: <https://www.youtube.com/watch?v=bqnICAespk>

## COMMUNITY APPOINTMENTS

- Board of Trustees, Suburban Temple Kol-Ami (1987-1989)
- Board of Trustees, Cleveland Racquet Club (2007-2009)
- Tennis Chair, Cleveland Racquet Club (2007-2009)

# Traumatic Brain Injury

## What Attorneys Need to Know About its Complexities and Challenges

BY DAVID M. PARIS

The risks of traumatic brain injury have been attracting a great deal of well-deserved attention in recent years. Will Smith's new movie, "Concussion," draws much-needed attention to the types of brain injuries suffered by professional football players, as has the class action lawsuit brought against the National Football League by former players seeking damages for injuries resulting from repeated head trauma. As many as one in five returning veterans suffer from traumatic brain injury as well. Traumatic brain injury, however, is not limited to the football field or the field of battle. It is one of the most common injuries suffered by motor vehicle accident and fall victims.

According to the Centers for Disease Control, falls and motor vehicle crashes are the leading causes of traumatic brain injury, accounting for more than half of the traumatic brain injuries resulting in emergency room care, hospitalization or death in the United States,<sup>1</sup> which means that attorneys who handle personal injury cases must have a thorough understanding of traumatic brain injury, its mechanisms, and the devastating effects it can have on its victims.

### The Basics of Traumatic Brain Injury

Traumatic brain injury (TBI) arises from two causes — either open or closed head injuries. Open head injuries, also called penetrating injuries, occur when an object penetrates the brain causing specific injuries. Closed head injuries, on the other hand, are caused by direct blows to the head (such as when the head strikes an interior surface in a car crash, or a hard surface as a result of a fall) as well as by sudden acceleration or deceleration accompanying an impact, causing the brain to move quickly back and forth within the skull cavity. In addition, there are two types of traumatic brain injury — primary brain damage and secondary brain damage. Primary brain damage is the damage

caused immediately at the time of the impact, while secondary brain damage arises from swelling or increased blood pressure in the skull following the initial injury, or by other factors such as oxygen deprivation (hypoxia) resulting from the interruption of blood flow, or the effects of persistent inflammation caused by the immune system and resulting degeneration following even a single injury.<sup>2</sup>

Objective physical evidence of the most common forms of TBI has been difficult to obtain in the past, especially where the types of closed head injuries most commonly associated with motor vehicle accidents are concerned. Sudden acceleration and deceleration can cause what is known as a "coup-contrecoup" injury, where the brain essentially "bounces" off one side of the interior of the skull and strikes the other. Localized lesions or bleeding caused by the brain striking the interior of the skull may be detectable through the use of standard imaging studies, but this is not true of all brain injury. The most common damage associated with acceleration/deceleration injuries in motor vehicle crashes is diffuse axonal injury (DAI). DAI occurs when the brain deforms in response to sudden acceleration or deceleration, which causes the white matter fibers of the brain to tear in a non-localized, or "diffuse" manner, most frequently in the portions of the brain associated with cognition and social and behavioral control (such as the medial orbital surface of the frontal lobes and the anterior surface of the temporal lobes).<sup>3</sup>

Injuries of this type clearly can have both an immediate and lasting effect on their victims, but they can elude standard imaging technologies. However, newer imaging technologies such as diffusion tensor imaging (DTI) now permit precise visualization of damage to white matter that can result from such an injury.<sup>4</sup> Other radiological innovations include susceptibility weighted imaging (SWI), which is a 3D magnetic resonance imaging (MRI) sequence that is particularly attuned to detect small hemorrhages in the brain, as well as fluid-attenuated inversion recovery (FLAIR), which allows for the precise

assessment of lesions associated with neurological injury. Radiological imaging, however, is not the only means by which the existence and scope of TBI can — or should — be diagnosed. Neuropsychological assessment is also a critical component of determining the scope and severity of a person's injury, and its impact on his or her cognitive and emotional capabilities.<sup>5</sup>

### What Traumatic Brain Injury Means in Personal Injury Cases

An attorney presenting a case involving traumatic brain injury must have a comprehensive understanding of the medicine and technology involved in detecting, diagnosing and treating TBI, and must keep him or herself informed of the most recent advances in the science of TBI and the effects of TBI, both short and long term, on its victims. He or she must also make sure to engage appropriate experts who are trained in and understand the most current diagnostic tools, both radiological and clinical.

A neurologist who is experienced in the diagnosis and treatment of TBI and can access the most recent technology is critical, as is a neuropsychologist or neuropsychiatrist who can properly assess the client's deficits and explain them to the jury, as sometimes even the client will not fully understand or appreciate the extent to which he or she has been compromised by the injury.

In addition to diagnostic experts, it is often necessary to retain experts in physical medicine and rehabilitation to address the client's need for physical and occupational therapy. Likewise, it is often necessary to retain a psychologist or other clinical counseling professional who is familiar with the effects of TBI on its victims and on their family members. While personality changes are a common result of TBI, the injured person often has little insight as to their effects on others. Thus, educational and emotional support for the injured person and the family, along with cognitive behavioral therapy, are often necessary elements of treatment,

and it is important to have the appropriate professionals as experts in order to explain these issues to the finder of fact.

Though public awareness of TBI has probably never been higher, its mechanisms and effects still are not commonly known or widely understood, either by laypersons or the legal community. Even front line medical professionals can miss TBI in victims of traumatic injury, as recent studies indicate that as many as 56 percent of mild TBI injuries go undiagnosed by emergency room staff. In those cases, the client's family is typically the first to notice problems with memory loss, impaired cognition, or changes in mood and personality. Clients and families who are struggling with TBI symptoms and rehabilitation can easily get frustrated, and often don't know where to turn. Attorneys who are familiar with the short and long-term difficulties of TBI can help these families connect with the care and resources they need.

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1 According to the CDC, approximately 2.5 million emergency room visits, hospitalizations and deaths were associated with TBI in 2010 alone, with falls and motor vehicle injuries being the first and third overall largest causes, and unintentional blunt trauma (being hit by an object) being the second largest cause. See Traumatic Brain Injury in the United States: Fact Sheet (available at [http://www.cdc.gov/traumaticbraininjury/get\\_the\\_facts.html](http://www.cdc.gov/traumaticbraininjury/get_the_facts.html) last accessed on January 13, 2016).

2 Though much attention has been focused on the association between repeated brain trauma and later neurodegenerative diseases, recent scholarship indicates that even a single injury may create a predisposition to future cognitive decline. See Johnson, V.E., et al., *Inflammation and white matter degeneration persist for years after a single traumatic brain injury*, *Brain*, 2013 Jan; 136(Pt 1):28-42 (single injury associated with increased risk of dementia and Alzheimer-like pathologies); Wang, Hao-Kuang, et al., *Population based study on patients with traumatic brain injury suggests increased risk of dementia*, *J Neurol Neurosurg Psychiatry* 2012;83-1080-1085 (longitudinal study showing suggesting increased risk of dementia in Asian TBI victims).

3 See Dilley, M. et al. *Long-Term Neuropsychiatric Disorders After Traumatic Brain Injury*, *Psychiatric Disorders - Worldwide Advances*, Uehara, T. ed.

4 DTI (also known as diffusion MRI) uses magnetic resonance imaging to produce three dimensional images of the brain's neural tracts by measuring the flow of water molecules as they follow nerve fibers through the tissues of the brain. See, e.g., Alexander, Lee, and Field, *Diffusion Tensor Imaging of the Brain*, *Neurotherapeutics*, 2007 Jul; 4(3): 316-329. Its effectiveness in detecting brain damage in TBI cases is well-accepted in the medical community and has been deemed admissible by federal courts. See, e.g., *Andrew v. Patterson Motor Freight, Inc.*, No. 6:13CV814, 2014 U.S. Dist. LEXIS 151234 (W.D. La. Oct. 23, 2014).

5 See Kosaka, B, *Neuropsychological assessment in mild traumatic brain injury: A clinical overview*, *BCMJ*, Vol. 48, No. 9, Nov. 2006.



*David M. Paris is the managing partner at Nurenberg , Paris, Heller & McCarthy. For more than 30 years, David has been a trial lawyer, successfully representing clients in a wide variety of catastrophic injury and wrongful death cases as well as consumer class actions. David sits on the CMBF Board, Executive Committee and Chairs the Fellows Committee. He has been a CMBA member since 2002. He can be reached at [dparis@nphm.com](mailto:dparis@nphm.com) or (216) 694-5206.*



# Testimonials:

Hear what some of David's past clients had to say:

*"I want to express my appreciation for your accepting and resolving my case. You handled one of the most traumatic times in my life with kindness, integrity and professionalism. I am grateful for the settlement you obtained ."- Client*

*"Mr. Paris was very professional. I appreciated his realistic approach to my case. He never misrepresented the challenges or potential of my case. Corinne Graycar was very helpful and very accommodating. They were an outstanding team!" - Client*

*"Mr. Paris was very compassionate and always made me feel safe after the accident when everything else felt out of control. Mr. Paris and his assistant were a steady spot to lean on and turn to. The outcome with the help of Mr. Paris was outstanding." - Client*

*"I was introduced to David Paris through a work associate. When we first met, I was very comfortable with the conversation and his frankness. During the long process relating to my case, David always kept me informed about how the proceeding were moving along. If I ever had any questions, David would either take my call right then or call me back as soon as he was available. David did not talk over my head and listened to me when I had concerns. I found him to be extremely knowledgeable about the specifics of my case and very honest in his dealings with me. I have come to think of David as more than my attorney. I also consider him a friend." - Client*



# Contact David



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*Managing Partner,  
David M. Paris*



**"WHILE THE PROFESSIONALISM MR. PARIS SHOWED US DURING THIS PROCESS WAS AMAZING, IT WAS THE COMPASSION WITH WHICH HE TREATED OUR FAMILY, DURING A TIME OF GREAT STRESS AND EMOTIONAL PAIN, FOR WHICH WE ARE TRULY GRATEFUL. IF YOU ARE IN NEED OF A LAWYER, I DOUBT YOU WILL FIND A BETTER ONE THAN DAVID PARIS."**

**- CLIENT**



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