

Former Marine Sues Production Company for "Reality" Injury

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Senior trial lawyer [Michael I. Neil](#) [1] and associate [Benjamin J. Howard](#) [2], recently represented Defendants Stu Segall Productions, Inc. and Strategic Operations, Inc. in a lawsuit brought by a former Marine injured by a blank fired during U.S. Marine training. Role player, Rocky Mohsen, an employee of the production company and a named defendant in the lawsuit, fired the blank that injured the former Marine. During production, defendants provided role players, pyrotechnics, props, etc., to help capture the reality of U.S. Marine training and enhance the realism of combat simulation. Plaintiff claimed his Marine career had ended due to the wound he sustained during the simulation training. The plaintiff also claimed he suffered from post traumatic stress disorder and continued to experience intense pain on a daily basis.

During the suit, negligence had been admitted, but causation and damages were still in dispute. Twelve experts testified during the lengthy trial that lasted ten days. Defendants offered to settle four months before trial for \$250,000 by way of a CCP 998 offer. The plaintiff's rejected the settlement and offered to settle for \$2 million. At time of trial, plaintiff was asking for \$6.2 million. Jury deliberations lasted 3 ½ hours and after a considerable reduction for comparative fault of a non-defendant, plaintiff was awarded \$55,750. More significant, due to Defendants' 998 offer, plaintiff will be denied certain costs and the Defendants are entitled to their costs.

[Benjamin Howard](#) [2] is an associate in our San Diego office. His areas of practice include civil litigation, professional liability and medical malpractice matters. For further information, Mr. Howard can be reached at (619) 238-1712 or bhoward@neildymott.com [3]

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