



## Lawyer Claims Highest Known Workers' Comp Settlement in California History

By [Don Jergler](#) | March 30, 2012

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Attorney Christopher Asvar believes he has secured the highest known [workers' compensation insurance settlement](#) in California history, totaling \$8.9 million on behalf of a Antonio Enriquez, who suffered a traumatic brain injury in 2004 at the age of 18 after falling from a scaffold.

Asvar said he's talked to "[structured settlement](#) folks up and down the state," and with those negotiating the settlement on behalf of California's State Fund, and everyone he's spoken with agrees this is the highest known workers' comp settlement in California.

Workers' comp settlements in California are not tracked by size, and what those involved with the case wouldn't know about would be confidential settlements, or cases where the "usual players" were not involved, Asvar said.

According to State Fund, this may very well be one of the largest settlements that California's biggest provider of workers' comp insurance has been involved with.

"It's pretty darned large," said State Fund spokeswoman Emily Gorin. "I think it would be safe to say that this is among our biggest cases."

Gorin, who said research is being conducted to see if this is State Fund's largest settlement, noted that State Fund has a lot of high risk businesses, and insures a large number of big employers.

Gorin said the settlement was so large due to the nature of Enriquez' injuries, because he's so young and that intense care is likely to be required for the rest of this life.

“He had a catastrophic injury as a young man,” Gorin said. “When somebody has an injury like that he’s going to need help the rest of his life. Settlements like this can get awfully large, given the extent of his injuries and his age. He’s going to need a lifetime of medical treatment.”

Three years ago, Asvar who specializes in workplace and civil brain injury litigation, took Enriquez’ case. Enriquez had five years earlier fallen 20-foot from a scaffold while employed as a painter.

He suffered from depression, cognitive deficits, anxiety, psychosis, self-mutilation and a psychiatric diagnosis of multiple personality disorder, Asvar said.

“I think the challenge was showing how settling would save a great deal of money for the carrier, as opposed to proceeding forward,” he said. “This is a young man who will need care for many years to come.”

Enriquez was at first in a day-time rehab facility, but over time his father, the primary care giver, struggled to keep his own job and deal with his son. So to assist the father, his son was placed in a day rehab facility day and night, Asvar said.

“It could have been double over his lifetime,” he said of the settlement amount. “I think if left to their own devices, the father would have been run down and the son would have been abandoned.”

But as to the question whether the workers’ comp settlement is the highest ever in California?

“It’s huge. Is it the biggest ever? I don’t know,” said workers’ comp attorney Don Barthel, with Bradford and Barthel LLP in Sacramento.

Barthel, who has argued several landmark worker’s comp cases in California, said he’s seen settlements of \$5, \$6 and \$7 million, but “my firm guess is that is not the highest.”

He added, “\$8.9 million is pretty high.”

The settlement was signed Jan. 25 and became final on Feb. 25. It was made public this week. The structured settlement will be paid monthly over extent of Enriquez’ life.

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