

Watsonville man shocked by Taser, injured in 2006 wins \$2.85M lawsuit against stun-gun maker

By Jennifer Squires - Santa Cruz Sentinel

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SANTA CRUZ - A Watsonville man permanently injured after he was shocked with a Taser nearly four years ago won a \$2.85 million settlement against the stun-gun maker this summer, the first time Taser International has settled a product liability case, according to court documents.

However, the company did not admit to any liability for the anoxic brain injury Steven Butler, 49, suffered after being shocked.

Over objections by the company's attorneys, Judge Jeff Almquist declined Thursday to seal the court documents that divulge the dollar value of the agreement.

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Almquist said there's "therapeutic value" in leaving the court's business open to the public, even though those involved in the case signed a confidentiality agreement that forbids them from discussing the settlement.

"The agreement seems to be the best that can be accomplished," Almquist said.

Butler was drunk and off his psychiatric medication in October 2006 when he refused to get off a bus and a Watsonville police officer used a Taser X-26 electronic control device to subdue him. After being stunned, Butler went into cardiac arrest and stopped breathing. It took medical personnel 18 minutes to resuscitate him and, as a result, Butler suffered a debilitating brain injury.

Butler has brain damage, no short-term memory, lost mobility and his motor skills decreased. He needs around-the-clock care and can't be left alone, according to court documents. His condition is stationary, meaning there's little chance Butler will recover, Almquist said in court.

Since the injury, Butler's brother, David, has been caring for him. Part of the settlement award will be put into a special-needs trust to provide the family with more than \$4,700 a month to cover medical and other costs. The payment begins in September and is guaranteed for at least 20 years.

"This resolution will allow the Butler family to comfortably care for Steve for the rest of his life," attorney Dana Scruggs, who represented the Butlers, wrote in court papers.

Other money from the award will pay old medical bills and possibly purchase a home for Butler. A significant portion of the settlement will go to

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the family's attorneys, who spent more than 600 hours and \$250,000 preparing the case for trial.

During Thursday's hearing, Steven and David Butler sat together in the back of the courtroom. Outside of court, the brothers, thin men with matching moustaches, declined to talk about the resolution.

Another of the family's attorneys, Nathan Benjamin, said "they're very happy to have this resolved."

In a declaration filed by the court, Scruggs outlined the challenges in taking on the stun-gun company.

Taser International claimed Butler had several pre-existing cardiac and health conditions that contributed to his injury. However, Scruggs said most of the scientific and medical research about the adverse effects of electric shock from a stun gun is directly or indirectly financed by the company.

At the time of Butler's injury, the company had never lost a lawsuit.

But attorney John Burton, who won a lawsuit against the city of Salinas and Taser International on behalf of the family of Robert C. Heston Jr., helped with case. Heston died after being stunned multiple times by a police officer armed with a Taser in February 2005. The Heston case, in 2008, marked the first time a stun-gun victim had won a product liability trial against

Taser International.

The legal team assembled for the Butler case compiled investigation, discovery, pleadings and research that filled 11 banker's boxes. They were prepared to go to trial in the spring, but the case was postponed and then settled.

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