

Anticipating Challenges, Shaping Perception, and Maximizing Impact—Predict Insights Empower a Resounding Jury Award

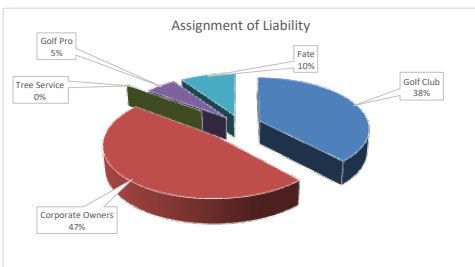
CASE DESCRIPTION: In June 2020, a 38-year-old golf professional was killed when a large oak tree fell during a severe storm and crushed the cart shed where he was storing golf carts. The golf club's corporate owners had twice declined to remove the tree despite warnings from a tree service. A derecho storm, forecasted days in advance, caused the tree—positioned near high-traffic areas with an underdeveloped root structure—to fall, leading to fatal crush injuries and mechanical asphyxia. The golf course had no formal weather monitoring and failed to fully anticipate the storm's severity. The man, who was weeks from becoming a father, experienced brief conscious pain before dying. His estate, on behalf of his newborn son, sued the golf club for wrongful death, seeking \$2.25 million in economic damages. The case went to trial, and jurors awarded the plaintiff's family \$9.1 million in damages.

Background

Mr. Kwass has utilized Predict multiple times, describing it as a powerful tool to “reverse engineer” his case strategy. Initially drawn by Predict's large participant pool and its ease of use—especially compared to traditional mock juries—he developed a method that maximizes its value when a trial is likely. His goal: uncover potential points of resistance in the case and identify arguments that may not resonate with jurors. Kwass believes the most effective way to use Predict is to intentionally “try to lose” during the evaluation, then analyze the feedback to transform weaknesses into a stronger, more compelling trial narrative.

How Predict Helped

Predict's in-depth analysis revealed critical areas of juror curiosity and skepticism that could influence verdict outcomes.



Proportional fault assignment chart reflecting survey question results of 120 participants in the Predict study.

Participants questioned the oak tree's condition, the reasoning behind tree removal decisions, and whether the golf pro's actions fell within his job duties. Importantly, participants raised concerns about the plaintiff's paternity claims, prompting the legal team to proactively address this in court. Predict also underscored the emotional weight of the golf pro's impending fatherhood, which resonated deeply with jurors. By surfacing these themes early, Predict enabled attorneys to tailor their strategy and strengthen their case presentation.

Key Delphi Group Insights

Participants emphasized storm unpredictability and the need for preparedness, debating if the course should have closed sooner. They questioned tree removal costs, how a healthy-looking tree could fall, and whether the golf pro's actions were job-related. Personal stories of golf course accidents enhanced the discussion, while speculation about the engagement and family dynamics shaped perceptions of legal standing. These insights—blending operational concerns with emotional impact—highlighted key psycho-demographic factors that likely influenced the substantial jury award.

Post-Trial Reflections

After the verdict, Mr. Kwass reflected on Predict's pivotal role in shaping strategy. The



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FIRM

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CASE TYPE

Wrongful Death

VENUE

Philadelphia County, PA

RESULT

Predict's insights guided trial strategy, helped address potential juror concerns, and highlighted key negligence issues. The jury ruled for the plaintiff, awarding \$9.1 million in wrongful death damages.

evaluation revealed juror concerns about the decedent's relationship and family status, prompting the legal team to present compelling evidence that built credibility and trust. Predict also provided language that aligned with juror values, helping position the storm as a foreseeable risk, not an unavoidable tragedy. Its insights into likely jury behavior in Philadelphia County gave the team confidence to reject low settlement offers and proceed to trial. Ultimately, Predict's emphasis on storm preparedness and organizational responsibility proved central to the case's success.

“I'm very pleased with the work up that [the Predict team] put together,” Mr. Kwass said. “It really did guide so much of how we approached the trial. This is further confirmation in my mind of why we are so committed to what you do and the product that you create.”