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WOMAN UNKNOWINGLY INFECTED WITH HERPES AWARDED OVER \$6 MILLION

Defendant did not disclose he had incurable disease prior to their sexual encounter

February 24, 2009, Palm Springs, CA ... In a landmark verdict, a Riverside County Superior Court jury awarded over \$4 million in compensatory damages and \$2.75 million in punitive damages to a 56-year-old woman infected with genital herpes it was announced by **Slovak, Baron & Empey LLP, Attorneys at Law**. Genital herpes is an incurable sexually transmitted disease. The case is believed to be the largest jury verdict ever awarded in a case of this nature.

The 77-year-old male defendant had been infected with genital herpes for over 25 years prior to meeting the plaintiff. The defendant knew he was infected with the disease, but failed to disclose it to her prior to their sexual relationship and failed to use a condom to protect her.

"I was devastated, humiliated, embarrassed and outraged," the plaintiff stated.

In the two-week trial, the plaintiff's attorney, Shaun Murphy of Slovak, Baron & Empey in Palm Springs, CA, was determined to see justice done for the plaintiff. "We presented evidence to the jury that he ruined her life as a result of his blatant disregard for her health and he showed no remorse. It's unforgivable. She will have to live with this for the rest of her life," Murphy said. "This verdict is a clear message to all persons infected with a sexually transmitted disease that this type of behavior simply will not be tolerated."

In addition to the \$4 million verdict for damages to compensate the plaintiff for her pain, suffering, and past and future medical expenses, the jury also awarded the plaintiff \$2.75 million in punitive damages as punishment to the defendant and as a deterrent to others from engaging in this type of egregious conduct.

California Public Health and Safety Code, Section 3198 states "*Any person that exposes or infects any person with any venereal disease is guilty of a misdemeanor.*" California has established a strong public policy to prevent the spread of sexually transmitted diseases and this policy has been reinforced in the last 15 years by the courts allowing infected persons to sue those who infected them without disclosing, prior to the sexual encounters, that they were infected. Under California law, people who are infected with a sexually transmitted disease and know they are infected have "*an obligation to avoid sexual contact with uninfected people or at the very least, warn them prior to sexual contact.*"

Additionally, the plaintiff was denied health insurance because of her condition and her prescription for Valtrex which she will have to take daily for the rest of her life to reduce the frequency and severity of herpes outbreaks.

About Slovak Baron & Empey LLP ... Formed in 1999 with four partners, Slovak Baron & Empey LLP (SBE) has built a strong reputation both as successful trial lawyers and transactional counsel closing complex business deals. A Martindale Hubble AV-rated law firm, SBE has quickly grown to 14 lawyers with offices in Palm Springs and Orange County.

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