InDret

With an Eye to compensation
(II)

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2.3 Medical accidents

The seven cases of medical accidents can be classified into three groups: premature babies whose eyes are scorched by incubator oxygen, diagnostic errors and cataract operations.

The cases are almost equally distributed between the First Chamber (three cases) and the Third (four cases), which, once again, illustrates the likely mistake of dividing the same task – judging medical malpractice – between two different chambers. InDret now has sufficient empirical grounds to argue that jurisdictional authority based upon the personal status of defendants is not in fact preferable to one based on the type of activity they carry out and the harm they cause: as in the case of education centers, it does not make sense to distinguish between the public and private sectors when dealing with medical or hospital-based accidents.

This is particularly apparent in two cases of ***retrolental fibroplasia***, a bilateral eye disease of premature new-borns that leads to blindness due to the abnormal growth of the eye's blood vessels and which particularly affects babies of low birth weight. One of these was settled by the First Chamber (STS 6.5.1998) and the other by the Third (STS 10.2.1998): in the former, the First Chamber, which in theory decides in accordance with a criterion of negligence, ordered INSALUD (the Spanish National Health Service) to pay compensation of 60,000,000 pts. over the blindness caused to a baby born prematurely at 32 weeks and who then spent 56 days in an incubator; in the latter, however, the Third Chamber – which in theory decides much more in accordance with a standard of strict liability – absolved the same body on the grounds that there was no demonstrable causal relationship between the oxygen given to a baby born prematurely at 31 weeks, who then spent 40 days in an incubator, and his subsequent blindness. The actual difference between the cases is frankly non-existent: the jurisdictional division is clearly inefficient as it duplicates the activity and prejudices legal certainty. The only important difference between the cases is perhaps the number of days that each premature baby spent in an incubator.

Finally, and with respect to these two cases, it is interesting to note that the Third Chamber drew upon the cliché of causality in order to settle a case according to the classic terms of negligence.

Of the three cases of medical negligence resulting from **diagnostic errors** (STS, 1st, 10.11.1999; STS, 3rd, 9.3.1998 and STS, 3rd, 26.3.1999), the first two are quite clear-cut: in the first (STS 10.11.1999), the First Chamber ordered the patient's ophthalmologist and insurance company to pay, jointly, compensation of 13,080,000 pts. for loss of sight in one eye caused by a copper splinter that had gone undetected for four years (!); and in the second (STS 9.3.1998), the Third Chamber ordered INSALUD to compensate a patient who lost an eye due to a metal splinter that was not detected until 11 months after he was first examined. It is interesting to note that in both cases the injury was caused by the presence of a foreign body in the eye and that this could have been easily avoided, at low cost, had

the patient been x-rayed. In the other case (STS, 26.3.1999), the Third Chamber ordered the *Administración General del Estado* (general government administration) to pay compensation of 10,000,000 pts. to an ex-flying instructor of the *Academia General del Aire* (national pilots academy). For thirty years he was told he had shrapnel in his skull when in fact it was residue of the contrast material used in the myelographies he had after a flying accident in 1960. In 1990 he was diagnosed with cerebrospinal arachnoiditis, an illness that was to make him blind.

Finally, two simple **cataract operations** caused, in one case (STS, 1st, 2.11.1999), loss of sight in one eye and, in the other (STS, 1st, 9.12.1999), loss of an eye. In the first, the SC ordered the patient's ophthalmologist and insurance company to pay, jointly, compensation of 20,000,000 pts., while in the second it ordered INSALUD to pay 11,496,050 pts. to the 58-year-old patient.

2.4 Police conduct

The six cases of eye injuries resulting from police conduct or the behavior of the injured party himself – or both these – are also settled by both criminal (3 cases) and contentious-administrative jurisdiction (4 cases): the latter deals with injuries caused when riot police break up demonstrations or move in to control street violence while criminal jurisdiction covers cases of individual police conduct, such as a struggle between an officer and the person he is trying to detain. InDret has already addressed the question of liability with respect to police conduct in Policías que disparan (police who shoot).

From an outsider's point of view, the division of cases into two groups and their settlement under two jurisdictions would seem to reflect the following stereotype: criminal jurisdiction deals with those police excesses which are person to person whereas contentious-administrative jurisdiction resolves conflicts arising from organized police action to break up or control groups of demonstrators or rioters. Thus, it is difficult for the reader of this case law to know if the distinguishing criterion used by the SC's criminal and contentious –administrative judges is really the principle of fault and the traditional demand for individual liability, or whether, when a number of police officers act in unison, and regardless of what then occurs, individual liability is excluded and liability over the events in question is given to the *Administración Central del Estado* (central government body).

It is interesting to note that in the three criminal cases concerning **person to person police excesses** the victims' **eye injuries** were **mild** (bruising): confrontation with a citizen accused of breach of the peace in which a police officer hit him in the eye (STS, 2nd, 29.9.1998); officer who, without reason, hit a 16-year-old boy caught writing graffiti who, after escaping from the police, gave himself up (STS, 2nd, 1.12.1998); sex attacker who suffered several mild injuries to the neck, chest and one eye while resisting arrest (STS, 2nd, 1.7.1998).

In three of the four contentious-administrative cases, the eye injuries resulted from **the use of rubber bullets** by officers against **demonstrators** (STS, 3rd, 20.1.1998: a 15-year-old demonstrator was awarded 7,000,000 pts over loss of an eye; STS, 3rd, 18.10.1999: a demonstrator who was left practically blind in one eye following a confrontation with a police officer after a demonstration had been broken up saw his claim for compensation rejected) or were caused to a **third party** who happened to be on the scene (STS, 3rd, 27.1.1998: person in Vitoria who lost an eye whilst waiting in a bar for violent disturbances to clear). Only in one case (STS, 3rd, 21.12.1998) did a man involved in an (unauthorized) demonstration suffer eye injuries (detached retina leading to cataracts) as a consequence of **the use of water jets** by security forces.

Given the average or normal diameter of the cranial cavity protecting the eyeball it must be asked whether the type or model of anti-riot equipment used by the police could be substituted by another which is equally effective in breaking up disturbances but less dangerous in terms of its potential for causing eye injuries. However, we do not have statistics on the type or number of rubber bullets that were acquired and used effectively by law and order forces during the period in which the above-mentioned events took place.

In two of the cited cases (SSTS 21.12.1998 and 18.10.1999), the Third Chamber also used the criterion of lack of illegality with respect to the injury in order to charge the victims with creating hazardous situations, and thus responsibility for the outcome.

2.5 Fireworks

The three cases of firework accidents which occurred during public festivities were settled indiscriminately by the First and Third Chambers of the SC: boy who lost an eye when he was struck by a rocket stick which landed among the people watching the display (STS, 1st, 8.10.1996); man who, during public festivities involving "cart throwing" (not officially organized although with the permission of the Town Council) suffered a burnt conjunctiva in one eye after being struck by a firework which landed beyond the fence that had been erected for the display (STS, 1st, 21.7.1998); person who lost an eye after being struck by a firework during local festivities in El Pardo (STS, 3rd, 15.12.1997). Only in the second case was the plaintiff denied compensation. The reason is clear: whoever accepts the inherent risk of a situation, such as approaching an area where fireworks are being set off, must bear liability for the injurious outcome. In other words, the injury is not an example of illegality.

Finally, one should again note the jurisdictional conflict: in STS 21.7.1998, civil jurisdiction heard the suit against a public administrative body without even considering its lack of authority.

2.6 Sport

The two cases of eye injuries sustained during sporting activity do not enable strong conclusions to be drawn. Without prejudice to the fact that sports injuries will have to be

dealt with by InDret in the future, it is, nevertheless, worth pointing out that there is a difference between sports such as **football** (STS, 1st, 12.11.1997), that do not normally entail a risk of eye injuries, and activities such as **hunting** (STS, 1st, 12.3.1998). However, the exclusion of liability in the first case – in which a teenage club footballer suffered an intense and persistent loss of visual acuity in one eye after being struck by another player's elbow during training – is due to the fact that the Spanish SC decided that the action could not continue due to the statute of limitation.

2.7 Workplace accidents

The five cases of workplace injuries that reached the Spanish SC during the period under study again illustrate the problem of jurisdiction, some being settled by the civil chamber and others the social one. This and other issues, such as the level of compatibility between compensation for damages and social security benefits, have been analyzed by InDret in Accidentes de Trabajo y Responsabilidad Civil (Workplace Injuries and Civil Liability), and the reader wishing to follow the debate on the current state of the question and the advantages and disadvantages of this state of affairs should refer to this text. In addition, two further cases are worth highlighting: in the first (STS, 1st, 4.4.1997), a truck driver who was already blind in one eye lost his other eye when the jacuzzi he was unloading fell on top of him; in the second (STS, 4th, 17.2.1999), a locksmith lost the sight of one eye when a metal splinter flew off from a plate he was removing from a taxi.

2.8 Defective products

In manufacturer's civil liability, a distinction is made between manufacturing defects, design faults and defective instructions and warnings (Defectos que dañan [Defects that harm]).

For the period under study the only instance of an eye injury in which case law deemed the manufacturer to be civilly liable (STS, 1st, 3.12.1997) – occurring before the transposition of Directive 85/374/CEE[1] by Law 22/1994[2] - both the *Audiencia Provincial* (A.P.) (regional court) and the Spanish SC argued that the injury was due to a defect in the instructions for a cutting machine (insufficient information), the use of which caused the serious loss of sight in one of the operator's eyes: the SC upheld the award of 10,000,000 pts. imposed by the A.P. upon the import company on the basis of art. 1902 CC and art. 27.2 of the *Ley General de Defensa de los Consumidores y Usuarios* (general consumer protection law)[3]. Furthermore, the SC cited, as a legal basis for its decision, Directive 85/374/EEC.

[1] Council Directive 85/374/CEE, of 25 July, concerning the alignment of the Member States' legal, regulatory and administrative provisions with respect to injuries caused by defective products.
[2] Law 22/1994, of 6 July, on civil liability over injuries caused by defective products (B.O.E num. 161, of 7 July).
[3] Law 26/1984, of 19 July, *General para la Defensa de los Consumidores y Usuarios* (general consumer protection law) (B.O.E. num. 176, of 24 July).

- ***Where are we going and where should we be?***

This paper's conclusions are of a politico-legal nature and InDret can make proposals for the legal and judicial management of eye injuries as the work basically concerns case law: its empirical basis is solely cassation rulings of the Spanish Supreme Court.

1. In drawing the first conclusion, it is useful to start by distinguishing between easily-avoided accidents and those which are not. The forty-seven rulings under study illustrate that there are some situations in which the frequency of accidents leading to eye injuries could be reduced at no great cost whilst other accidents are practically unavoidable.

   There are different long and short-term solutions – some easier to implement than others – to some of the cases studied. For example, one cannot feasibly imagine a child being stopped from unexpectedly using the pencil with which he is writing to injure another child unless, of course, the use of pencils itself is prohibited. However, the same child can be stopped from playing with sticks, stones or fireworks, thus making schools safer places to be in; and, in more general terms, such premises can be properly fenced off and well-maintained. Some eye injuries caused in public disturbances when there is a clash between demonstrators and riot police could also be avoided if, for example, the latter had effective control measures available which posed less danger to eyeballs than rubber bullets do. Similarly, workplace injuries caused when the employer fails to implement any safety measures or the worker does not follow those which are in place could also be avoided. It is more difficult, however, to propose short-term solutions to reduce the number of eye injuries resulting from fights or assaults involving adults, and the part that alcohol plays in these: in the long term, more civic education would seem to be a suitable option for preventing this type of accident. In the medium term, it would be helpful to find ways of discouraging people from using potentially harmful substances such as alcohol.

2. The second issue which should be highlighted in this group of cases is that the same kind of accident is judged by different jurisdictions and according to different rules. In terms of dealing with the same kind of accident there are two plausible solutions:

   a) Giving exclusive authority to civil jurisdiction would bring the advantages of the division of work and specialization over the matter in question, as has been argued by other InDret authors (Accidentes de trabajo y responsabilidad civil [Workplace injuries and civil liability]). However, this would not avoid the extra costs that would be incurred through the duplication of processes – civil and criminal – when either the eye injury in question constitutes a crime or offence under criminal law, or when civil jurisdiction is not specialized enough to adjudicate with regard to public services should the accident occur within

the context of labor relations. A further obstacle that this proposal would have to overcome is that the contentious-administrative order would have exclusive cognizance with respect to public health care, in accordance with D.A. 12th LRJAP[4].

b) Another solution would be to unify applicable law and maintain the plurality of jurisdictions. This would mean creating a basic system of civil liability for both criminal and civil offences. With respect to workplace injuries, the reader should again refer to Accidentes de trabajo y responsabilidad civil (Workplace injuries and civil liability) where this issue is discussed. The unification of tort law for civil and administrative offences requires a separate study which InDret will undertake in future articles.

3. Although there are many exceptions the basic liability standard in civil law continues to be that of negligence (art. 1902 CC) and the First Chamber of the Spanish SC settles cases in accordance with this. However, the common standard in government liability is strict liability, something which is made clear by the SC's Third Chamber in its resolutions.

   The third conclusion of this paper thus concerns the position already adopted elsewhere by InDret (Causalidad y Responsabilidad [Causality and Liability]), namely that the least one can say about the distinction between negligence and strict liability is that the two categories overlap; as we have seen above, the basic judgement of negligence issued by the First Chamber is clearly omitted by the Third, but reappears in the guise of illegality or causality. In fact, the strong similarities between the criteria applied by both Chambers is at times obscured behind semantic differences. A future task for jurists is to overcome this traditional division of areas, each with its own jargon, and develop theoretical and doctrinal models that eliminate such differences.

   This observation, reiterated throughout this paper, not only adds weight to the previous conclusion but enables a further one to be drawn: a new category of strict liability, in the exact sense, could be developed and defined on the basis of two characteristics:

   a) The carrying out of dangerous activities, or those which are typical in legal terms, or through reference to specific people or groups of people.

   b) The activity in question is deemed to be harmful according to purely objective / scientific criteria.

[4] Modified by art. 2.3 of Law 4/1999, of 13 January, from modification of the *Ley de Régimen Jurídico de la Administración Pública y del Procedimiento Administrativo Común* (law on public administration and common administrative procedure) (B.O.E. nº 12, of 14 January).

These areas, to which a system of strict liability would be applied, could be distinguished from those others in which the imputation of liability is based exclusively on the legal decision to offer third party insurance to certain groups of people and for certain kinds of injury, for example, serious or improbable cases, or both of these together.

In terms of who should pay the premiums on such insurance it seems unlikely that a single solution will be appropriate for all the groups of cases analyzed in this paper: it seems reasonable – if not obvious – to argue that the solution in the case of medical or school accidents should not be the same as in the case of domestic accidents.

4. There do not seem to be significant differences in the amount of compensation finally awarded or validated by the different chambers of the Spanish SC for similar cases and any discrepancies are usually due to differences in the facts of the case or, especially, the age of the different victims. However, there are indeed important differences when these compensation awards are compared with that which would have been awarded had legal schedules been applied. In any case, neither the compensation awarded by the courts nor that which would have been awarded through applying legal schedules are excessively high, especially when one considers that many of the victims are children or young people. However, whatever the amount of compensation awarded by the courts may be, the idea that it be provided through a non-capitalizable pension given to the victim or his or her legal representatives, as occurred in STS, 1st, 3.7.1998, is, from a legal point of view, debatable and, what's more, costly to manage.

5. In the almost fifty cases settled by the Spanish SC in the four-year period under study there is one kind of case which is conspicuous by its absence: the domestic accident which occurs in a family environment, in relationships between parents and children and close relatives, or when friends and / or neighbors do favors for each other.

   InDret in no way wishes to do away with the unwritten privilege of domestic relationships, but would like to draw attention to the frequency of these accidents and the benefits that could be derived from developing education and healthcare policies that helped to reduce them, without this increasing the cost of being a parent and, in turn, having a negative effect on the birth rate.

- ***Two representative rulings***

To finish, InDret would like to highlight two notable cases. The first, **Helling v. Carey (83 Wn.2d 514, 519 P.2d 981)**, clearly illustrates the best and the worst – or to put it another way, the limits – of the economic analysis of law. The second, **STS, 1st, 18.10.1999**, whose rapporteur was Jesús Corbal Fernández, is the most carefully founded Spanish SC case for the period under study.

1. Helling v. Carey

In Helling v. Carey, the plaintiff, Barbara Helling, showed, at the age of thirty-two, symptoms of open-angle glaucoma, a serious disease that can lead to blindness. A simple eye pressure test carried out in childhood could, in the year in which the facts of the case took place (1968), detect the disease and thus prevent its development. Glaucoma is not a common disease and its symptoms appear in only 1 in 25,000 people under the age of forty. The defendants, the ophthalmologists Thomas F. Carey and Robert C. Laughlin, had treated the plaintiff for myopia since she was a child but, given the rarity of the disease, did not carry out the test in question on patients under forty, this being in line with professional standards. The plaintiff developed the disease and the adjudicator thus had to decide whether, despite the fact that medical standards of the time did not oblige doctors to carry out the test in question on people under forty, the defendants had been negligent, that is to say, had not, at the time, taken reasonable precautions to prevent harm to the patient.

For the last fifty years the economic analysis of tort law has been governed by the use of Hand's formula, B = P x L, that is to say, in order for a defendant to be absolved the economic cost of the precautions (B) that he or she must take should be equal to or greater than the economic cost of likely harm (P x L). In this case, it is known that the probability of developing the disease is P = 1/25,000 and also that the cost of the test which should have been used to reduce harm was minimal. The only unknown, therefore, is the economic estimate of the harm in question, L: what is an eye worth? The ruling was condemnatory because L was understood to be greater than the product of 25,000 multiplied by the cost – not recorded in the case – of the eye pressure test, the court not stating how it arrived at a precise figure for L. The interested reader should refer to Robert COOTER'S discussion of the case (Robert COOTER and Thomas ULEN, 1988, p.377).

2. STS, 1st, 18.10.1999

The case settled by STS, 1st, 18.10.1999, concerned a group of children at summer camp who were playing with sticks, one of them losing an eye upon being hit by another. The injured boy's father filed suit against the parents of the boy who had thrown the stick, the teacher who was supervising them and the Department of Education of the *Generalitat de Catalunya* (Catalan regional government). The plaintiff asked that the defendants be ordered jointly to: a) pay a life pension – to the value of 30,000,000 pts., or the amount decided by the court – for loss of an eye and other sequelae; b) pay all medical and opticians' costs, to a total of 242,800 pts.; and c) be liable to pay the injured party's costs in terms of future curative treatments, including any operations that may become possible as a result of new techniques.

Civil jurisdiction was declared to have authority over the case and the first instance court in Gandesa ordered the *Generalitat de Catalunya* alone to pay compensation of 177,200 pts. for medical costs, 6,000,000 pts. for the sequelae, and to be liable for payment of whatever

sums were deemed necessary in passing sentence in terms of the injured party's health and rehabilitation of the lost eye. Both the plaintiff and the *Generalitat de Catalunya* appealed, the father of the boy who caused the injury adhering to this process over the matter of costs. The A.P. of Tarragona partially upheld the plaintiff's appeal and raised the amount of compensation for loss of an eye to 10,000,000 pts., taking into account both physical and psychological sequelae as well as cosmetic damage.

The *Generalitat de Catalunya* and the plaintiff applied for cassation. The former alleged, under article 1692.4 of the *Ley de Enjuiciamiento Civil* (LEC)[rules of civil law procedure], then in force, that there was an infringement of jurisprudence with respect to the effects of criminal acquittals in civil procedure. The Spanish SC argued that the criminal decision had not denied the facts which constituted the grounds for a civil claim, only their criminal-legal relevance. Secondly, the appellant alleged lack of negligence and, therefore, infringement due to arts. 1902 and 1903 CC being inappropriately applied. The injury was argued to be accidental and STS, 1st, 21.11.1990, - in which the loss of an eye when one boy attacked another with a fork was deemed to be accidental - was cited in support. With good reason, the judge distinguished between an almost unavoidable accident in a dining room of twenty-four children – who, in our culture, are carefully brought up to eat with cutlery rather than their hands – and a dangerous game played in the open air. Every teacher knows that children like to play with sticks and stones, but also that as much as possible should be done to discourage them from doing so. This ruling summarizes, at the end of the third fundamental point of law – and with excellent grounds – the best doctrine on the issue of dangerous games to come out of First Chamber case law in Spain. The judge takes particular care in describing the group of cases in which such games featured:

> "The dangerous nature of the activity or game is especially evident in SS 10 Jun. 1983 – children playing at throwing stones -; 10 Nov. 1990 – a form of hopscotch where, instead of a stone, a file or knife is thrown-; 3 Dec. 1991 –crossbow with a pin -; 20 May. 1993 – a punctured, misshapen ball of hard plastic -; 30 Jun. 1995 – two children playing with air rifles -; 10 Dec. 1996 – broach with pin -; and 17 Sep. 1998 – playing with catapults –" (F.D. 3rd).

InDret hopes that this ruling's example will be followed, but knows only too well that such work is costly.

The plaintiff had stated, firstly, that there was an infringement of art. 1137 CC in relation to arts. 1903 and 1902 CC, under art. 1692.4 LEC. The SC rejected both the reference to article 1137 CC – on the grounds that there was not more than one liable party – and to articles 1902 and 1903 CC, because the statement made an assumption of the matter. The courts of instance rejected any personal liability of the teacher who was being sued and the First Chamber refused to review the facts of the case. In his second statement the appellant had also challenged the ruling of the A.P., contrary to that of the first instance court, with respect to the third petition of his claim, that is to say, payment of future curative treatments, including operations that may be possible as a result of technological advances.

The Spanish SC, in its fifth fundamental point of law, rejected this argument on the following grounds:

> "One cannot speculate, without a current scientific basis, on what may be possible or foreseeable in the future in terms of the advancements of medical science, this not being consistent with legal certainty".

At the same time the SC stressed that the amount of compensation can only be reviewed when the following requisites are in place:

> "Legal rules contradict each other, the required concepts or bases are not respected, there are either inconsistencies, a patent error, arbitrariness or an irrational argument (that which has no logical grounds), which was not deemed to have occurred in this case".

Finally, in his third statement, the appellant had argued, under art. 1692.4 LEC, that there was an infringement of art. 1903 CC in relation to art. 921.4 LEC, with respect to the interest from legal proceedings being omitted from the rulings of the first instance court and the A.P. The SC rejected this because, under the last paragraph of art. 921 LEC, any legal interest will only be due three months after non-payment by the relevant administration.

- ***Table of rulings cited***

Rulings of the Supreme Court

Chamber and Date	Art.	Judge Rapporteur	Parties
1st, 8.10.1996	7060	Gumersindo Burgos Pérez de Andrade	Parents of Alberto N.S. v. the company "A Groulla", Manuel M.N. & "AGF" insurance company
1st, 15.10.1996	7110	Alfonso Barcalá y Trillo-Figueroa	Parents of Rebeca A.I. v. José María A.P., María José A.V., Pedro Luis B. P. & INSALUD
1st, 10.12.1996	8975	Pedro González Poveda	Parents of Ion B.J. v. mother of Oriane A.G. & the school "Colegio-Centro Juana de Arco, S.L."
1st, 11.12.1996	9015	Gumersindo Burgos Pérez de Andrade	Parents of Oscar P. v Judith S., "Pirotecnia Astondoa, S.A." & Erandio Town Council
1st, 10.3.1997	2483	Alfonso Barcalá y Trillo-Figueroa	Father of María Flor R.A. v. Israel I. and the school "Colegio Nebrija"
1st, 4.4.1997	2639	Alfonso Barcalá y Trillo-Figueroa	Francisco G. F. V. "Inmobiliarias Bilbao, S.A."
1ª, 12.11.1997	7877	Alfonso Villagómez Rodil	Antonio M.S. v. "Mutualidad de Futbolistas Españoles" & the Spanish Football Federation
1ª, 3.12.1997	8722	Ignacio Sierra Gil de la Cuesta	Miguel G. v. "Robert Bosch España, S.A."
1st, 26.2.1998	1169	Eduardo Fernández-Cid de Temes	Miguel Ángel R.T. v. Instituto Catalán de la Salud, Departamento de Sanitat i Seguretat Social de la Generalitat de Catalunya, (Health Authorities in Catalonia), Head of the Blood Bank of the Valle de Hebrón Hospital, Hematology and Hemotherapy Dept. of the Valle de Hebrón Hospital, José Manuel H. S. & José T. B.
1st, 12.3.1998	1284	Ignacio Sierra Gil de la Cuesta	Roberto María T.R. v. "AGF" insurance company" and "Plus Ultra" insurance company
1st, 17.3.1998	1122	José Almagro Nosete	José Luis C. F. V. Consorcio de Compensación de Seguros, la Xunta de Galicia (regional government), Conselleria de Agricultura, La Estrada Town Council, Ministry of Agriculture,

			IRYDA & the heirs and unclaimed inheritance of José C.T.& Josefa V. M. & others
1st, 6.5.1998	2934	José Luis Albácar López	Father of Francisco V.C. v. INSALUD
1st, 3.7.1998	5411	Eduardo Fernández-Cid de Temes	Father of Francisco Javier Z. v. the Director of the school for autistic children "Belvis de Jara" & Asociación de Padres de Niños Autistas (association of parents with autistic children)
1st, 21.7.1998	6196	José Almagro Nosete	Francisco Alberto M.S. v. Minglanilla Town Council & "AM Compañía de Seguros y Reaseguros"
1st, 29.7.1998	6453	Ramón García Varela	Manuel L. C. on behalf of his son v. Francisco de P. B. de los R., Antonio S. M., "Centro Sanitario Comarcal Santo Hospital de Igualada" & the insurance company "Central de Seguros, S.A."
1st, 17.9.1998	6544	Alfonso Barcalá y Trillo-Figueroa	Father of Enrique C.I. v. Miguel Ángel C.T. and the insurer "Aurora Polar, S.A."
1st, 18.12.1998	9642	Eduardo Fernández-Cid de Temes	José Manuel A.C. v "Talleres González, S.L."
1st, 18.10.1999	7615	Jesús Corbal Fernández	Father of José Pablo A.S. v. parents of Antoni F.B., Juan F.B. & Departament d'Ensenyament de la Generalitat de Catalunya (Education Dept. of Catalonian government)
1st, 2.11.1999	7998	Alfonso Villagómez Rodil	Luis S.M. v. Saúl V. & insurance company "Adeslas, S.A."
1st, 10.11.1999	8057	Román García Varela	Laura C.P. v. Javier U.B. & "Mutua Vizcaya Industrial"
1st, 9.12.1999	9173	Román García Varela	Antonia J.J. v. Miguel J., Purificación G.D., Gabriel P.C., Francisco F.M. & Andalusian Health Service
2nd, 23.4.1996	2922	Cándido Conde-Pumpido Tourón	Boat captain v. Carlos Alberto C.F. & "Pescaderías de Cádiz, S.A."
2nd, 14.4.1998	4024	José Antonio Martín Pallín	José Luis M.I. v. Enrico P.
2nd, 8.7.1998	5814	José Antonio Martín Pallín	María Guadalupe G.L., José Luis P.S., Fidel T. De L.; José Manuel G.H., María Clara G.H v. José V.G., María Esther R.R. & Tomás Indalecio V.G.
2nd, 29.9.1998	8033	Roberto García-Calvo y Montiel	Suk Jae L.Ch. v. Miguel R.G.
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2nd, 25.11.1998	8985	Joaquín Delgado García	Antonio Javier A.D. v. Jorge Manuel S.G.
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