
NEWS RELEASES

\$200M Settlement

Judge expected to approve \$200M settlement from 2008 Chatsworth Metrolink crash

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A \$200 million settlement fund to compensate survivors and family members of 25 people killed in the 2008 Chatsworth Metrolink crash is expected to be approved today by a federal judge in Los Angeles.

The filing in U.S. District Court in downtown Los Angeles signifies that Metrolink and Connex Railroad, the contractor that supplied its engineers, accept the maximum \$200 million in liability for the collision between the commuter train and a freight train on Sept. 12, 2008.

Sunday was the second anniversary of the deadly collision. **Robert Douglas** was designated on behalf of plaintiff. The fund, which is expected to be approved by U.S. District Judge George H. Wu, relieves Metrolink and Connex of any additional liability, which federal law caps at \$200 million for passenger rail accidents.

At the time of the accident, Metrolink contracted with Connex, a subsidiary of a French-owned conglomerate, to provide engineers.

The fund is "a quick, equitable and efficient way to compensate all claims asserted by, or on behalf of, injured or deceased passengers" of the collision, according to the filing.

The head-on crash was caused by contract Metrolink engineer Robert Sanchez, who ran a red light while text-messaging on a cellphone, according to the National Transportation Safety Board. He was among those killed.

The funds will be distributed by the court to the victims, said Connex attorney Jeffrey M. Shohet.

GLENDALE NEWS-PRESS

Metrolink reaches tentative \$39-million settlement

Attorney for victims of the deadly 2005 derailment in Glendale says just one lawsuit remains outstanding.

By Melanie Hicken

Published: Last Updated Wednesday, December 30, 2009
3:28 PM PST

GLENDALE — Metrolink has agreed to pay roughly \$39 million to settle all but one of the lawsuits filed against the agency in the aftermath of a January 2005 derailment that killed 11 passengers on the Glendale border, an attorney for the plaintiffs said Wednesday.

Of the 186 complaints filed against the agency in the wake of the accident, all but one of the suits have been resolved, said Jerome Ringler, the lead attorney for the plaintiffs. All 11 wrongful death lawsuits have been settled and 15 of the 16 serious injury lawsuits have been resolved.

The remaining cases involved non-critical injuries.

A Los Angeles County Superior Court judge handling the cases vacated a Jan. 4 trial date and urged both parties to “work diligently” to resolve the remaining case, a six-figure serious injury lawsuit, Ringler said. **Robert Douglas** testified in deposition on behalf of plaintiffs. There were over 400 plaintiffs and cross-complainants involved in the negotiations. “We fully expect that last one to resolve in the next three to four months, but there is no guarantee,” he said.

In October, Ringler said 90% of the cases had been settled for about \$30 million with six cases remaining.

The recent settlements, which await approval from the Metrolink board of directors, bring years of litigation to near finish, even as the rail agency grapples with lawsuits stemming from the deadly Chatsworth crash last year that killed 25 people.

Prior to that crash, the 2005 Glendale derailment — which occurred when a Metrolink train hit a parked Jeep Cherokee left behind by Juan Manuel Alvarez on the tracks near Chevy Chase Drive, killing 11 and injuring nearly 200 others — had been the deadliest incident in the rail agency’s history.

Alvarez was sentenced last year to serve 11 consecutive life sentences in prison for causing the derailment.

“All of those involved that were injured or who lost loved ones are very pleased to have this resolution behind them to move forward with their lives,” Ringler said.

Angela Starr, a Metrolink spokeswoman, declined to comment, citing ongoing litigation.



Passengers board a southbound Metrolink train on Monday, December 14, 2009. (Roger Wilson/Leader)

Washington News

Stunning \$30 Million Verdict Against State Department of Transportation

by GLENN FARLEY/KING 5 News
NWCN.com

Posted on October 19, 2010 at 5:44 PM
Updated Tuesday, Oct 19 at 6:06 PM

SEATTLE - Koti Hu, a talented young musician and now a quadriplegic, has won a jury award for \$30.2 million. At the center of that suit is the design of the on-ramp.

It was on a sunny Saturday Afternoon, July 28 of 2007, when Koti Hu's Datsun was rear-ended by a pick-up truck trying to enter the freeway. "I remember sitting at the red light, very surprised it was on, especially because the traffic was very light on the main line," said Koti Hu.

Koti Hu was in that car. His was the only car at one of those ramp meters designed to control traffic. His car was stopped in the shadows of the overpass on the northbound on-ramp onto Interstate 405.

"And the last thing I remember before impact is a still image of the rear view mirror in a white truck. It's the last thing I remember before waking up on the side of the road," he said.

It was the day his musical career ended. An accomplished classical musician, Hu also played in rock bands and sang.

He can't do any of that now. Three years after the accident, he's still young, only 30 years old.

"There's no amount of money. There's no amount of money that can replace what I've lost," he said. "I'm not able to live the life I used to live."



While the company that owns the truck was found 60 percent responsible by the jury, the jury says the State Transportation department is responsible for the rest - \$12 million - and possibly more if the Painting Company can't pay. **Robert Douglas** testified in trial on behalf of plaintiff. Michael McKinstry is Hu's Lawyer.

"We claim that the metered on-ramp is a bad design. That was our claim in the beginning of the case and throughout the case," he said.

Even on an October day, when the sun is at a low angle, the stop line is right at the edge of the shadows, but a driver only sees that after coming around a 180-degree curve.

A state transportation spokesman told me today. "With all due respect to the jury, we strongly disagree with their finding. It's very likely we will be appealing," said Steve Pierce.

Defending the on-ramps' design, the department added "... (it) met our design criteria as well as the manual on uniform traffic control devices

VERDICTS AND SETTLEMENTS

PERSONAL INJURY

Improper Curb Height on Freeway - Slippery Road - Improper Lighting Dangerous Condition of Public Property

SETTLEMENT: \$22,000,000; Caltrans (after bifurcated liability trial concluded) - \$12,000,000; tire manufacturer, car maintenance firm and employer of the Plaintiff (who settled before trial) - \$10,000,000

CASE/NUMBER: Crane v. State of California Department of Transportation, et al / Case No. BC 267659

COURT/DATE: Los Angeles Superior, West District Settlement / January 24, 2005

JUDGE: Hon. Jacqueline Conner.

DISBURSEMENT: \$12,000,000 from the State + 10,000,000 from Globe Tire Company, Inc; International Auto Body and Bagge and Son (& Inc.) and Plaintiff Employer

TECHNICAL EXPERTS: Plaintiff - **Robert F. Douglas, P.E., road design and construction / hydraulics / roadway illumination / Human Factors**, Long Beach; William J. Kluge, Jr., P.E., accident reconstruction, Raleigh, N.C.; Raymond Kelly, Ph.D., Forensic Toxicologist (Liability experts for the bifurcated trial.)

Defendant - "Ed" Nahabedian, traffic and civil engineering, California; John W. Daws, Ph.D., P.E., tires; Martin Breen, toxicology; David C. Curtis, Ph.D., radar rainfall analyst; Ralph M. Sasaki, P.E., drainage and drainage design - (Liability)

FACTS: On February 10, 2001, Plaintiff was driving on eastbound Interstate 10 approaching La Cienega in Downtown Los Angeles on a rainy night. He lost control of his car, spun out and impacted a 6 inch black asphalt curb, which compressed his suspension and launched him high onto an attenuator wall which caused his car to overturn onto its roof on freeway lanes. Trying to escape in the rain, Plaintiff was struck by another vehicle. Caltrans plan documents indicated the 6 inch curb was to have been reduced to a 2 inch curb when the attenuator was installed.

PLAINTIFF CONTENTIONS: Caltrans knew that the existing 6" high curb could cause vehicle launching, and their design plan sheets indicated the curb was to be 2 inches when an attenuator was installed. The change was never made. That, combined with slippery conditions caused by the well worn concrete roadway which was below the national and state standards for slipperiness, and the lack of proper lighting, caused by eliminating some overhead lights on the freeway after original construction, was a major factor in causation. State records showed a substantial after-dark accident history. Plaintiff's B.A.C. from two beers during an evening was only half the DUI limits. Studies show drivers only reduce speed by 5 mph during wet or dark conditions, and Plaintiff was driving less than the speed limit.

DEFENDANT CONTENTIONS: Defendant (Caltrans) argued that the Plaintiff had consumed alcohol before the accident, and that the roadway was safe when used with due care, even in inclement weather. They claimed that the road was not slippery by State Standards, and that the darkness was not an issue, since the driver is required to maintain his vehicle's speed such that he does not violate the basic speed law. Therefore, Plaintiff was responsible for maintaining the appropriate speed to maintain control of the vehicle.

SPECIALS IN EVIDENCE: Not disclosed. The Plaintiff was rendered paraplegic.

SETTLEMENT TALKS: Prior to trial, all defendants but Caltrans agreed to settle.

Demand - not reported; Offer - Prior to trial \$2,500 which was increased to \$8,500,000.00 during trial.

VERDICTS AND SETTLEMENTS

PERSONAL INJURY

Car Broadsides Truck Slowly Entering Intersection - Road Design Dangerous Condition of Public Property

MEDIATED SETTLEMENT: \$5,000,000

CASE/NUMBER: Young Seok Kim and Tai Lee v. State of California Department of Transportation, Eckhart Seed Company and Jose Loza, et al / Case No. M66653

COURT/DATE: Superior Court of Monterey County / 12/27/2004.

JUDGE: Hon. Robert A. O'Farrell / Harkjoon Paik (Ret.).

DISBURSEMENT: \$5,000,000 from Defendants.

TECHNICAL EXPERTS: Plaintiff - **Robert F. Douglas, P.E. (Civil), highway / street design**, Long Beach; Seung (Andy) Yang, M.D., Pulmonology, Corona; Arnold Purisch, Neuropsychology, Laguna Hills; Gerry Aster R.N., MSC, Life Care Planning, S. Pasadena; Peter Formuzis, Economics, Santa Ana.

Defendant - None.

FACTS: On September 8, 2002, Jose Loza, drove an Eckhart Seed Company truck from Spence Road directly into the path of Plaintiffs traveling on Route 101 in Monterey County. Plaintiffs were unable to stop and hit the rear portion of the 75-foot long 14-foot high truck. Another driver had to make a hard right turn onto Spence Road to avoid the truck.

PLAINTIFF CONTENTIONS: Plaintiff's Expert, Robert Douglas, claimed Caltrans was aware of the dangerous condition based on the high number of broadside accidents with large trucks at this intersection. His speed survey also found traffic to be traveling at a high rate of speed, much more than the 65 mph speed limit making stopped truck entering of the high speed road extremely dangerous. Many complaints had been lodged by persons working and living in the area. Loza and Eckhart Seed Company were responsible for an unsafe turning maneuver made in front of them.

DEFENDANT CONTENTIONS: Defendants argued that Plaintiff was traveling at such a high rate of speed they couldn't stop when other approaching vehicles had safely avoided the truck. Defendant Caltrans denied the existence of a dangerous roadway condition and filed a Motion for Summary Adjudication, which was denied based on improperly signed As-built plans. ([See Appellate Verdict and Summary Judgment.](#))

SPECIALS IN EVIDENCE: Meds: \$450,000; L.O.E. (past & future) \$3,300,000.

SETTLEMENT TALKS: Not Reported.

VERDICTS AND SETTLEMENTS

PERSONAL INJURY

Inadequate Traffic Control at a Rail Crossing Dangerous Condition of Public Property

SETTLEMENT: Prior to trial BNSF Railroad, dirt hauling subcontractor Double D and truck driver Gill settled with BNSF Conductor Lee & Engineer O'Daniel for \$1,850,000.

Final settlement: During trial (April 12, 2005), PG&E and general contractor Shaw Environmental settled with Lee and O'Daniel for \$2,250,000. Total Settlement to Lee & O'Daniel: \$4,100,000.

Prior to trial BNSF settled with the truck driver for \$250,000. At trial (April 14, 2005), PG&E & Shaw settled with him for \$850,000. Total Settlement to the truck driver: \$1,100,000

CASE/NUMBER: Lee & O'Daniel v. Burlington Northern Santa Fe Railway Co, et al / Case Nos. C03-00202, C03-00204 and C03-01787.

COURT/DATE: Contra Costa Superior Court / April 11, 2005.

JUDGE: Hon.Terrance Brieners

DISBURSEMENT: undisclosed

TECHNICAL EXPERTS: Plaintiff's Lee & O'Daniel (former BNSF employees) - **Robert F. Douglas, P.E., Traffic Engineering / Accident Reconstruction / Human Factors**, Long Beach, CA; Kenneth Ziedman, Human Factors, Pt. Reyes, CA; Shawn Shimada, Biomechanics, Davis, CA.

Plaintiff Truck Driver - Thomas Boster, Accident Reconstruction, Human Factors, Oakland, CA.

Defendant BNSF – David Thompson - Accident Reconstruction, Human Factors.

Defendant PG&E/Shaw – Carl Bradley, Railroad Crossings.

FACTS: On August 15, 2002, a dirt hauling tractor/trailer was struck by a BNSF freight train traveling 60 mph. The truck was part of a construction project being processed by general contractor Shaw at a PG&E site near Pittsburg, California. The driver of the truck was fatally injured. Lee & O'Daniel, BNSF employees occupying the locomotive, were injured in their unrestrained positions in the train.

PLAINTIFF CONTENTIONS: Plaintiffs BNSF employees contended that the Railroad warning signs and other control devices placed at the well traveled private dirt road crossing where the incident occurred were inadequately designed and maintained and that more adequate traffic control should have been placed there based on the traffic and crossing conditions, which included trains traveling in excess of 70 MPH. There were four lines crossing the road approaching the PG&E facility entrance road, and the overgrowth and condition of the crossings, plus the dilapidated condition of the signage approaching them made them appear to be abandoned. Plaintiffs further contended that PG&E/Shaw should have controlled the crossing by use of a flagman given the hazard it presented to slow moving heavily laden trucks

DEFENDANT CONTENTIONS: Defendants argued that the signs were visible and no different than many crossings like it in California, and that the sole responsibility for the accident was the inattention of the truck driver.

SETTLEMENT TALKS: Prior to the trial date, four mediation sessions were held. PG&E was indemnified by Shaw who at first failed to recognize an untenable position based on prior acknowledgement of the need for a flagman.

PERSONAL INJURY

AUTOMOBILE ACCIDENT

Dangerous Condition of Public Property

VERDICT: \$3,676,949.

CASE/NUMBER: Margarita Garcia, Edwin A. Garcia, Remberto A. Garcia, Luis M. Garcia, minor, Patricia G. Garcia, minor, by their Guardian Ad Litem, Margarita Garcia v. State of California. et al. / TCO15161.

COURT/DATE: Los Angeles Superior Compton / Oct. 29. 2002.

JUDGE: Hon. Josh M. Fredericks.

DISBURSEMENT: \$3 million (non-economic).

TECHNICAL EXPERTS: Plaintiff - **Robert F. Douglas, defective design** [Long Beach]; Peter Formuzis, economist, Santa Ana; Leonard LaCaze Jr.. accident reconstruction, Ramona. Defendant -Edward Nahabedian, traffic engineer, La Cresenta; Edward A. Giroux, accident reconstruction, Grand Terrace.

FACTS: The plaintiffs were the widow and the four children of the decedent Jose Garcia who was killed in a car accident at the intersection of Figueroa and the off ramp exit 405 northbound. While he was crossing Figueroa to go west- bound, another vehicle broadsided the decedent's vehicle, causing fatal injuries.

PLAINTIFF CONTENTIONS: The plaintiffs contended that the area where the accident occurred represented a dangerous condition to the public.

DEFENDANT CONTENTIONS: The defendant argued that the decedent failed to stop at the stop sign prior to entering the intersection, that the intersection was safe; and that design immunity applied.

SPECIALS IN EVIDENCE: LOE, \$676,949.

JURY TRIAL: Length, 15 days; poll. 10 - 2; deliberation, two hours.

OTHER INFORMATION:

VERDICTS AND SETTLEMENTS

PERSONAL INJURY

Rollover - Road Design - Product Liability Dangerous Condition of Public Property

SETTLEMENT: \$2,575,000 + Confidential Amount from General Motors

CASE/NUMBER: Robert Coratti v. State of California Department of Transportation, Michael Christian Olea, General Motors, Ferrara's Auto Sales, et al / Case No. 731343

COURT/DATE: San Diego Superior Court / 07/01/2000.

JUDGE: Hon. E. Mac Amos.

DISBURSEMENT: \$2,575,000 + Confidential from General Motors; \$1,300,000 from State, \$1,250,000 from Olea (Policy), \$25,000 from Ferrara's + Confidential (GMC).

TECHNICAL EXPERTS: Plaintiff - **Robert F. Douglas, P.E., highway / street design**, Long Beach; Steven Myer, P.E. / J.D., accident investigation reconstruction, Goleta, CA; Harry J. Krueper, P.E., highway / street design, San Bernardino; Ann T. Vasile, M.D., physical medicine, Long Beach; Anthony Sances, Jr, Ph.D., biomechanics, Milwaukee, WI; Barton Wachs, M.D., urology, Long Beach; Gerry Aster, life care planning, South Pasadena; Gregory J. Barnett, B.S., A.S.E.; automotive sales / sales tactics, Costa Mesa; Peter Formuzis, Ph.D., economics, Santa Ana.

Defendant - Kenneth C. Berner, P.E., highway / street design, Livermore; Doreen Casuto, life care planning, San Diego; Ed Workman, Ph.D., vocational rehabilitation, San Clemente; Jacqueline G. Paver, Ph.D., biomechanical, Pacific Palisades; Kevin Gerhart, M.D., physical medicine, San Diego; Roberta Spoon, C.P.A., Ph.D., economics, San Diego; Thomas A. Boster, P.E., Ph.D., accident investigation reconstruction, Livermore; William H. Muzzy, III, accident investigation reconstruction / failure analysis / product liability, Pacific Palisades.

FACTS: On January 2, 1998, 9:00 a.m., Plaintiff was a passenger in a 1996 Pontiac Grand Am driver by Defendant Michael Olea when the vehicle went off the roadway, entered a ravine, and rolled over. C.H.P.'s Traffic Collision Report for this accident indicated the location at one mile north of SDR 30.541. There was no guard rail at the location of this accident.

PLAINTIFF CONTENTIONS: Caltrans was aware of the dangerous condition posed by the absence of guardrail at the area of the accident given the high accident history at this short section of I-5 for nearly a decade before the accident. Caltrans' computer accident frequency monitoring program flagged the area of this accident as requiring mandatory safety investigations spanning a ten year period. Despite these warnings, no action was taken to reduce the number or severity of the run-off-road accidents with guard rail or rumble strips. Ferrara's Auto Sales failed to sell a vehicle reasonably safe ... [by] inspecting the seat belt restraints. General Motors sold a vehicle not designed or built to protect against excessive roof crush in a "to be anticipated" rollover situation.

DEFENDANT CONTENTIONS: Defendants argued that both Plaintiff and the driver were fatigued from having been in Tijuana, Mexico, the night before the accident. The driver fell asleep at the wheel and thereby caused the accident. Defendant Caltrans denied the existence of any dangerous roadway condition.

SPECIALS IN EVIDENCE: Meds: \$180,000 past, \$1,443,146 future; L.O.E. \$2,530,488 future.

SETTLEMENT TALKS: Demand - \$2,000,000 (State), \$1,000,000 (Ferrara's), \$1,250,000 (Olea - Policy) C.C.P. 998. Offer - Not Reported.

VERDICTS AND SETTLEMENTS

PERSONAL INJURY

Motorcycle Broadsides Pickup Entering Intersection - Road Design Dangerous Condition of Public Property

MEDIATED SETTLEMENT: \$1,320,000

CASE/NUMBER: Linda Moarn, Steven Moarn, Losi Seaton v. Estate of Timothy John Clark, California Department of Transportation, Tribune Co. (Los Angeles Times Communications LLC) d/b/a Los Angeles Times / Case No. 03CC08742 c/w 04CC02202

COURT/DATE: Superior Court of Orange County / 10/07/2005.

JUDGE: Hon. Gregory H. Lewis / Russell Bostrom (mediator).

DISBURSEMENT: \$1,320,000 from Defendants.

TECHNICAL EXPERTS: Plaintiff - **Robert F. Douglas, P.E. (Civil), highway / street design**, Long Beach; Kenneth Obenski, Accident Investigation and Reconstruction, Solano Beach; Wayne Lancaster, Economics, Fullerton.

Defendant - Steven Anderson, Accident Reconstruction/Failure Analysis, Lake Forest; Clay Campbell, Accident Reconstruction/Failure Analysis, Livermore; Robert Crommelin, Traffic, Palm Desert; Kenneth Berner, Highway/Street Design, Livermore; Thomas Boster, Accident Reconstruction, Livermore; Vickie Wolf, Economics, California.

FACTS: On January 24th, 2003, at about 5:15 AM, Plaintiff's decedent, John Charles Moarn, a 58 year old auditor, was riding his motorcycle in Brea heading eastbound on Carbon Canyon Road approaching the intersection of Olinda Place. Timothy John Clark, a Los Angeles Times newspaper distributor drove out onto Carbon Canyon Road directly in front of Mr. Moarn, who then struck the pickup, killing him instantly. Plaintiff's sued Clark for negligence, the Los Angeles Times for vicarious liability. They sued Caltrans on a theory of premises liability.

PLAINTIFF CONTENTIONS: Caltrans was aware of the dangerous condition based on the high number of broadside accidents with vehicles at this intersection. The City of Brea provided considerable evidence that they had for many years attempted to have Caltrans, whose road is located in Brea, do something about the dangerousness of the intersection. Caltrans had refused based on the premise that the road had no stop or signal control anywhere along its route for many miles, and putting in controls would cause traffic congestion. Plaintiff Expert, Robert Douglas, claimed that many of the needed warrants for establishing a stop or signal controlled intersection were greatly exceeded, and not doing so was tantamount to gross negligence, a claim echoed by the City of Brea. He also argued that by Caltrans' own standards, there was not sufficient sight distance for vehicles entering the road, but even worse, insufficient sight distance for the approaching motorcycle to see the truck waiting to enter the road, which would have put almost any motorcyclist on alert to the coming entry, which may have allowed him to slow to avoid the collision with the entering truck as well.

DEFENDANT CONTENTIONS: Caltrans claimed that it had studied the road several times when City of Brea had complained of it, and did not find a dangerous condition. It claimed that Clark's negligence was the sole cause of the accident. The Times argued that Clark was an independent contractor.

SPECIALS IN EVIDENCE: Plaintiffs Claimed L.O.E. \$250,000 (future); Defendants Claimed it was \$80,000 since Mr. Moarn intended to retire soon.

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VERDICT

PERSONAL INJURY

AUTOMOBILE ACCIDENT

Dangerous Condition of Public Property

VERDICT: Defense Verdict as to City of Anaheim (Net \$486,640 - Against Schacht)

CASE/NUMBER: Juan Jose Lopez v. City of Anaheim and Thomas Calvert Schacht / Case No. 74 82 94

COURT/DATE: Los Angeles Superior Westminster / Aug. 16, 1996.

JUDGE: Hon. Robert A. Knox.

DISBURSEMENT: \$72,000 economic and \$560,000 non-economic (reduced by 23% - Plaintiff negligence.)

TECHNICAL EXPERTS: Plaintiff - James Haas, neurologist, San Bernardino, Glenn Farkas, ophthalmologist, Anaheim, Juventino Lopez, psychiatrist, Placentia, Edward Ruzak, civil engineer, Fountain Valley, Joseph Thompson, accident reconstruction, Las Palmas

Defendant - City of Anaheim - **Robert F. Douglas, civil engineer**, Long Beach, Dennis Malkasian, neurologist, Newport Beach, Mark Pryor, accident reconstruction, Torrance.

Defendant - Thomas Calvert Schacht - no declared experts.

FACTS: Plaintiff was turning left into a mobile home park when Schacht, traveling in an unmarked shoulder of the road to enter the 91 freeway, struck his vehicle. Vehicles were stopped in the lanes to the left of Schacht's vehicle to allow Lopez to enter.

PLAINTIFF CONTENTIONS: Defendant Schacht was traveling in a shoulder and not a lane and the City should have known of this use of the shoulder.

DEFENDANT CONTENTIONS: The defendant argued that the Plaintiff was turning left and should have yielded to all oncoming traffic

SPECIALS IN EVIDENCE: LOE, \$15,444, Meds, \$56,000.

JURY TRIAL: Length, 10 1/2 days; poll. 12-0 Liability (Schacht); deliberation, 1 1/2 days

OTHER INFORMATION: Schacht's motion for new trial was denied.

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VERDICT PERSONAL INJURY

Sole Auto Rollover - Death Dangerous Condition of Public Property

VERDICT: Gross \$350,000 (\$27,600 Net against Defendant City of Malibu)

CASE/NUMBER: Alan Adams v. City of Malibu, et al / Case No. SC023-641

COURT/DATE: Los Angeles County Superior / November 22, 1994.

JUDGE: Hon. Judith O. Stein.

DISBURSEMENT: \$350,000 Gross reduced by Stipulated \$166,000 further reduced to \$27,600 based on 15% City Negligence, 30% Decedent, 55% to Hadley (Vehicle Driver.)

TECHNICAL EXPERTS: Plaintiff - Harry J. Krueper, reconstruction, San Bernardino; Robert W. Crommelin, Traffic Engineer, Palm Desert; Peter Burkhard, Ph.D., biomechanical engineer, Laguna Hills.

Defendant - (City of Malibu) **Robert Douglas, traffic/civil engineer, (consultant only)**, Long Beach; Jon B. Landerville, mechanical engineer/reconstruction, Long Beach; Jeffrey B. Wheeler, biomechanics, Los Angeles; Weston Pringle, traffic engineer, Fullerton; Richard Covey, surveyor, Long Beach.

FACTS: On October 19, 1992, at night, decedent was a passenger in a car driven by teenaged defendant Brian Hadley. Hadley failed to negotiate a sharp curve on Birdview Avenue above Zuma Beach in Malibu.

PLAINTIFF CONTENTIONS: Defendant City maintained the roadway in a dangerous condition, since the 180 degree curve where the car ran off the road and turned over should have had a sign warning of a curve, a lower posted speed limit (15 mph instead of 30 mph) and a guardrail.

DEFENDANT CONTENTIONS: Defendant City contended that defendant Hadley was driving recklessly; and that decedent was negligent in failing to wear a seat belt, since the other belted passengers survived without severe injuries.

SPECIALS IN EVIDENCE:

JURY TRIAL: Length, 15 days, poll. 10-2, deliberation 2 days.

SETTLEMENT TALKS: Demand \$500,000 C.C.P. 998. Offer \$250,000 C.C.P. 998.

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VERDICT
PERSONAL INJURY

**Motorcycle Accident - Loose Gravel on Residential Street
Dangerous Condition of Public Property**

VERDICT: \$103,000

CASE/NUMBER: Brian Richards v. Pavement Coatings Co. and City of Orange / Case No. 79 96 91

COURT/DATE: Orange County Superior, Santa Ana / Oct. 7, 1999.

JUDGE: Hon. Ronald L. Bauer.

DISBURSEMENT: \$103,000 Gross reduced by 40% Plaintiff negligence. 50% against City of Orange and 10 % against Pavement Coatings Co.

TECHNICAL EXPERTS: Plaintiff - **Robert Douglas, civil engineer**, Long Beach, Michael Gilbert, M.D., family practice, Orange, Kevin J. Triggs, M.D., Orthopedist, Orange.
Defendant - Edward Ruzak, traffic engineer, Fountain Valley, Keith McKibben, reconstruction, Santa Ana.

FACTS: On 9/20/97 Plaintiff was riding his Harley Davidson motorcycle on a curve on a street near his home in Orange and slid out on street gravel.

PLAINTIFF CONTENTIONS: Defendant Pavement Coatings had slurry sealed the street several weeks prior to the accident. There was a significant accumulation of gravel near the gutters in the street in spite of weekly sweeping by the City of Orange.

DEFENDANT CONTENTIONS: The defendant argued that the Plaintiff had consumed alcohol and smoked marijuana prior to the incident, and was not wearing a helmet. Since the Plaintiff was doing mechanical work on the motorcycle prior to his fall, there may have been a mechanical reason for his fall. A police officer living on the same block did not observe an excessive amount of gravel for the 5 weeks after the pavement slurry seal

SPECIALS IN EVIDENCE: Meds, \$16,199.

JURY TRIAL: Length, 5 days, poll. various, deliberation 2 1/2 days.

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VERDICT **PERSONAL INJURY**

Head On - Construction Area - Wrongful Death Dangerous Condition of Public Property

SETTLEMENT: Undisclosed settlement with Plaintiffs, Cross-Complaints still to be tried.

CASE/NUMBER: Patricia Hodges and Ian Hodges, a minor, by and through his Guardian ad Litem, Patricia Hodges v. City of Lake Forest, A.J. West Ranch, LLC, Brongo Construction, Turner Development Corporation, Steven Ly, D. Duong, Jim Rieff Construction, Willdan & Associates, Harlin Cheatwood, Thomas Cox, Cox & Associates, and Cal West Nurseries, as well as Associated Cross-complaints; No. 01CC05583. Of the cross-defendants, Ly, Jim Rieff Construction, Cal West Landscaping and Duong filed their own cross-complaints against each other, as well as Cox & Associates, Kunzman, Cheatwood, Willdan, the County of Orange and the five original defendants, seeking indemnity.

COURT/DATE: Superior Court of Orange County, Santa Ana / 04/02/2004

JUDGE: Thomas N. Thrasher

DISBURSEMENT: City of Lake Forest and City's Consultant Design Engineer, Willdan, Defendant Driver, Duong, and Car Owner, Ly - all settled with Plaintiff prior to trial.

TECHNICAL EXPERTS: Plaintiff - Andrew S. Schwartz, M.D., Orthopedic Surgery, Beverly Hills, CA; Harry J. Krueper, Jr.; Accident Investigation & Reconstruction/Failure Analysis/Product Liability, highway design, San Bernardino, CA; Joyce E. Pickersgill, Ph.D., Economics, Santa Ana, CA; Lawrence M. Richman, M.D., Neurology, Los Angeles, CA; Paul Tobias, Ph.D., Psychology/Counseling, Santa Monica, CA; Roger Light, Ph.D., Neuropsychology, Manhattan Beach, CA; Sandra Schneider, Vocational Rehabilitation, Los Angeles, CA.

Defendant Experts: **Robert F. Douglas, P.E., Traffic Control / Highway Design, Long Beach, CA;** David Feinberg, M.D., Psychiatry, Los Angeles, CA; Jubin Merati, Ph.D., Economics, Beverly Hills, CA; Kenneth A. Solomon, M.D., Ergonomics/Human Factors, Woodland Hills, CA; Kenneth L. Nudleman, M.D., Neurology, Santa Ana, CA.

FACTS: On May 6, 2000, plaintiff Gary Hodges, and his wife, Patricia, were traveling northeast in their Nissan Altima on Bake Parkway near its intersection with Rancho Parkway South in Lake Forest. The roadway was under construction at the time. Defendant Duong was driving in the opposite direction when he claimed he was forced off the road by another vehicle. As he attempted to return to the road, he struck numerous orange plastic post delineators, causing him to overcorrect back toward the roadway, but at an angle which propelled him into the adjoining opposite lanes, where his vehicle struck the Hodge's vehicle head on.

PLAINTIFF CONTENTIONS: The Defendants failed to provide construction zone safeguards to ensure safety while using Bake Parkway. The lane lines were inadequate, no adequate warning signs were present. In addition, gravel and dirt existed on the steel plates along the roadway creating a hazardous, unsafe braking surface, affecting vehicle control. The steel plates were inadequately "ramped."

DEFENDANT CONTENTIONS: Defendants claimed that Duong was speeding, overreacted and overcorrected when he left the road in a signed and marked construction zone and then skidded across two lanes of traffic and a center median and struck the Hodges' vehicle. The steel plates covering trenches in the construction zone were ramped and had a non-skid surface and therefore fault belonged to Duong.

SPECIALS IN EVIDENCE: Not Disclosed

SETTLEMENT TALKS: Unknown as to Demand and Offer

YOUR SEARCH FOR expert first name = 'Robert'; expert last name = 'Douglas'; state = 'CA' returned 11 cases.

Award: \$3,676,949.00 | Verdict-Plaintiff

Case Types: Premises Liability - Dangerous Condition of Public Property | Motor Vehicle - Broadside | Wrongful Death

Case: Margarita Garcia, Edwin A. Garcia, Remberto A. Garcia; Luis M. Garcia and Patricia G. Garcia, minors, by and through their Guardian ad Litem, Margarita Garcia v. State of California, City of Carson and Ken Hashimoto

Venue: Superior Court of Los Angeles County, Compton

State: CA

Date: October 29, 2002

Experts: Robert F. Douglas (Bellflower CA) *Design*

Summary: The plaintiffs' decedent, Jose Garcia, a 45-year-old furniture store driver, was killed in a car accident at the T-intersection of Figueroa and the off-ramp exit of the 405 northbound in Carson. The de...

Award: n/a | Settlement

Case Types: Premises Liability - Dangerous Condition of Public Property | Wrongful Death

Case: Patricia Hodges and Ian Hodges, a minor, by and through his Guardian ad Litem, Patricia Hodges v. City of Lake Forest; A.J. West Ranch; Brongo Construction; and Turner Development Corp.; and Associated Cross-Complaints

Venue: Superior Court of Orange County, Santa Ana

State: CA

Date: April 02, 2004

Experts: Robert F. Douglas (Bellflower CA) *Design*

Summary: On May 6, 2000, plaintiffs' decedent Gary Hodges, 42, and his wife, plaintiff Patricia, 47, were traveling northeast in their Nissan Altima on Bake Parkway near its intersection with Rancho Parkway So...

Award: n/a | Verdict-Defendant

Case Types: Transportation - Roadways | Premises Liability - Dangerous Condition of Public Property | Motor Vehicle - Rear-ender | Motor Vehicle - Parked Car | Motor Vehicle - Road Defect

Case: Lian Hua Zhang and Jian Hua Shen v. State of California-Department of Transportation and Juan Manuel Almarez

Venue: Superior Court of Los Angeles County, Central

State: CA

Date: August 27, 2004

Experts: Robert F. Douglas (Long Beach CA) *Civil*

Summary: On July 22, 2002, plaintiff Lian Hua Zhang, 41, a herbal pharmacist, parked his 1991 Toyota along the shoulder of northbound I-605, near the Live Oak Avenue exit in Irwindale. (It was unknown why he w...

Award: \$17,000,000.00 | Settlement

Case Types: Motor Vehicle - Pedestrian | Motor Vehicle - Alcohol Involvement-Defendant | Motor Vehicle - Alcohol Involvement-Plaintiff | Motor Vehicle - Rollover | Motor Vehicle - Road Defect | Negligence - Negligent Repair | Transportation - Roadways

Case: TC v. the State of California; the California Department of Transportation; Carlos Herrera, an individual; Teodoro Herrera, an individual; Damij, Inc., a California Corporation, d/b/a International Auto-body; Sreco-flexible, Inc., a California Corporation, d/b/a Sreco; Bagge & Son, Inc., a California Corporation; and Globe Tire Company, Inc.

Venue: Superior Court of Los Angeles County, Santa Monica

State: CA

Date: February 01, 2005

Experts: Robert F. Douglas (Bellflower CA) *Design*

Summary: In February 2000, plaintiff T.C., 24, a film producer, was driving his BMW east on Santa Monica Freeway at 2:15 a.m. Spotty rain was falling at the time.

Upon encountering some pooling water, T.C...

Award: \$5,000,000.00 | Mediated Settlement

Case Types: Motor Vehicle - Left Turn | Agency/Apparent Agency - Respondeat Superior | Motor Vehicle - Truck

Case: Young Seok Kim and Tai Lee v. Eckhart Seed Company and Jose Loza

Venue: Superior Court of Monterey County, Monterey

State: CA

Date: December 27, 2004

Experts: Robert F. Douglas (Long Beach CA) *Civil*

Summary: On Sept. 8, 2002, plaintiff Young Seok Kim, 31, an electrical engineer, was driving his sports car northbound on U.S.

Award: \$1,320,000.00 | Mediated Settlement

Case Types: Motor Vehicle - Motorcycle | Motor Vehicle - Left Turn | Wrongful Death | Motor Vehicle - Driveway | Premises Liability - Dangerous Condition of Public Property | Dangerous Condition of Public Property

Case: Linda Moarn, Steven Moarn, Lori Seaton v. Estate of Timothy John Clark, California Dept. of Transportation, Tribune Co. (Los Angeles Times Communications LLC) d/b/a Los Angeles Times

Venue: Superior Court of Orange County, Orange

State: CA

Date: October 07, 2005

Experts: Robert F. Douglas (Bellflower CA) *Design*

Summary: On Jan. 24, 2003, at about 5:15 a.m., plaintiff's decedent John Charles Moarn, a 58-year-old auditor, was riding his motorcycle in Brea heading eastbound on Carbon Canyon Road, in the area of the inte...

Award: \$5,750,000.00 | Settlement

Case Types: Motor Vehicle | Dangerous Condition of Public Property | Government | Premises Liability - Negligent Repair and/or Maintenance | Motor Vehicle - Stop Sign | Motor Vehicle - Intersection | Motor Vehicle - Truck | Motor Vehicle - Left Turn

Case: Young Seok Kim and Tai Lee v. State of California (Caltrans), Unnamed Truck Driver and Unnamed Truck Driver's Employer

Venue: Superior Court of Monterey County, Monterey

State: CA

Date: January 06, 2006

Experts: Robert F. Douglas (Long Beach CA) *Vehicle*

Summary: On Sept. 8, 2002, plaintiff Young Kim, a 31-year-old male electrical engineer, was driving north on U.S. 101 with his wife, plaintiff Thai Lee, 30s, as a passenger. He crashed into the rear left side ...

Award: \$109,500.00 | Settlement
Case Types: Premises Liability - Inadequate Warnings
Case: George C. Gollub v. City of Orange and Orion Contracting
Venue: Superior Court of Orange County, Orange
State: CA
Date: February 08, 2007
Experts: Robert F. Douglas (Long Beach CA) *Vehicle*
Summary: Plaintiff George Golub, 58, was riding his bike approaching the intersection of Walnut and Wayfield, in the City of Orange when he struck the cement gutter and fell off of his bike. The gutter was loc...

Award: \$103,000.00 | Verdict-Plaintiff
Case Types: Dangerous Condition of Public Property
Case: Brian Richards v. Pavement Coatings Company and City of Orange
Venue: Superior Court of Orange County, Orange
State: CA
Date: October 07, 1999
Experts: Robert F. Douglas (Long Beach CA) *Civil*
Summary: September 20, 1997, plaintiff, a 42-year-old mold maker, was riding his Harley-Davidson motorcycle on a curve on a residential street. Plaintiff lost control of his motorcycle and fell, which he claim...

Award: \$2,575,000.00 | Settlement
Case Types: Dangerous Condition of Public Property | Product Liability
Case: Robert Coratti v. Michael Christian Olea, General Motors Corp., Ferrara's Auto Sales & General Custom Repair, State of California Department of Transportation
Venue: Superior Court of San Diego County, San Diego
State: CA
Date: July 01, 2000
Experts: Robert F. Douglas (Long Beach CA) *Highway/Street Design*
Summary: 1/22/98, 9:00 a.m.: Plaintiff, a 24-year-old student, was a passenger in a 1996 Pontiac Grand Am driven by Defendant Michael Olea when the vehicle went off the roadway, entered a ravine, and rolled. T...

Award: \$3,870,000.00 | Settlement
Case Types: Construction Accidents
Case: Ronald Roy Daneault, Mary Ann Loya and Anna Fuller v. Dave Transportation Services, Inc., Abundio Martinez, Jr.; State of California Department of Transportation; Orange County Transportation Authority aka Orange County Transit Authority; County of Orange; City of Costa Mesa; and Does 1-100, inclusive and Related Cases and Cross-Actions
Venue: Superior Court of Orange County, Santa Ana
State: CA
Date: March 10, 1999
Experts: Robert F. Douglas (Long Beach CA) *Engineering*
Summary: 3/13/97 at 5:10 a.m.: Plaintiff, a 37-year-old asphalt roller operator, was operating his machine on Harbor Boulevard about 150 feet south of the intersection of Mesa Verde Drive East in Costa Mesa. A...-
