

SOUTHERN CALIFORNIA

MOTOR VEHICLE

Bicycle — Truck

Bicyclist crippled after hitting truck parked in bike lane

DECISION (P) \$34,500,000

CASE [REDACTED] v. Arizona Pipeline Co. and Eduardo Rodriguez, No. 02CC02955

COURT Superior Court of Orange County, Santa Ana, CA

JUDGE Robert D. Monarch

DATE 7/9/2003

PLAINTIFF

ATTORNEY(S) Lawrence P. Grassini, Grassini & Wrinkle, Woodland Hills, CA
Roland Wrinkle, Grassini & Wrinkle, Woodland Hills, CA
William R. Chapman, Grassini & Wrinkle, Woodland Hills, CA

DEFENSE

ATTORNEY(S) Michael A. Byrne, McKay Byrne & Graham, Los Angeles, CA (Arizona Pipeline Co.)
James R. Hammerton, Law Offices of James R. Hammerton, Fallbrook, CA (Eduardo Rodriguez)

FACTS & ALLEGATIONS On the morning of April 10, 2001, Eduardo Rodriguez, an employee of Arizona Pipeline Co., Hesperia, Calif., parked his company truck in the bike lane of Superior Avenue in Costa Mesa, Calif., so he could walk across the street and get some materials from the company's staging area. At the same time, plaintiff [REDACTED] 40, a high school biology teacher, was riding his bike down Superior on his way to work when he ran into the back of the parked truck. [REDACTED] sued Arizona Pipeline and Rodriguez, alleging vehicular negligence.

[REDACTED] contended that Rodriguez illegally parked the truck, blocked the bicycle lane and was negligent in doing so. [REDACTED] also maintained that Arizona Pipeline negligently selected the site of its staging area in such close proximity to a main thoroughfare.

The defense contended that [REDACTED] could see the truck 200 feet ahead of him, but negligently failed to stop.

INJURIES/DAMAGES *quadriplegia*

[REDACTED] was rendered an incomplete quadriplegic with partial use of his hands and arms. While able to drive and return to teaching high school biology, [REDACTED] claimed that he has been severely limited and restricted in what was previously a very active lifestyle (e.g., surfing, skiing, bicycling, mountain

climbing, etc.). He claimed past medical costs of \$634,269 and loss of earnings of \$1,292,191.

RESULT Prior to trial, Rodriguez was dismissed, leaving Arizona Pipeline Co. as the only defendant. After an 8-day bench trial, Judge Robert Monarch found in favor of [REDACTED] and awarded him \$34,500,000 gross (general award with no economic/non-economic breakdown). After finding Arizona Pipeline 75% negligent and [REDACTED] 25% comparatively negligent, the award was reduced to \$25,875,000 net. The court then awarded [REDACTED] \$1,704,230 in prejudgment interest and costs, which created a total judgment of \$27,579,230.

DEMAND \$21,000,000 policy limits CCP § 998 (\$1,000,000 from primary carrier, Zurich Insurance, and \$20,000,000 from excess carrier, Kemper Insurance (offer expired on Feb. 14, 2003))

OFFER \$8,000,000; raised to \$10,300,000 two weeks before trial; raised to \$12,000,000 several days before trial; raised to \$15,000,000 during trial; raised to \$21,000,000 policy limits the day of judgment; raised to \$23,000,000 during first post-trial mediation (all rejected)

INSURER(S) Zurich Insurance Co. (primary) for Arizona Pipeline Co.; Kemper/Lumbermen's Insurance Co. (excess) for Arizona Pipeline Co.

PLAINTIFF

EXPERT(S) Bernard F. Pettingill Jr., economics, Palm Beach Gardens, FL
Sharon K. Kawai, M.D., life care planning, Fullerton, CA
George Lightner, construction, Pasadena, CA

DEFENSE

EXPERT(S) Tom Gravitt, life care planning, Lexington, KY
George M. Brinton, Ph.D., economics, Los Angeles, CA

—Randy Stewart