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THE COMPREHENSIVE SOURCE FOR CALIFORNIA CIVIL TRIAL RESULTS

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SETTLEMENT RESULT: \$2,782,954

COMMON CARRIER

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Passenger injured when bus driver falls asleep and rolls bus

COMMON CARRIER

Bus/Streetcar

NO COURT/UNFILED SETTLEMENT

Confidential v. Confidential, Trial type: Settlement.
Settlement date: 1/23/2009.

SETTLEMENT: \$2,782,954

The case settled at mediation before Jeffrey Krivis, Esq. of First Mediation.

COUNSEL

Plaintiff: Scott J. Corwin, A Professional Law Corporation, Los Angeles.

Defendant: Confidential.

FACTS/CONTENTIONS

According to plaintiff: On February 24, 2008, plaintiff, a 46-year-old construction worker, was a passenger on defendant bus en route from Dover, Delaware to Ontario, Canada to visit a friend. Plaintiff was seated in the third row on the driver's side. At approximately 4:00 a.m., the bus driver fell asleep at the wheel while just outside of Scranton, Pennsylvania and failed to hold the bus in a gentle turn. As the bus left the roadway, it rolled down an embankment. The bus flipped over twice and came to rest on its roof at the bottom of the embankment. There were a total of 53 passengers on the bus, 40 of whom sustained injuries. Two different county fire departments responded to the scene of the accident. Plaintiff had to be extricated from the wreckage, and he was evacuated by an emergency life flight medical helicopter to Community Medical Center in Scranton. A second bus driver was on the bus as a passenger and failed to relieve the acting driver, notwith-

standing the fact that several passengers noticed that the bus driver was dozing in and out just prior to the accident.

Plaintiff alleged that defendant was negligent in the operation of a common carrier bus. Plaintiff further alleged that defendant was acting with reckless disregard for the safety of its passengers in that the second driver failed to relieve the first driver before he fell asleep on the road while driving. Plaintiff contended that all of his claimed injuries were a result of the accident and that plaintiff would never be able to return to work in a meaningful way for the remainder of his work life. Plaintiff also claimed a traumatic brain injury requiring some assistance for the remainder of his life. Plaintiff contended that a future neck surgery would be required.

Defendant admitted liability but it denied that it acted in reckless disregard. Defendant disputed the nature and extent of plaintiff's claimed injuries and the need for future neck surgery. Defendant also disputed that plaintiff suffered from traumatic brain injury. Defendant contended that if there were any impairments suffered by plaintiff they were a result of a long history of drug and alcohol abuse. Plaintiff's blood test showed that he was under the influence of cocaine at the time of the accident. Defendant also disputed the extent of plaintiff's earning losses, as plaintiff had a very sporadic work history and had been in and out of jail for various alcohol- and drug-related offenses over the previous 10 years.

CLAIMED INJURIES

According to plaintiff: Plaintiff sustained neck fractures at C4, C5, and C6, resulting in cervical spine fusion surgery. Plaintiff was hospitalized for nine days and transferred to an acute rehabilitation center for an additional 25 days. After that he was discharged to home. Plaintiff also claimed traumatic brain injuries.

CLAIMED DAMAGES

According to plaintiff: \$445,546 past medical; \$70,083 future medical; \$17,500 past loss of earnings; \$440,000 future loss of earnings; \$1,680,758 life care plan.

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SETTLEMENT DISCUSSIONS

According to plaintiff: Plaintiff demanded \$4,900,000. Defendant initially offered \$1,000,000.

EXPERTS

Plaintiff: Jan Roughan, R.N., life care planner, Liaisons in Negotiating Care, Arcadia (625) 462-9675. Edwin C. Amos III, M.D., neurologist, UCLA, Santa Monica (310) 829-2126. Marcel O. Ponton, Ph.D., neuropsychologist, Persona Neurobehavior, Pasadena (626) 449-2484. John Tatliff, M.D., neurosurgeon. Ralph Marino, M.D., rehabilitation.

Defendant: Barry I. Ludwig, M.D., neurologist, Neurology & Rehabilitation Medical Group, Los Angeles (310) 794-1500.