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VERDICTS & SETTLEMENTS

September 29, 2009

Garbage truck strikes boy on bicycle in crosswalk

Ricardo Ureno, 13, was riding his bicycle through a crosswalk in a residential neighborhood when a garbage truck driven by Jose Chavez made a right turn into the crosswalk, striking Ureno.

The boy sustained nondisplaced fractures to his pelvis that did not require surgery. A hematoma developed in his left thigh, however, which caused significant swelling. The thigh had to be drained, leaving a 10-inch surgical scar. Ureno developed an abnormal gait after the surgery due to scar tissue that tethered to his thigh muscles.

Ureno also suffered posttraumatic stress disorder, resulting in nightmares, bedwetting, and emotional problems that caused him to perform poorly at school and become socially isolated.

Ureno claimed about \$122,200 in past medical expenses and \$66,500 in future orthopedic and psychological costs. Because of his physical and emotional problems resulting from the collision, he was unable to secure employment after high school at the level of an average high school graduate. He claimed about \$62,800 in lost earnings.

Ureno sued Chavez and his employer, alleging that Chavez failed to keep a proper lookout for children on bicycles in a residential area and failed to make a complete stop before turning.

The defendants contended that Ureno lost control of his bike and jumped off the curb into the street, where he collided with the truck. The defendants also cross-complained against Ureno's parents, arguing that they failed to provide their son with proper instruction or training on the rules of the road but allowed him to ride his bike to and from school.

The jury awarded Ureno about \$888,200, finding Chavez and his employer 100 percent liable. The defendants have appealed.

Citation: *Ureno v. Taormina Indus., LLC*, No. 07CC12648 (Cal., Orange Co. Super. Apr. 10, 2009).

Plaintiff counsel: AAJ member P. Christopher Ardalan, and Brian J. Ward and Kimberly Y. Higgins, all of Sherman Oaks, California.

Plaintiff experts: Timothy Reust, accident reconstruction, Newhall, California; Cliff Sabath, psychology, Gardena, California; Susan Bleecker, economics, Pasadena, California; and Thomas Grogan, orthopedic surgery, and Sandra Schneider, vocational rehabilitation, both of Los Angeles.

Defense experts: Thomas Fugger, accident reconstruction, Valencia, California; Brian Solberg, orthopedic surgery, Glendale, California; Edward Workman, vocational rehabilitation, San Clemente, California; and Ted Vavoulis, economics, Pasadena.

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