

Daily Journal

VERDICTS & SETTLEMENTS

MONDAY, AUGUST 12, 2022



Scott E. Boyer

\$15,920,000.00 SETTLEMENT



Arash Homampour

PERSONAL INJURY

DANGEROUS CONDITION

Failing to Yield

SETTLEMENT: **\$15,920,000**

CASE/NUMBER: Jay S. v. W.A. Rasic Construction Co., et al. / CIVDS1711812

COURT/DATE: San Bernardino Superior / Mar. 30, 2022

JUDGE: Donald R. Alvarez

ATTORNEYS:

Plaintiff – Scott E. Boyer, Arash Homampour (The Homampour Law Firm PC); Sharona Eslamboly-Hakim (Law Offices of Sharona Eslamboly-Hakim)

Defendant W.A. Rasic Construction Co. – John A. Delis (Long & Delis); Derek A. Earley, James E. Sell (Tyson & Mendes LLP)
Defendant Ontario – Timothy D. Lucas, Erich J. Lidl (Thomas Lucas)
Defendant Rincon/Beltran – Ty S. Vanderford, Robert A. Hanff (Vanderford & Ruiz LLP)

FACTS:

On August 15, 2016, motorcyclist, Jay S., was traveling through the intersection of Grove Ave. and G St. in the City of Ontario when he was struck by the left-turning vehicle driven by Leticia Rincon. At the time of the collision, Defendant W.A. Rasic Construction Co. was repairing a manhole frame and cover on the

opposite side of the City intersection. Rincon was determined by law enforcement to have violated Vehicle Code §21801 and to be the sole cause of the incident by failing to yield the right of way to a vehicle approaching from the opposite direction which is close enough to constitute a hazard at the time of the turning movement. Plaintiffs sued Rincon for negligence and W.A. Rasic Construction Co., City of Ontario and Inland Empire Utilities Agency for negligence and dangerous condition of public property.

PLAINTIFF'S CONTENTIONS:

Plaintiffs contended that Defendants W.A. Rasic Construction Co., City of Ontario and Inland Empire Utilities Agency failed to ensure that proper traffic control and roadway warnings were in-place to prevent the collision from occurring. Plaintiffs further contended that defendants violated encroachment permit requirements, including failing to ensure that proper inspections were conducted before the manhole repair work was started.

DEFENDANT'S CONTENTIONS:

Defendants W.A. Rasic Construction Co., City of Ontario and Inland Empire Utilities Agency contended that Rincon was the primary cause of the incident. Defendants further contended that lay witness testimony and expert evaluation supported plaintiff was traveling faster than the posted speed limit and at a speed too fast

for roadway conditions given the roadway work being conducted. Defendants also contended that plaintiff's claim for future medical care and lost wages was grossly inflated and not reasonably related to the incident.

INJURIES:

Plaintiff Jay S. suffered physical injuries and emotional distress. His wife suffered damages for loss of consortium.

SETTLEMENT DISCUSSIONS:

The parties participated in three mediations with Hon. Thierry Colaw.

RESULT:

Plaintiffs settled with defendants for a total of \$15,920,000. The insurer for W.A. Rasic agreed to pay \$15,900,000 and the insurer for defendants Rincon/Beltran agreed to pay \$20,000.00.

OTHER INFORMATION:

John Delis represented WA Rasic Construction Co. and the Inland Empire Utilities District. Derek Earley and James Sell also represented WA Rasic Construction Co. Timothy Lucas and Erich Lidl represented the City of Ontario. Ty S. Vanderford and Robert Hanff represented Leticia Rincon.

FILING DATE: Jun. 21, 2017