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PERSPECTIVE

Paralyzed bicyclist case that couldn't be won settles for \$24M

By Skyler Romero
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Years after a catastrophic car accident left a bicyclist paralyzed from the neck down, a team of attorneys have won him a nearly \$24 million settlement from the city of San Diego.

"It happened to be a car driving toward them, but it doesn't matter," Arash Homampour of The Homampour Law Firm PC said in an interview. The Sherman Oaks attorney helped represent Vinolo in his suit against the city.

"The overgrown shrubbery that the city never once in 20-plus years ever evaluated or maintained created an obstruction to not only the person coming from the bike riders' perspective but also the person coming from the opposite side of the curve," Homampour continued.

After winning a suit against the driver who hit him, Vinolo searched for representation in a claim against the city of San Diego. His search eventually led him to R. Michael Bomberger of Estey & Bomberger.

According to the San Diego attorney, many other firms were reluctant to take the case due to the judgment already made against the impaired driver.

"They said that this is a case that they didn't want because it couldn't be won," Bomberger said in an interview. "But when I went over and looked at the corner, and I spoke to some witnesses, I thought that we had a shot on the case."

From there, Bomberger took the case to Homampour and Pejman A. Ben-



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Cohen of Carpenter Zuckerman & Rowley LLP, who agreed to take it to trial.

"The way that [Bomberger] worked this case up and did all the legwork was just amazingly done," said Ben-Cohen, who works out of Beverly Hills, in an interview.

Even with Bomberger's legwork, however, Homampour and Ben-Cohen found the case to be one of the most difficult of their careers.

"It's a difficult liability case because of the defendant being a public entity," Homampour said. "It's an expensive case, it's a complicated case, and it's staff intensive."

Still, the team prevailed in countering the arguments of the defense, who claimed Vinolo engaged in a hazardous

recreational activity and a wrong-way driver on the one-way road couldn't be anticipated.

Homampour and Ben-Cohen successfully argued wrong-way notices painted on the road demonstrated that the city did expect potential wrong-way drivers but neglected to erect street signs that local laws also required.

"There were mandatory traffic signs that – some were present, but most weren't – designed to tell people they're going the wrong way," Homampour said.

Furthermore, the pair argued, Vinolo was not participating in an inherently hazardous activity as he was simply utilizing the mixed-use road for one of its intended purposes.

"They opened this roadway to combined traffic of pedestrians, motorists and bicyclists. It was specifically designated as safe for bicyclists to use up to 25 miles per hour," said Homampour. "Any argument that the plaintiff or the bike riders were engaging in reckless or hazardous activity is nonsense. They were there doing what the park was designed to do, and that's let people drive, walk and bike."

Following the \$23,750,000 settlement, the plaintiff's attorneys consider the case to be emblematic of their reasons for practicing law.

"This is where we get to level the playing field," Homampour said. "We get to right the wrongs and implement justice. This is a beautiful expression of why we do what we do, why we love it and why we're so privileged to do it."

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