

S O U T H E R N

MOTOR VEHICLE**Motorcycle — U-Turn — Wrongful Death****U-turn caused fatal accident, mother and nephews alleged****MEDIATED SETTLEMENT** **\$3,600,000****CASE** Sylvia Gonzales, minors Carlos Sanchez and Paul Sanchez and Paul Sanchez (deceased) v. Henry Brothers, National Safe of California and Roe Driver, No. 30-2007-00100096**COURT** Superior Court of Orange County, Orange, CA**JUDGE** Robert Moss**NEUTRAL(S)** Jeffrey Krivis**DATE** 1/12/2009**PLAINTIFF ATTORNEY(S)** Arash Homampour, The Homampour Law Firm, APLC, Beverly Hills, CA**DEFENSE ATTORNEY(S)** Benjamin C. Alvarez, Osman & Associates, Diamond Bar, CA
Mollie Burks-Thomas, Gordon & Rees LLP, Los Angeles, CA
Stephen E. Ronk, Gordon & Rees LLP, Los Angeles, CA**FACTS & ALLEGATIONS** On July 2, 2007, the defendant driver was operating a vehicle owned by National Safe of California while in the scope of employment with Henry Brothers. He exited from eastbound Hidden Valley Parkway in Corona into the mouth of a residential street in order to get onto westbound Hidden Valley.

At the time, plaintiffs' decedent Paul Sanchez was also traveling eastbound on Hidden Valley and approached the defendant driver from behind on a motorcycle. Sanchez left eastbound Hidden Valley and collided with the defendant driver in the westbound lane. Sanchez died at the scene.

Sanchez's two minor nephews and mother sued Henry Brothers, National Safe of California and the defendant driver, for motor vehicle negligence.

Plaintiffs' counsel contended that the U-turn caused the collision. The lawyers further alleged that the companies were vicariously liable for the driver's actions.

The defense countered that Sanchez was responsible for the crash because the defendant driver had already crossed over eastbound Hidden Valley and the collision happened in the westbound lane.

The defense also contended that Sanchez was traveling at least 20 mph over the speed limit, that Sanchez lacked a motorcycle

license and lacked adequate training, that Sanchez should have stopped at the nonoperating traffic signal located just 300 feet before the accident site, and that Sanchez reacted unreasonably and could have avoided the incident.

INJURIES/DAMAGES *death; loss of society*

Sanchez lost his life.

The plaintiffs — nephew Paul Sanchez, age 5; nephew Carlos Sanchez, age 10; and mother Sylvia Gonzales — sought unspecified general damages.

Plaintiffs' counsel contended that the minor nephews had standing to sue.

The defense argued that the minor nephews did not have standing to bring wrongful-death claims because their receipt of public assistance made them less than 50 percent financially dependent on Sanchez.

RESULT The case settled for \$3.6 million.**INSURER(S)** Travelers (primary) for all the defendants
Colony (excess) for all the defendants**PLAINTIFF EXPERT(S)** Demetrios Demetriades, M.D., Ph.D., F.A.C.S., trauma, Los Angeles, CA
Timothy J. Long, accident reconstruction, Valencia, CA
Joseph G. Yates, motorcycles, Yorba Linda, CA**DEFENSE EXPERT(S)** Kerry A. Berg, accident reconstruction, Riverside, CA
Richard A Schmidt, ergonomics/human factors, Los Angeles, CA**EDITOR'S NOTE** This report is based on information that was provided by plaintiffs' counsel and defense counsel.

—Priya Idiculla

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