

# VERDICTS & SETTLEMENTS

FRIDAY, JULY 2, 2021



Arash Homampour

## TOP VERDICT

**Settlement: \$17,500,000**

**Plaintiff:** Arash Homampour, Scott E. Boyer  
(The Homampour Law Firm PC),  
Stanley K. Jacobs (Jacobs & Jacobs LLP)



Scott E. Boyer

### PERSONAL INJURY

#### SCHOOL INCIDENT

Negligence

SETTLEMENT: \$17,500,000

CASE/NUMBER: Eduardo Giovanni Mendoza, a Minor, by and through his Guardian ad Litem, Rosa Maria Davila Flores v. Compton Unified School District / 19STCV14351

COURT/DATE: Los Angeles Superior / Feb. 2, 2021

JUDGE: Maurice A. Leiter

#### ATTORNEYS:

**Plaintiff** – Arash Homampour, Scott E. Boyer, Stanley K. Jacobs (Jacobs & Jacobs LLP)

Defendants – Dana J. McCune, Babak Shirdel (McCune & Harber LLP); Alison K. Beanum (Clyde & Co US LLP)

#### FACTS:

On May 1, 2018, plaintiff Eduardo Mendoza, a third-grade student at Anderson Elementary School in the Compton Unified School District, suffered a cardiac arrest while on the school playground. Plaintiff had an underlying heart condition, Catecholaminergic Polymorphic Ventricular Tachycardia, which neither plaintiff's family nor the School District were aware plaintiff suffered from prior to the incident. School personnel responded immediately to plaintiff and contacted 911. A security officer provid-

ed CPR until emergency services arrived at the school shortly after the incident. Paramedics used a defibrillator to re-start plaintiff's normal heart rhythm and transported him to the hospital. Despite these efforts, plaintiff suffered anoxic brain injury. Plaintiff sued the Compton Unified School District based upon the alleged negligence of school administrators and personnel.

#### PLAINTIFFS' CONTENTIONS:

Plaintiff contended that Defendant School District failed to properly train school personnel on how to respond to medical emergencies. After multiple depositions, the school principal finally admitted that the School District should have provided training on child CPR and use of an AED, but it failed to do so before the incident. Plaintiff also contended that the school should have had an emergency plan outlining staff responsibility during a medical emergency and a nurse on campus who could have responded to the emergency. Plaintiff further contended that the security guard negligently provided CPR prior to the arrival of emergency services. As a result of these failures, Plaintiff contended there were critical delays in providing Plaintiff proper medical care which caused his brain injury.

#### DEFENDANTS' CONTENTIONS:

Defendant contended that Plaintiff's injuries were the result of his underlying heart condition which Defendant indisputably did not

cause and had no knowledge of prior to the incident. Defendant also contended that it responded promptly to Plaintiff's medical emergency and contacted 911. Defendant further contended that there was not a significant delay (less than three minutes) in CPR being provided to Plaintiff, and CPR was properly performed until emergency services arrived. Defendant contended that medical literature and opinion testimony also strongly supported that whatever minimal delay there may have been in providing CPR to Plaintiff in no way caused Plaintiff's injuries, and Plaintiff had less than a two-percent chance of surviving his cardiac arrest without significant brain injury. Defendant also contended that it complied with statutory requirements for CPR-trained personnel, and there was no requirement to have an AED or nurse present on school campus.

#### INJURIES:

Plaintiff suffered anoxic brain injury requiring ongoing medical care.

#### SETTLEMENT DISCUSSIONS:

The parties participated in mediation with Robert Kaplan, Esq.

#### RESULT:

The case settled for \$17.5 million

FILING DATE: Apr. 24, 2019