

## VERDICTS &amp; SETTLEMENTS

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## PERSONAL INJURY

## AUTO V. BUS

Negligence

SETTLEMENT: \$475,000.

## CASE/NUMBER:

through her Guardian ad  
Litem,v.  
Jose Bonilla Amaya, Edward  
Leonard Wage, Tumbleweeds  
Educational Enterprise Inc.,  
Tuvetta Mondragon, KB Brown  
Construction Inc. / GC039795.COURT/DATE: Los Angeles  
Superior Pasadena / May 6, 2010.JUDGE: Hon. James P. Gray, ADR  
Services Inc.ATTORNEYS: Plaintiff - David S.  
McLane, Kevin J. LaHue (Kaye,  
McLane & Bednarski, LLP,  
Pasadena).Defendant - Robert T. Bergsten,  
Leslie A. Keidel (Hosp, Gilbert,  
Bergsten & Hough, Pasadena) for  
defendant/cross-complainant/cross-  
defendant KB Brown Construction,  
Craig R. Breitman (Selman  
Breitman, LLP, Los Angeles) for  
defendant/cross-complainant/  
cross-defendant Jose B. Amaya,  
Michael V. Madigan (Scott, Mizzen,  
Veatch & Carlson, Los Angeles) for  
defendant/cross-complainant/cross-  
defendant Edward Wage; Barry C.  
Snyder (Snyder Law, Santa Barbara)  
for defendant/cross-complainant/  
cross-defendant Tumbleweed and  
Tuvetta Mondragon.MEDICAL EXPERTS: Plaintiff -  
Christopher C. Giza, M.D., pediatric  
neurology, Los Angeles; Roger K.  
Light, Ph.D., neuropsychology, Los  
Angeles.Defendant - Dean C. Delis, Ph.D.,  
neuropsychology, La Jolla; Tony L.  
Strickland, Ph.D., neuropsychology,  
Los Angeles.TECHNICAL EXPERTS: Plaintiff  
- Carl Garbus, O.D., F.A.A.O.,  
neurovision, Valencia; Carol R.  
Hyland, M.A., M.S., vocational  
rehabilitation, Lafayette; Stephanie  
Rizzardi-Pearson, M.B.A.,  
economics, Pasadena; Arnold W.  
Siegel, accident reconstruction,  
Encino.Defendant - Thomas F. Fugger Jr.,  
accident reconstruction, Valencia;  
Ted Kobayashi, P.E., accident  
reconstruction, Livermore; Jon B.  
Landerhill, M.S., P.E., accident  
reconstruction, Torrance.

## FACTS: Plaintiff

high school senior, was a passenger  
in a school bus on her way home,  
heading west on the Interstate 210  
freeway just before the Interstate  
210 and State Route 134 freeway  
junction in Pasadena. Defendants  
Ed Wage, driving a car, and Jose  
Amaya, driving a truck, were  
heading west on the 210 near the  
Lake Avenue exit in Pasadena.  
Both cars planned on going on the  
west 210. Wage was driving in lane  
five and Amaya was driving in lane  
four, the two farthest lanes from  
the medium. Wage and Amaya's  
cars collided, causing Wage's car to  
spin out of control into the school  
bus driven by defendant Tuvetta  
Mondragon.

## PLAINTIFF'S CONTENTIONS:

Plaintiff alleged that both Wage  
(in the scope of employment for  
defendant KB Construction) and  
Amaya caused the accident and  
that the bus driver, Mondragon,  
was speeding at the time, in the  
wrong lane of traffic for a school  
bus. Plaintiff further contended  
that Mondragon failed to ensure  
that plaintiff, who suffers from  
hydrocephalitis, was wearing a seat  
belt. Plaintiff had been tested by a  
neuropsychologist before and after  
the accident that noted decreased  
performance in neuropsychological  
skills, including a 7 point IQ drop  
that she still suffered from, and  
needed intensive therapy to treat  
her continuing condition.

## DEFENDANT'S CONTENTIONS:

All defendants denied liability and  
cross-complained against each  
other, claiming the other defendants  
were responsible for any alleged  
injuries. All defendants denied  
that plaintiff suffered injuries to  
her neuropsychological skills as  
alleged. Defendants noted a lackof structural brain damage and  
denied the accident caused such  
deficits, and were just a continued  
manifestation of a pre-existing  
condition.RESULT: The parties settled for  
\$475,000 before Hon. James P.  
Gray (\$370,000 from Jose Bonilla  
Amaya; \$75,000 from Tumbleweeds  
Educational Enterprises Inc. and  
Tuvetta Mondragon); \$15,000 from  
Edward Wage; \$15,000 from KB  
Construction Inc.).OTHER INFORMATION: Because  
the case was filed through a  
guardian ad litem, plaintiff's  
mother, the court  
had to approve the settlement under  
CCP 372 and Probate Code 3500 et  
seq in MC-351, an order approving a  
compromise of a pending action for  
a person with a disability.The case involved complex issues of  
joint and severable liability dealing  
with which defendant caused  
the accident, issues of plaintiff's  
damages as there was no structural  
damages, and disputed neurological  
damages where plaintiff had a  
pre-existing condition prior to the  
accident of hydrocephalitis. The  
issue was whether the accident  
caused further neuropsychological  
impairments then already existed at  
time of accident.

FILING DATE: Oct. 30, 2007