

TUESDAY, MARCH 26, 2019

\$30M wrongful death verdict might be record for Ventura County

By Blaise Scemama
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In what is believed to be the largest award in a wrongful death suit in Ventura County history, a jury awarded \$30 million Monday to the parents of a teenager who was killed when a vehicle made an illegal U-turn near an improperly parked tractor-trailer.

Representing the aggrieved parents were Arash Homampour and co-counsel Scott E. Boyer of The Homampour Law Firm. "The jury got it right. We did a good job at presenting what can only be the worst kind of loss a human can suffer. A child died," said Homampour, shortly after the verdict was announced.

In April 2014, Jocelyne Plascencia, 19, was driving down highway SR-126, which connects Ventura and Los Angeles counties, when defendant Anita Newcomb made an illegal U-turn across two lanes of traffic. Plascencia was forced to swerve onto the shoulder, where truck driver Charles Gynn Deese of Flat Creek Transportation had parked his big rig tractor-trailer three feet from the road, according to the complaint. *Plascencia v. Flat Creek Transportation et al.*, 56-2015-00475756 (Ventura County Sup. Ct. filed May 5, 2015).

Deese had allegedly pulled over to buy strawberries at a fruit stand. Experts testified truck drivers are only supposed to park on the side of highways during emergencies. Plascencia collided with the rear of the truck,

resulting in injuries that would eventually lead to her death.

After the accident, Homampour filed negligence claims against Newcomb for making an illegal U-turn, Deese and the trucking company for illegally parking his truck, the fruit store owner for encouraging customers to park on the shoulder, and the state of California for statutory liability by creating dangerous conditions of public property. All but the trucking company settled for insurance policy limits before the case was sent to a jury, according to Homampour.

Homampour also said the jury pool was especially hostile toward him and his Spanish-speaking clients during the three-day jury selection, leading Ventura County Superior Court Judge Matthew P. Guasco to excuse more than 20 jurors for cause.

Homampour said jurors indicated they thought he was exploiting loopholes and the parents should not be suing.

However, by the end of the trial, 11 of the 12 jurors found Newcomb was 60 percent responsible for future and past damages and Flat Creek Transportation was found 40 percent responsible for damages. Flat Creek Transportation will now be ordered to pay \$15 million.

"It restored my faith in the jury system, despite the hostile jury pool," Homampour said.

Mark D. Kramer, representing Newcomb, declined to comment. All other counsel were unavailable Monday.