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Jury Orders MTA to Pay \$6 Million

By Draeger Martinez
Daily Journal Staff Writer

Los Angeles' Metropolitan Transit Authority must pay \$6 million to a man who was rendered a paraplegic in a crash with a city bus, under a verdict handed down late Tuesday.

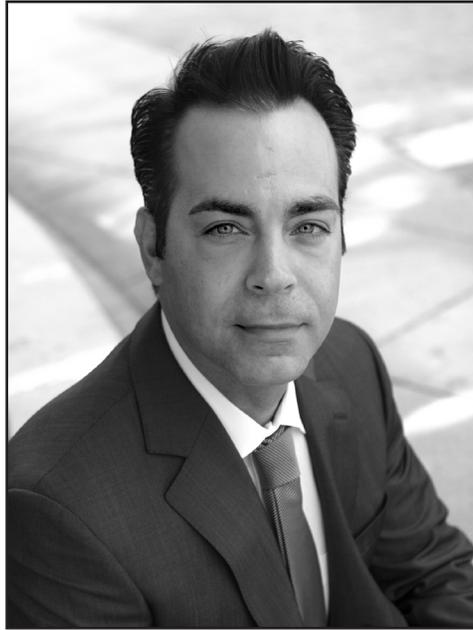
A jury made the award to motorist Ramon Melendez, who was injured when an MTA bus struck his car as he entered a South Gate street from a driveway two years ago.

Melendez' attorney, Beverly Hills sole practitioner Arash Homampour, said jurors agreed that the bus driver was speeding, causing the crash. *Melendez v. Los Angeles County Metropolitan Transportation Authority*, VC042307 [cq] (L.A. Super. Ct., verdict Aug. 2, 2005).

"They had three security cameras on the bus to lower their exposure to slip-and-fall lawsuits, and we used their own tapes to establish how fast the bus was actually going," Homampour said.

Lead defense counsel Paul O'Reilly, a name partner in O'Reilly & McDermott in Torrance, could not be reached for comment. Assistant County Counsel Steven Carnevale said the MTA had not decided whether to appeal the decision or file post-trial motions.

Homampour said the jury originally awarded Melendez \$12 million, including



Arash Homampour

\$6.1 million in general damages, \$5 million for future medical expenses and \$800,000 in previous medical expenses.

However, it also decided to assign the MTA half the responsibility for Melendez's injury, with the plaintiff assuming the other half.

MTA attorneys had entered evidence showing that Melendez, a construction

worker, was partially at fault because he had been drinking before the accident.

Carnevale said the award stood as "one of the top" verdicts ever issued against the MTA, although he did not know whether it was the biggest ever.

He said the agency has settled several personal-injuries suits out of court for amounts exceeding \$6 million.

In March, a Los Angeles jury awarded Jane Lin \$7 million for injuries she suffered after an MTA bus hit and knocked over a streetlight pole, which struck her in the head.

However, that verdict was rendered against First Transit, a private contractor that trains MTA bus drivers and maintains their skills.

Although not involved in the trial, Carnevale expressed disappointment in the jury's decision.

"The 50-50 apportionment was disappointing because a careful person would not have come flying out of the driveway and wouldn't have been injured in the first place," he said. "He was severely injured, he's a paraplegic now, so the [original] \$12 million amount is not that surprising, given his injuries."

The accident occurred Sept. 14, 2003, as Melendez was backing his car from a driveway onto Truba Avenue. The MTA bus, driven by Mashana Starkey, broadsided Melendez' car. Starkey was not injured.