

MOTOR VEHICLE**Intersection — Question of Lights — Visibility — Speeding****Motorcyclist struck by left-turning SUV****VERDICT** **\$2,010,207****CASE** Barbara Turner, Individually and on behalf of the Estate of Michael Justin Turner, William R. Hodgkinson v. Jonathan Sanada Wu, Albert Wu, No. GC033526**COURT** Superior Court of Los Angeles County, Burbank, CA**JUDGE** John P. Doyle**DATE** 1/27/2006**PLAINTIFF****ATTORNEY(S)** **Arash Homampour** (lead), The Homampour Law Firm PLC, Beverly Hills, CA
Jeffrey A. Rudman, Law Offices of David H. Greenberg, Beverly Hills, CA**DEFENSE****ATTORNEY(S)** **Jay S. McClaugherty**, McClaugherty & Associates, Arcadia, CA

FACTS & ALLEGATIONS On Oct. 10, 2003, plaintiff's decedent Michael Justin Turner, 29, a computer technician, was riding a motorcycle northbound on San Gabriel Boulevard in Pasadena. Jonathan Sanada Wu was driving toward him in an SUV. At the Duarte Road intersection, Wu made a left turn in front of Turner. The front of the motorcycle hit the right side of the SUV, causing Turner and his bike to crash into another vehicle that was stopped in the far left lane. Turner died.

Individually and on behalf of her son's estate, Barbara Turner sued Wu and his father, Albert Wu, the SUV owner, for motor vehicle negligence. Turner's stepfather, William R. Hodgkinson, was included as a plaintiff as he was the motorcycle's co-owner.

The plaintiff's counsel claimed that Wu began his turn prior to reaching the intersection by cutting across the double-yellow line, and it was at a time when Turner was close enough to constitute an immediate hazard.

The plaintiff's accident reconstruction expert, Steven H. Anderson, testified that the collision occurred in the north crosswalk, and Wu, in making his left turn, cut across the double yellow lines prior to reaching the intersection. He based this conclusion on the motorcycle's point of rest in the far left southbound lane, as well as police photographs and diagrams of physical evidence such as tire marks, gouge marks and debris in the area around the north crosswalk. Based on the vehicles' speeds, Anderson further testified that the motorcycle had already entered the intersection at the time that Wu made his left turn. Based on testimony that Turner's motorcycle had already entered the intersection when Wu began his left turn,

as well as Wu's testimony that he began his left turn as the light turned from yellow to red, Anderson argued that the motorcycle entered the intersection on a yellow light.

Defense counsel contended that Wu began his left turn in the middle of the intersection as the light turned from yellow to red, and he didn't see Turner's motorcycle approaching before the collision.

Wu testified that Turner entered the intersection on a red light, and he was going 5 to 10 mph over the posted speed limit and was accelerating into the intersection. Defense motorcycle expert Kenneth Obenski testified that Turner's motorcycle can go as fast as 170 mph, and that it can accelerate from 0 to 60 mph in less than three seconds.

A witness testified that she saw the motorcycle enter the intersection on a red light, and the collision occurred in the middle of the intersection. An investigating officer and a coroner's department investigator testified that they observed debris in the middle of the intersection.

Defense accident reconstruction expert Terrence C. Honikman testified that the collision occurred in the middle of the intersection and that the motorcycle entered the intersection when the light was red, based on the point of rest of Wu's side view mirror, and testimony by the witness, investigating police officer and coroner's investigator.

Defense vision expert Arthur P. Ginsberg studied exemplar video footage taken from Wu's point of view and testified that he couldn't see the motorcycle approaching before he made his left turn because its lights were masked by the car lights behind it, and because Wu's line of sight was reasonably directed towards the eastbound lanes where he was turning.

The trial was bifurcated on liability and damages.

INJURIES/DAMAGES *death*

Turner died. His mother, 58, a retired teacher, sought an unspecified amount for loss of her son's love, companionship, comfort, care, assistance, protection, affection, society and moral support.

With both parties stipulating to the amount, Hodgkinson claimed \$10,207 for damage to the motorcycle he co-owned with Turner.

Defense counsel did not dispute the noneconomic damage claims.

RESULT The jury awarded \$2,010,207.**DEMAND** \$100,000 per CCP § 998**OFFER** \$100,000 per CCP § 998**INSURER(S)** **Allstate Insurance Co.** for the Wus**TRIAL DETAILS** Trial Length: 14 days
Trial Deliberations: 3 days
Jury Vote: 12-0 on liability; 9-3 on damages
Jury Composition: 2 male, 10 female

SOUTHERN CALIFORNIA

PLAINTIFF

EXPERT(S) Steven H. Anderson, motorcycles,
Lake Forrest, CA

DEFENSE

EXPERT(S) Dr. Arthur P. Ginsburg, personal vision,
San Ramon, CA
Terrence C. Honikman, Ph.D., accident
reconstruction, Santa Barbara, CA
Kenneth Obenski, motorcycles,
Solano Beach, CA
David Royer, traffic, Santa Clarita, CA

POST-TRIAL Defense counsel's motion for new trial on the grounds of an inconsistent verdict, failure to provide jury instructions, attorney misconduct and juror misconduct was denied. The plaintiff's counsel received \$343,325 in prejudgment interest, trial costs.

Defense counsel's motion to tax costs was granted as to \$12,000 for trial graphics and was otherwise denied.

—Rob MacKay

MOTOR VEHICLE**Intersection — SUV — Speeding**

Broadside accident resulted in soft-tissue injuries, pltf claimed

VERDICT \$1,350

CASE Obdulia De La Torre v. Francisco Ambriz,
No. 04C03076

COURT Superior Court of Los Angeles County,
Inglewood, CA

JUDGE Deirdre H. Hill
Jeffrey Bradpiece (mediator)

DATE 1/27/2006

PLAINTIFF

ATTORNEY(S) Michael A. Levin, Law Offices of Michael
A. Levin, Marina Del Rey, CA

DEFENSE

ATTORNEY(S) Oliver J. Vasquez, Rubin & Vasquez LLP,
Woodland Hills, CA

FACTS & ALLEGATIONS On May 13, 2003, plaintiff Obdulia De La Torre, 40s, a female housekeeper, was driving a compact car northbound on Hawthorne Boulevard in Lawndale. At the same time, Francisco Ambriz was driving an SUV eastbound on 141st Street. At the intersection, De La Torre's car collided with the passenger side Ambriz' SUV.

Claiming injuries, De La Torre sued Ambriz for negligent

operation. There was no police report, and there were no credible independent witnesses.

The plaintiff's counsel contended that Ambriz was completely at fault because De La Torre had the right of way. Ambriz had sufficient time to check the cars on Hawthorne Boulevard before proceeding and De La Torre was open and obvious on this sunny afternoon.

The plaintiff's private investigator, James Sutton, a former sergeant with the Long Beach Police Department, studied the intersection where the accident occurred and testified that the visibility is good, and a motorist can see cars approaching on Hawthorne for at least five blocks.

Defense counsel disputed the allegations, contending that De La Torre was at fault for speeding on a roadway that has a 35 mph speed limit.

Ambriz testified that he looked both ways before proceeding and he didn't see De La Torre. He claimed she wasn't paying attention to the roadway as she drove.

Rebutting the speeding claim, Sutton, who used to race cars, stated that he couldn't get De La Torre's car to go faster than 37 mph.

INJURIES/DAMAGES *back; neck; shoulder; soft-tissue injuries*

De La Torre claimed soft-tissue injuries to her neck, back and shoulder. Orthopedic surgeon James K. Styner declared that she was still feeling residual pain from the injuries at the time of trial. She claimed \$4,500 in medical specials, consisting of physical therapy, X-rays, medicine and chiropractic manipulations. She missed a few days at work to treat her injuries, but took them as sick days and made no lost income claim. De La Torre sought a total of \$12,500 in total damages.

Defense counsel disputed the extent of the injuries, contending the reasonableness and necessity of De La Torre's treatment and pointing out that she went to work right after the accident. Chiropractor Brian E. Pires reviewed her medical records and concluded that she didn't need any treatment at all.

Defense counsel also claimed that De La Torre had preexisting injuries, showing employment records indicating that she treated for a week at a company clinic just before the accident.

The plaintiff's counsel responded by informing that De La Torre was a single mother with two children and she couldn't afford to take time off from work regardless of her level of pain.

RESULT The jury awarded \$1,350.

In a post-trial interview, a juror informed that jury members were extremely annoyed with the trial because it lasted for 10 days and De La Torre's testimony had to be translated into English.

DEMAND \$8,000

OFFER \$3,669 as per CCP 998

INSURER(S) Clarendon America Insurance Co.