

MPP TRIAL UPDATE

Jury Rejects 4.1M Damage Claim in Admitted Liability Trucking Accident Case

On March 23, 2016, an El Centro Superior Court jury returned a verdict of \$312,370.00 against a damage request by plaintiff of 4.1M in the matter of *Escalante v Lara*. MPP Partner, Lane E. Webb tried the case to verdict on admitted liability facts and against claims of bad faith for not accepting a prior policy limits demand of 1M.

At 5:30 am on February 24, 2012, defendant Luis Lara (21) lost control of his semi-truck while driving down Highway 86 in the City of Imperial. The truck left the roadway traveling over 700 feet before impacting several parked cars and coming to rest inside the apartment unit of the plaintiff, Angel Escalante (28). Mr. Escalante was sleeping on the living room couch at the time. The truck crashed through the wall of the living room, struck the couch and pushed it through the bedroom wall into the neighboring apartment unit. Plaintiff's alleged injuries included facial scarring, fractured sternum, right knee injury, left shoulder injury, closed head injury with memory loss, emotional distress and PTSD.



After extensive investigations by the California Highway Patrol and the Imperial County Sheriff's Department it was determined that the driver of the truck had passed out at the wheel due to heat exhaustion. No mechanical defects were found with the vehicle. Further, the driver was not distracted or under the influence of any alcohol, medications or street drugs at the time of the incident.

In the hotly contested case, the plaintiff argued for substantial damages claiming the driver intentionally drove his truck into the apartment building. He also raised credibility arguments due to the inability of the driver to recall the details of the accident. Plaintiff's case focused on the emotional impact of the accident and claims of brain injury. The defense focused on determining what a reasonable award of damages should be based on what happened to Mr. Escalante, not what could have happened.





The defense also focused on medical causation issues and the failure of plaintiff to seek consistent medical treatment over the previous 4 years since the accident, his addiction to opiate pain medications and his excessive use of alcohol as the reasons for his lack of memory and motivation.

At the close of plaintiff's case, defendant's non-suit motion on trespass was granted along with claims of intentional conduct.

In the weeks prior to trial the defense offered 450K which was rejected by plaintiff. Plaintiff demanded 2.5M before trial which was rejected by the defense. During trial, defendant offered 300K which was rejected. Plaintiff reduced their demand to 700K which was rejected.

During closing statements, plaintiff requested the jury award 60K in wage loss, 40K in past medical expenses, 2M in pain and suffering and 2M in emotional distress damages for a total of 4.1M. Defendants requested an award of 29.6K in wage loss, 23.1K in past medical expenses, 70K in pain and suffering and 150K in emotional distress damages for a total of \$272,790.00. The jury awarded 30K in wage loss, 32.3K in past medical expenses, 70K in pain and suffering and 180K in emotional distress damages for a total award of \$312,370.

