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Superior Court, Los Angeles County, California.

Bowman vs. City of Los Angeles

TOPIC:

Synopsis: Retired police officer struck by dump **truck**

Case Type: Vehicle Negligence; Motor Vehicle v. Motor Vehicle; Vehicle Negligence; Motorcycle; Vehicle Negligence; **Truck**; Vehicle Negligence; Stop Sign; Vehicle Negligence; Right-of-Way; Vicarious Liability

DOCKET NUMBER: BC329390

STATE: California

COUNTY: Los Angeles

Verdict/Judgment Date: December 23, 2007

JUDGE: [Holly E. Kendig](#)

ATTORNEYS:

Plaintiff: Michael Alder, Alder Law, Beverly Hills; [Robert H. Tourtelot](#), Tourtelot & Butler, Los Angeles.

Defendant: [John P. DeGomez](#), Law Offices of John P. DeGomez, Pasadena; [Thomas C. Sanford](#), [Thomas C. Sanford & Associates](#), Pasadena.

SUMMARY:

Verdict/Judgment: Plaintiff

Verdict/Judgment Amount: \$15,735,404

Range: \$5,000,000-999,999,999

\$776,399 past economic; \$3,959,005 future economic; \$1.5 million past non-economic; \$9.5 future non-economic. The jury found the City 75 percent negligent and Wyatt 25 percent negligent. As Wyatt's employer, the City was found to be liable for his 25 percent.

Trial Type: Jury

Trial Length: 12 days.

Deliberations: 8 hours.

Jury Poll: 12-0.

EXPERTS:

Plaintiff: [H. Richard Adams](#), M.D., psychiatrist, Rehabilitation Associates Medical Group, Long Beach, (310) 424-8111.; [Gerry Aster](#) R.N., rehabilitation nurse, South Pasadena, (626) 799-8605.; [John R. Brault](#), M.S., biomechanical engineer, MEA Forensic Engineers & Scientists, Lake Forest, (949) 855-4632.; [Alan Coulter](#), accident reconstructionist, Coulter & Associates, Phoenix, AZ, (480) 636-7296.; Robert W. Johnson, economist, Robert W. Johnson & Associates, Los Altos, (800) 541-7435.; [David J. King](#), P.E., accident reconstructionist, MacInnis Engineering Associates, Laguna Hills, (949) 855-4632.; [Lester M. Zackler](#), M.D., neuropsychiatrist, Lester M. Zackler Inc., Sherman Oaks, (818) 789-8495.

Defendant: [Gene Bruno](#), M.S., vocational rehabilitation consultant, Gene Bruno & Associates, Los Angeles, (310) 472-8833.; [Thomas F. Fugger](#), P.E., accident reconstructionist, Accident Research & Biomechanics, Valencia, (661) 257-8189.; [Martin D. Levine](#), M.D., neurologist, Encino Neurological Medical Group, Encino, (818) 990-8561.; [Anthony C. Stein](#), Ph.D., human factors expert, Safety Research Associates, La Canada, (818) 952-1500.; [Ted Vavoulis](#), Ph.D., economist, Vavoulis & Weiner, Los Angeles, (213) 817-6600.

TEXT:

CASE INFORMATION

FACTS/CONTENTIONS

According to Plaintiff: On October 13, 2004, plaintiff Barry Bowman, a 62-year-old retired police officer who had piloted police helicopters for almost 30 years, was riding his motorcycle on Wilbur Avenue in Northridge, California, returning home after working as a security officer on a movie set. He was struck by a dump **truck** driven by defendant Tommie Wyatt, age 65, which was operating under contract with defendant City of Los Angeles, after the dump **truck** entered Wilbur Avenue from a stop sign on Vanalden Avenue. The dump **truck** dragged plaintiff several

feet and caused severe injuries.

Plaintiff sued the City of Los Angeles and Wyatt, claiming that Wyatt was negligent in his operation of the vehicle and the City of Los Angeles was vicariously liable as Wyatt's employer. He further claimed that the City of Los Angeles violated certain Vehicle Code sections. Plaintiff claimed that Wyatt either did not stop at the stop sign or did stop at the stop sign and proceeded left in front of oncoming traffic.

Defense counsel for Wyatt argued that Wyatt was an independent contractor who was not the City's employee and that, therefore, the City was not vicariously liable for his actions.

CLAIMED INJURIES

According to Plaintiff: Plaintiff claimed that he sustained a frontal lobe brain injury, a fractured hip joint and femur in his right leg, and a severe laceration across his neck. He was placed in an ambulance and transported to the emergency room of Northridge Hospital Medical Center, where he was admitted. He was subsequently transferred to a rehabilitation facility. He was hospitalized for a total of six months. Within one month of the accident, he underwent multiple surgeries to set the bone and replace the hip joint, and to fix the lacerations. He underwent six months of intensive physical therapy. He claimed that he sustained loss of short-term memory and impulse control and that he required 24-hour in-home care. He also claimed that he could no longer drive a vehicle and that he was unemployable. He never returned to work after the accident.

CLAIMED DAMAGES

According to Plaintiff: \$15 million to \$22 million pain and suffering, medical expenses, and lost earnings. He claimed \$500,000 in past medical expenses. Defense counsel argued that plaintiff's home care was excessively expensive.

SETTLEMENT DISCUSSIONS

According to Plaintiff: Demand: \$11 million ([CCP § 998](#)). Offer: \$1 million policy from Wyatt; \$50,000 from City of Los Angeles.

COMMENTS

According to Plaintiff: Defendant City of Los Angeles will file post-trial motions and has indicated that it will appeal. Plaintiff contended that the City was wholly unreasonable, offering only \$50,000 and ignoring a substantial exposure. The City re-offered the \$50,000 after the jury asked that plaintiff's economist's economic damages numbers be re-read.

The insurance carrier was National Indemnity Company. Michael Alder provided the information for this report and claimed that this was the largest personal injury verdict ever in Chatsworth Court. John P. DeGomez represented defendant City of Los Angeles. Thomas C. Sanford represented defendant Wyatt.

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Los Angeles County Superior Court/Downtown

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