

## Daily Journal

## Freeway Crash Victim Awarded \$21 Million

By Jason W. Armstrong  
Daily Journal Staff Writer

**SAN BERNARDINO** — A San Bernardino County jury has awarded a Fullerton man \$21 million in damages for severe injuries he sustained in a freeway crash with a cleaning company truck.

The Superior Court panel late Friday ordered cleaning supply manufacturer Hillyard Inc. and affiliated parties to pay the sum to 29-year-old Michael Nelson, who ended up with severe brain damage requiring lifelong round-the-clock care after a company truck rear-ended the vehicle he was riding in two years ago.

The amount was significantly higher than the \$6 million that Missouri-based Hillyard suggested at trial that Nelson deserved.

Brian J. Panish, lead trial attorney for Nelson, said he's happy with the judgment.

"This verdict will allow Michael to get as close as possible to living the life he deserves," the name partner with Los Angeles-based Panish Shea & Boyle said in a statement. "The verdict will free up time for his family members who have been so dedicated to caring for him since the accident."

Christopher M. Gilman, co-counsel for defendants Hillyard, affiliate ARI Fleet and the driver of the truck that hit Nelson, Mahlon Collar, said he respected the jury's decision. He said the company has not yet decided whether it will appeal.

Gilman, senior counsel with Wood, Smith, Henning & Berman in Los Angeles, said his client had admitted liability in the case, and the sole question for jurors was Nelson's damages. He said Nelson's settlement demands "never dropped" below \$41 million.

"We didn't think it was worth that," Gilman said.

Panish disagreed. He provided the Daily Journal a copy of a November 2008 letter that he said



Courtesy of Panish Shea & Boyle

Michael Nelson and his mother, Teresa Goodwin, shortly before he was hurt in a freeway accident, resulting in severe brain damage.

showed Nelson agreed to settle for \$16 million.

"That's hogwash," he said of Gilman's \$41 million statement.

The controversy at the heart of the case happened Aug. 17, 2007, when Nelson and two friends were on their way to Las Vegas on I-15 in Rancho Cucamonga. The sport utility vehicle carrying the group had slowed to about 15 miles-per-hour in the Friday afternoon traffic when Collar's truck plowed into the back of it, going about 80 miles per hour. The force of the crash crumpled the area of the back seat where Nelson was sitting, according to Spencer Lucas, a Panish associate who helped try the case.

Nelson, a U.S. Navy veteran who had completed two tours in Iraq and was studying to

become a professional artist, suffered a broken femur and blood clotting, after which he had a severe stroke, Lucas said. The stroke permanently damaged two-thirds of his brain. He now has difficulty speaking and reading and requires near constant medical care, Lucas said.

The \$21 million verdict covers Nelson's past and future medical expenses, past and future lost earnings, past and future pain and suffering and expenses of family members who have helped care for him.

The case, heard by Judge Brian McCarville, is *Nelson v. Hillyard*, CIVSS80084 (San Bernardino County Super. Ct., filed 2007).

[jason\\_armstrong@dailyjournal.com](mailto:jason_armstrong@dailyjournal.com)