

Teen Injured by Truck Awarded \$15 Million

By Cortney Fielding
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LOS ANGELES — A Superior Court jury has awarded more than \$15 million in compensatory damages to a teenager who suffered permanent brain injuries after his mother's car was struck by a Southern California Gas Co. truck in 2005.

Thursday's verdict followed an admission of liability from the utility provider, which asked the jury to return with a payout well below eight figures. *Charlotte Tilton and Kyle Tilton v. Southern California Gas Company*, BC367753 (L.A. Super. Ct., May 1, 2008).

Kyle Tilton, now 17, was a passenger in the family's Chrysler sedan when it was hit by a gas company-

owned pickup truck.

Tilton's mother was making a left turn along state Route 62, in Twenty-nine Palms, when the truck's driver ran a red light and hit the passenger side of her vehicle.

Gas company employee Darryl Whitley admitted fault for the accident, saying he had not noticed the light change.

Tilton, then 14, was struck in the head by a door frame and pushed against a console. Almost half of his body was compressed.

"It impacted right where he was sitting. It was like being in a trash compactor," said the plaintiffs' attorney, Brian Panish, of Panish, Shea & Boyle. "It was a very horrific impact."

Tilton was comatose for 24 hours and spent nine days in the hospital.

He was diagnosed with a permanent frontal-lobe brain injury, which left him cognitively disabled with impaired judgement and an inability to regulate his moods, his lawyers said.

He also retained a drooping left eye, partial face paralysis and a six-inch scar on his head.

Tilton was an active teenager before the accident, earning As and Bs in school and enjoying dirt biking, skateboarding and repairing bicycles. He testified at trial that his personality "completely changed" after the accident.

He said he suffers from depression, lacks ambition and can no longer engage in many physical activities. He also reportedly suffers from fatigue, anxiety and speech

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difficulties. "He's just much slower processing all functions — if he's holding something in two hands, he will drop one thing," Panish said.

With liability in the crash established, damages became the main issue at trial.

Lawyers for Sempra Energy/OGC, which owns Southern California Gas Co., argued Tilton should be owed around \$1 million for past and future pain and suffering, plus the cost of three years of future

care. They ascribed \$50,000 for lost future wages.

But the Los Angeles jury came back with damages totaling almost \$15.1 million, including \$10 million in past and future pain and suffering, \$3.57 million in future medical expenses and \$1 million in future loss of earnings.

Sempra Energy/OGC lawyer, Marlin Howes, could not immediately be reached for comment Thursday, though a spokeswoman said the company accepted responsibility for the "tragedy."

Expecting a payout, Tilton recently checked into a live-in physical rehabilitation facility, where he is undergoing daily therapy and trying to complete his high school education, Panish said.

"Kyle has a long way to go in his recovery, but we have worked hard to ensure that he is getting the best brain injury rehabilitation available," Panish said. "With this verdict, Kyle will be able to continue his treatment in the hopes that he can further recover and improve the quality of his life."