

DEFENSE

EXPERT(S) Adam J. Brant, M.D., neurosurgery, Fresno, CA
 Junaid H. Khan, M.D., cardiothoracic surgery, Oakland, CA
 Karl Erik Volk, M.A., B.S., economics, Walnut Creek, CA

POST-TRIAL There is a hearing set for April 19, 2018 to decide whether MICRA applies given the jury's findings.

EDITOR'S NOTE This report is based on information that was provided by plaintiffs' counsel. Counsel of Chaudhry, Chaudhry Medical and Valley Cardiac Surgery Medical Group declined to contribute. The remaining defendants' counsel were not asked to contribute.

—Priya Idiculla

FIVE**MOTOR VEHICLE**

Center Line — Negligent Entrustment — Worker/Workplace Negligence

Plaintiffs claimed truck driver's road rage caused severe injuries

VERDICT **\$52,708,374**

CASE Matthew John Lennig, Michael Lennig and Rosa Lennig v. CRST, CRST Inc., CRST Expedited Inc., CRST Van Expedited Inc., CRST Lincoln Sales Inc., CRST Lincoln Services Inc., Case Pacific Company, Hector Contreras, Dayton Certified Welding Inc., Foundation Pile Inc., Granite Construction Company, Integrity Rebar Placers, State of California Cal Trans and Does 1 through 250, inclusive, No. MC025288

COURT Superior Court of Los Angeles County, Los Angeles

JUDGE J. Stephen Czuleger

DATE 2/21/2018

PLAINTIFF

ATTORNEY(S) Brian J. Panish (co-lead), Panish Shea & Boyle LLP, Los Angeles, CA
 R. Rex Parris (co-lead), PARRIS Law Firm, Lancaster, CA

DEFENSE

ATTORNEY(S) Fred M. Blum (lead), Bassi, Martini & Blum LLP, San Francisco, CA (CRST, CRST Expedited Inc., CRST Inc., CRST Lincoln Sales Inc., CRST Lincoln Services Inc., CRST Van Expedited Inc., Hector Contreras)
 Michael E. Gallagher Jr., Bassi, Martini & Blum LLP, Los Angeles, CA (CRST, CRST Expedited Inc., CRST Inc., CRST Lincoln Sales Inc., CRST Lincoln Services Inc., CRST Van Expedited Inc., Hector Contreras)
 None reported (Case Pacific Co., Dayton Certified Welding Inc., Foundation Pile Inc., Granite Construction Co., Integrity Rebar Placers, State of California Cal Trans)

FACTS & ALLEGATIONS On July 7, 2014, plaintiff Matthew Lennig, 29, a salesman, was driving a 2013 Ford F-250 pickup truck with his brother, plaintiff Michael Lennig, 36, a deputy sheriff, as a front seat passenger. As they were traveling on northbound State Route 14, also known as Aerospace Highway, in the Mojave area, they entered a construction zone, whereby the lanes of traffic narrowed to a single lane in each direction and only a double yellow line and orange plastic pylons separated the opposing lanes of traffic. While in the construction zone, the Lennigs' northbound truck was struck almost head-on by a CRST tractor operated by Hector Contreras, who was southbound. The collision caused severe damage to the Lennigs' entire vehicle. Matthew Lennig claimed injuries to his head and left arm, and Michael Lennig claimed injuries to his back and head.

The Lennigs sued Contreras; CRST; and several CRST entities, including CRST Inc., CRST Expedited Inc., CRST Van Expedited Inc., CRST Lincoln Sales Inc., and CRST Lincoln Services Inc. The Lennigs also sued entities believed to be responsible for the construction area, but the entities were ultimately dismissed prior to trial. Thus, the Lennigs alleged that Contreras was negligent in the operation of the tractor and that the CRST entities were vicariously liable for Contreras' actions while he was in the course and scope of his employment.

Plaintiffs' counsel contended that in an attempt to pass another southbound vehicle, Contreras crossed over the double yellow lines and orange pylons, and entered the opposing northbound lane, causing the crash. Counsel argued that Contreras was traveling to Riverside and was several hours behind schedule at the time of the collision. Counsel also argued that Contreras was driving angrily and engaged in road rage when he attempted to pass the other southbound vehicle by crossing over to the northbound lane. In addition, plaintiffs' counsel argued that Contreras and the CRST entities hid or destroyed data from several recording devices that were installed on the CRST tractor that would have recorded speed information and tracked Contreras' GPS coordinates. However, post-incident inspections by CRST were documented by photographs, which allegedly showed that some of the devices were, in fact, recovered.

Plaintiffs' counsel contended that CRST had a policy that all new employee drivers were required to undergo a probationary period, in which the employee is only permitted to operate a truck owned by CRST if there is a co-driver present to aid the employee in operating the truck. Counsel also contended that Contreras was hired in December 2013 and that between the date of his hire and the date of the collision, Contreras had caused a total of four preventable collisions, not including the collision with the Lennigs' truck. Two of those collisions occurred within the time period of June 26, 2014 and July 3, 2014. Thus, plaintiffs' counsel argued that despite causing the four preventable collisions, CRST only required Contreras to attend one defensive driving course, even though CRST had a policy of requiring all employee drivers who cause a preventable collision to take a defensive driving course or be fired.

Prior to trial, Contreras and the CRST entities stipulated to liability and vicarious liability. Thus, the jury was to only decide what amount of compensatory damages the Lennigs deserved and whether punitive damages were warranted.

INJURIES/DAMAGES *arm; back; blood loss; brain damage; closed head injuries; comminuted fracture; complex regional pain syndrome; compression fracture; fracture, arm; fracture, humerus; fracture, rib; head; kyphoplasty; nerve, severed/torn; post-traumatic stress disorder; traumatic brain injury; unconsciousness*

Matthew Lennig lost consciousness at the scene. He also sustained a left, comminuted humeral fracture with massive soft tissue defect that nearly severed the arm, as his ulnar and radial nerves were completely severed. In addition, he sustained multiple left rib fractures and significant blood loss. Matthew Lennig was subsequently airlifted from the remote collision location to the nearest trauma center in Antelope Valley. He requested that the arm be saved, if possible, and that amputation was a last resort.

Orthopedic specialists were successful in reattaching Matthew Lennig's arm, requiring more 33 surgeries and procedures to do so. The arm is now a helper extremity with significant functional limitations. Matthew Lennig, who has two children under the age of 6, claimed that he developed complex regional pain syndrome, also known as reflex sympathetic dystrophy or causalgia, a chronic pain condition, as a result of the arm injury and that he sustained a mild traumatic brain injury. He further claimed that he suffers from severe post-traumatic stress disorder and has not returned to working.

Michael Lennig sustained several compression fractures to his thoracic spine and other trauma to his lumbar spine. He subsequently underwent a kyphoplasty, which is a surgical filling of injured or collapsed vertebrae. He also allegedly suffered a mild traumatic brain injury.

Michael Lennig, who has two children under the age of 10, claimed that he continues to suffer from chronic back pain, as well as physical limitations due to his compromised back. He also claimed that he suffers from severe post-traumatic stress disorder. He alleged that

although he was able to return to work, he can now only perform light duty activity.

Michael Lennig's wife, Rosa Lennig, initially presented a derivative claim, but she was ultimately removed as a plaintiff.

After the plaintiffs' case-in-chief, the court ruled that punitive damages should not go to the jury.

Defense counsel acknowledged that the injuries were serious, but argued that the injuries were not as severe as the brothers described. Defense counsel specifically focused on the Lennigs' functional ability and obtained months of sub-rosa surveillance conducted upon the Lennigs, which yielded dozens of hours of video. Counsel argued that the videos showed that the Lennig brothers made significant recoveries since 2014.

RESULT The jury determined that the Lennigs' damages totaled \$52,708,374, including \$19,242,604 for Michael Lennig's damages and \$33,465,770 for Matthew Lennig's damages.

MATTHEW

LENNIG \$1,845,485 future medical cost
\$266,429 past lost earnings
\$1,353,856 future lost earnings
\$10,000,000 past noneconomic loss
\$20,000,000 future noneconomic loss
\$33,465,770

MICHAEL

LENNIG \$2,200,000 future medical cost
\$93,624 past lost earnings
\$448,980 future lost earnings
\$7,000,000 past non-economic loss
\$9,500,000 future non-economic loss
\$19,242,604

TRIAL DETAILS Trial Length: 16 days
Trial Deliberations: 3 days

PLAINTIFF

EXPERT(S) Kallon Basquin, L.C.S.W., Ph.D.,
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**DEFENSE
EXPERT(S)**

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POST-TRIAL A confidential settlement was reached after the verdict.

EDITOR'S NOTE This report is based on information that was provided by plaintiffs' counsel. Counsel of Contreras and the CRST entities did not respond to the reporter's phone calls, and the remaining defendants' counsel were not asked to contribute.

—Priya Idiculla

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SIX

WORKER/WORKPLACE NEGLIGENCE

Negligent Investigation — Professional Negligence — Social Worker

**Social workers failed to stop
child's sexual abuse: lawsuit**

VERDICT **\$45,400,000**

CASE F.M., a minor, by and through her Guardian Ad Litem, D.M. v. County of Los Angeles, Los Angeles County Department of Children and Does 1 through 40, No. BC510993

COURT Superior Court of Los Angeles County, Los Angeles

JUDGE Stephen M. Moloney

DATE 7/26/2018

PLAINTIFF

ATTORNEY(S) David M. Ring (lead), Taylor & Ring, Los Angeles, CA
Louanne Masry, Taylor & Ring, Los Angeles, CA
Sonya Ostovar, Taylor & Ring, Los Angeles, CA

DEFENSE

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Kristin T. Huynh, Collins Collins Muir + Stewart LLP, South Pasadena, CA
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FACTS & ALLEGATIONS In 2010, the plaintiff, a 7-year-old girl, was allegedly sexually abused while living with her mother in El Monte. Her mother was under the supervision of the Los Angeles County Department of Children and Family Services for another matter that same year. The little girl claimed that the mother's adult, male friend sexually abused her a number of times while he was allowed to live at the house.

In 2012, the little girl, then 9 years old, disclosed the abuse for the first time, causing law enforcement to become involved. Four men and the child's mother were arrested, and they were all convicted of felonies and sent to prison.

The minor plaintiff, through her biological father who gained custody after the child's disclosure, sued the operator of the Los Angeles County Department of Children and Family Services, the county of Los Angeles.

Plaintiff's counsel contended that child protective workers with the DCFS learned that the plaintiff's mother was