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Girl wins personal injury suit, receives record \$24.3 million in Sacramento Court

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A Sacramento Superior Court jury has awarded a local-record \$24.3 million in personal injury damages to a 14-year-old Oregon girl who was run over by a truck driven by her father six years ago.

The 10-woman, two-man panel made the damages award Friday in a case where Judge David W. Abbott in December already had found Freeway Transport, Inc., of Portland, liable for the injuries sustained November 2004 by Diana Luleidy Loza-Jimenez.

"We're thrilled to see that the jury appreciated the full magnitude of Diana's injuries," plaintiff's lawyer Robert A. Buccola said in an interview today. "She faces at least a dozen future surgeries and a life of serious disrepair."

Buccola and partner Steven M. Campora sued on the basis that Freeway Transport, an ancillary firm of the Oregon-based United Salad Co., acted as a "common carrier" that bore legal responsibility for hauling the load safely.

The jury awarded the girl \$2.2 million for her past medical expenses, \$2.1 million in future economic damages, \$8 million for past non-economic losses such as pain and suffering and \$12 million for future noneconomic losses.

The \$24.3 million award is the largest personal injury award in Sacramento County history, according to local bar association board member Travis Black. It broke a 12-year-old record in a case in which Buccola also was the plaintiff's lawyer. The \$16 million that was awarded in Sacramento last year to the survivors of a woman who died in a radio station water drinking contest came in a wrongful death case.

According to court documents, Loza-Jimenez was injured during a trip she took with her father and other members of her family on a long-distance trucking haul when they stopped to take a break in the Mt. Shasta area.

When her father got back in the truck and began to move, the girl's mother realized she wasn't in the cab. Before the mother could get her husband to stop the truck, he ran over her with the rear wheels of the rig and crushed her pelvis, the documents said.

Although Loza-Jimenez' father was behind the wheel, Judge Abbott ruled Dec. 14 that Freeway Transport was liable for the injury because of its status under federal trucking regulations as being the "common carrier" and not a broker, as the defense attorneys argued.

Defense attorney Gary Ottoson of Los Angeles said the company is not planning to appeal the award, although Buccola said the two sides are currently negotiating on a final amount.

"I certainly wasn't expecting to walk away clean," Ottoson said. "I told the jury something around \$8 million, and I rather expected they'd come in somewhere above that, but not a whole lot - maybe in the \$12 million to \$14 million, \$15 million range.

"It was a bad injury and very sad story for the little girl," Ottoson said.

Ottoson said the defense was precluded from telling the jury that the girl's father was driving the truck that injured her. Asked if it would have made a difference in the outcome, he said, "Who knows?"

Buccola said the fact the father was driving was "legally irrelevant in the case" and that his being behind the wheel "was no different than if it had been anybody else." He said the girl's father was "devastated" by her injuries.

"He slept by her bedside for all 90 days of her hospitalization," Buccola said.

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