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# California jury awards \$24 million to girl father ran over

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SACRAMENTO — An Oregon girl whose truck-driver father accidentally ran her over with his big rig has won \$24.3 million in damages from the Portland company that a Sacramento judge found legally responsible for her injuries.

The personal-injury award handed down by a Superior Court jury last Friday to Diana Yuleidy Loza-Jimenez is the largest in Sacramento County history, according to the local bar association.

In a court-trial decision returned Dec. 14, Judge David W. Abbott said the firm that hired Simon Loza Mejia, Freeway Transport Inc., was liable for the girl's injuries.

"Defendant was listed on the shipper's bill of lading as the carrier," Abbott wrote. "Defendant insured the load. Defendant guaranteed delivery of the load."

Six years ago, Loza-Jimenez, now 14, joined her father, mother and other family members on a Thanksgiving long-haul trip from their home in Hermiston, Ore., to Bakersfield, where they visited relatives and picked up a load of produce to take back to Oregon.

On their way home, they stopped Nov. 27, 2004, for a break near Mount Shasta. When Loza Mejia got back inside the truck and pulled away, his daughter was still outside and got caught under the truck's rear wheels.

The girl suffered severe injuries to her entire lower body that will require an untold number of future surgeries, according to evidence presented in the lawsuit. Along with the prospect of hip replacement and other procedures, the injuries also will "affect her private functions" for the rest of her life, plaintiff's lawyer Robert A. Buccola said.

Before the damages phase of the trial, the judge ruled from the bench to exclude the jury from knowing it was the girl's father who accidentally drove over her. The plaintiff's lawyers argued it would have unduly prejudiced the panel.

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Buccola, a veteran Sacramento trial lawyer who in 1998 won a \$9.3 million award for a client that stood until last Friday as the local personal injury record, said Monday the father-daughter relationship was "legally irrelevant."

"It was no different than if anybody else, a complete stranger, had been injured," Buccola said. "That was the correct legal ruling."

Defense attorney Gary C. Ottoson of Los Angeles said he did not know how or if the knowledge that Loza Mejia was Loza-Jimenez's father would have affected the jury.

"I have to believe it would have made some difference," Ottoson said.

Once the judge made his liability decision nearly three months ago, the case went to a jury to decide damages. On Friday, the 10-woman, two-man panel, following a 13-day trial, came back with its award. The money broke down to \$2.2 million for the girl's past medical expenses, including \$1.6 million in costs incurred at Shriners' Children's Hospital, plus \$2.1 million for future economic damages, \$8 million for past pain and mental suffering and \$12 million for such future noneconomic losses.

"We were thrilled to see that the jury appreciated the full magnitude of Diana's injuries," Buccola said. "She faces at least a dozen future surgeries and a life of serious disrepair. She's going to be going through the worst ahead of her."

Ottoson's defense team argued that Freeway Transport wasn't responsible in the case because the company only brokered her father's truck deal to haul the produce.

They claimed the defendant firm was not the actual long-haul carrier, even though they conceded that the Portland produce company that contracted for Loza Mejia's Bakersfield pickup – United Salad – is owned and operated by the same people who run Freeway Transport.

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