

VERDICTS & SETTLEMENTS

FRIDAY, NOVEMBER 29, 2024

VERDICT: DEFENSE



Patrick F. McIntyre



Austin F. Smith

PERSONAL INJURY

TRUCK V. PEDESTRIAN Wrongful Death

VERDICT: Defense

CASE/NUMBER: Te-Hsi Chang v. J.B. Hunt Transport, Inc. and Marco Antonio Luevano / 20STCV46227

COURT/DATE: Los Angeles Superior / Oct. 16, 2024

JUDGE: Frederick C. Shaller

ATTORNEYS:
Plaintiff – David M. Mayo (Tung & Associates)

Defendant – Patrick F. McIntyre, Austin F. Smith (Haight, Brown & Bonesteel LLP)

FACTS:
This accident occurred during heavy rainfall in the early morning hours of Valentine's Day, 2019. The sun had not yet risen. A pedestrian, Ms. Chang, was heading to catch the bus to work from her home in the Hacienda Heights neighborhood of Los Angeles. According to a witness, Ms. Chang was standing at the southeast corner of the intersection of Hacienda Boulevard and Gale Avenue. Defendant driver Marco Antonio Luevano was operating a tractor-trailer for his employer, J.B. Hunt Transport, and was stopped on Hacienda Boulevard at a red light, waiting to make a right

turn onto Gale Avenue. The light turned green and he proceeded to make his way into the intersection to execute his right turn. He made his right turn and was almost to the next intersection when a motorist flagged him down, pulling his vehicle in front of the tractor-trailer and stopping. Both men exited their vehicles in the rain, and the motorist told the Defendant driver he had seen a woman attempt to cross the street as he was making his right-hand turn, and he believed she might be under his truck. Defendant Driver checked, and located Ms. Chang, badly injured under the right rear wheels of the trailer.

PLAINTIFF'S CONTENTIONS:
Plaintiff contended that Ms. Chang had made initial contact with the front bumper of the tractor-trailer, but could offer no competing accident reconstruction to explain how she might then have ended up under the right rear tires despite the different track of these tires around the corner and the lack of testimonial evidence from a witness who would have seen that initial contact with the front bumper if it had occurred.

DEFENDANT'S CONTENTIONS:
The defense was able to show that, due to the nature of the wide right turn the tractor-trailer would have to make to clear that intersection, the only way Ms. Chang could have ended up under the right rear

wheels of the trailer would have been if she stepped out into the intersection after the tractor portion of the vehicle had already entered the crosswalk. In other words, Ms. Chang must have stepped out into the path of the rear trailer wheels, which would have tracked very close to the curb, while the front of the tractor, which would have been further away, must have already occupied the crosswalk before Ms. Chang stepped off the curb.

INJURIES:
Ms. Chang passed away as a result of the accident.

DAMAGES:
Plaintiff's counsel asked the jury to award wrongful death damages in the amount of \$20 million for the decedent's father's economic and non-economic damages.

OTHER INFORMATION:
Defendants are entitled to costs as a prevailing party and obtained a better result than their CCP 998 Offer to plaintiff, entitling them to additional costs and possible discretionary costs.

RESULT:
The jury entered a complete defense verdict, finding that Mr. Luevano was not negligent.

FILING DATE: Dec. 3, 2020