

DRI Members Share Their Victories

On November 29, 2021, 84-year-old Leroy Cross, a lifelong resident of Santa Cruz drove across the Murray Street bridge in Santa Cruz with his friend Mike Price towing a large construction trailer full of debris. Mike Price is a contractor and had finished a remodel job earlier that week and his truck was in the shop so Leroy offered to tow it with his truck.

At the same time, 59 year old Brad Anderson was riding his e-bike in the marked bike lane across the bridge in the same direction as the Cross vehicle. There is a dispute about who passed who, but the eyewitness account is the the e-bike was traveling faster due to heavy car traffic on the bridge and as it approached the rear of the 24' trailer, the rear right tire of the trailer crossed into the bike lane 6-8 inches and caused Brad to crash. This was a problem since it set up a Negligence Per Se claim as there is a statute the says vehicle cannot enter the bike lane. As a result, our defense had to shift to blaming the plaintiff for riding carelessly.

Neither Cross nor Price ever saw the e-bike and kept driving until the next light when a motorist tapped the window and said there had been an accident and to return to the scene which they did.

Anderson suffered a fracture of the left femoral head, assorted cuts and scrapes and was taken by EMT to the hospital where he had emergency surgery to repair the fracture. (ORIF) he was discharged 4 days later and within a week was diagnosed with PTSD. He had a long-complicated recovery and had a recurrence of a long dormant bout of ulcerative colitis causing unbelievable intestinal problems. His expert testified that he needed a total hip replacement (\$208k) and two rotator cuff surgeries (\$260k) and his Psychologist testified that he needed lifelong care for his PTSD (\$250+) His wife had a Loss of Consortium claim.

Plaintiff asked the jury to award \$12.2M and \$1.5M on the LOC claim.

After 1 day of deliberation the jury awarded plaintiff \$43,500 in future care, \$50,000 in past lost wages, \$0 in future and \$500K in past and future emotional distress for a total of \$593,500 to plaintiff and \$25,000 on the LOC claim.

The jury then found the plaintiff 95% at fault reducing the overall verdict to \$30,975.



Kronenberg