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Truck strikes pedestrian: Failure to heed red light: Inattentive driving: Quadriplegia: Verdict

Kaimowitz v. Spiess, Cal., San Diego County Super. Ct., No. 715976, May 26, 1999.

Kaimowitz, 69, was crossing the street when he was struck by a truck. He was rendered quadriplegic. His medical expenses totaled \$400,000. Kaimowitz was retired at the time of the incident.

Kaimowitz and his wife sued the truck's driver, alleging inattentive driving, failure to heed a red light, and traveling at an unsafe speed.

Defendant claimed, and plaintiffs conceded, that Kaimowitz had crossed against the "don't walk" signal. Further, defendant claimed Kaimowitz had not been visible in the dark. Defendant also argued the collision was unavoidable.

The jury awarded \$3.75 million. Kaimowitz was awarded \$2.25 million, reduced 40 percent for his negligence. Kaimowitz's wife was awarded \$1.5 million for loss of consortium.

Plaintiffs' expert was Jon B. Landerville, accident reconstruction, Long Beach, Cal.

Defendant's experts were Guy Winton III, civil engineering, San Diego, Cal.; and Lawrence L. Beveridge, accident reconstruction, El Cajon, Cal.

Plaintiffs' Counsel:

Kenneth B. Goodfried, Beverly Hills, Cal.

Gordon J. Rose, Beverly Hills, Cal.