



Brain injury attributed to senior's fall on bus: lawsuit

Type: Verdict-Plaintiff

Amount: \$4,183,900

State: California

Venue: Los Angeles County

Court: Superior Court of Los Angeles County, CA

Injury Type(s):

- *head*
- *brain* - traumatic brain injury
- *mental/psychological* - cognition, impairment; memory, impairment

Case Type:

- *Motor Vehicle* - Bus; Passenger; Common Carrier Liability
- *Slips, Trips & Falls*

Case Name: Maria Fernandez v. City of Norwalk and Yolanda Velasco, No. 23NWCV03997

Date: October 03, 2024

Plaintiff(s):

- Maria Fernandez, (Female, 81 Years)

Plaintiff Attorney(s):

- Christopher Montes de Oca; Law Offices of Christopher Montes de Oca; Whittier CA for Maria Fernandez
- Justin P. Dixon; Dixon Law, APC; La Habra CA for Maria Fernandez

Plaintiff Expert (s):

- Daniel T. Franc M.D. Ph.D.; Neurology; Santa Monica, CA called by: Christopher Montes de Oca, Justin P. Dixon

Defendant(s):

- City of Norwalk
- Yolanda Velasco

**Defense
Attorney(s):**

- Michael L. Wroniak; Collins + Collins LLP; Orange, CA for City of Norwalk, Yolanda Velasco
- James Lee; Collins + Collins LLP; Orange, CA for City of Norwalk, Yolanda Velasco

**Defendant
Expert(s):**

- Barry I. Ludwig M.D.; Neurology; Santa Monica, CA called by: for Michael L. Wroniak, James Lee

Facts:

On April 26, 2022, plaintiff Maria Fernandez, 81, was a passenger on a bus that was owned by the city of Norwalk and driven by Yolanda Velasco. As Fernandez was traversing through the walkway of the bus, in an attempt to exit, she fell backwards and struck her head multiple times on a hard bus seat. Fernandez claimed to have sustained injuries to her head in the fall.

Fernandez sued Velasco, as well as the city of Norwalk. Fernandez alleged that Velasco was negligent in the operation of the bus. Fernandez further alleged the city was vicariously liable for Velasco's actions.

Fernandez claimed as she attempted to exit the bus, Velasco prematurely began to drive the bus, and the abrupt motion caused Fernandez's fall.

Defense counsel admitted 100% liability for the accident.

Injury:

Fernandez was treated at the scene by the fire department and transported to the ER at St. Francis Medical Center in Lynwood, where she was discharged the same day. Fernandez was diagnosed by her expert in neurology with a traumatic brain injury though this diagnosis was disputed by the defense's own neurology expert. She further alleged to have suffered cognitive issues since the incident, specifically relating to her memory. According to Fernandez, her loss of memory has also caused her to lose her independence, due to her inability to recall where she is at any given time.

Fernandez was severely obese and diabetic at the time of the accident. She waived her past medical specials and instead sought recovery for her future medical costs and her past and future pain and suffering. The plaintiff's counsel asked the jury to award \$5,059,500.

Defense counsel disputed Fernandez's injury and contended that her Glasgow coma scale score of 15, indicated that she was fully awake, alert and oriented, as well as that there was no brain bleed seen on the ER imaging, thus proving that Fernandez had no brain injury. Defense counsel also contended that Fernandez had a prior fall and struck her head before the April 2022 accident. The defense introduced an expert in neurology who testified that Fernandez did not have a traumatic brain injury and instead had a closed head injury. He further maintained that her injuries were preexisting and not from the April 2022 fall.

Result:

The jury found that Velasco's negligence was a substantial factor in causing Fernandez harm and awarded her \$4,183,900.

Maria Fernandez

\$ 1,579,500 Future Medical Cost

\$ 1,750,000 Future Pain Suffering

\$ 854,400 Past Pain Suffering

\$ 4,183,900 Plaintiff's Total Award

Trial Information:**Judge:**

Julian C. Recana

Trial Length: 4 days

**Trial
Deliberations:** 1 days

Post Trial: Plaintiff will file memorandum of costs.

**Editor's
Comment:** This report is based on information that was provided by plaintiff's counsel. Defense counsel did not respond to the reporter's phone calls.

Writer Priya Idiculla