

Employer knew of suspended license, claims plaintiff

Type: Settlement

Amount: \$1,000,000

State: California

Venue: Riverside County

Court: Superior Court of Riverside County, Riverside, CA

Injury Type(s):

- *head*
- *knee* - lateral meniscus, tear
- *brain* - traumatic brain injury
- *shoulder*

Case Type:

- *Motor Vehicle* - Broadside; Negligent Entrustment

Case Name: Shannon Castro v. Nick's Tire & Brake Service Inc., Nicanor Gonzalez and Aurelio Gonzalez-De La Torres, No. CVRI2000268

Date: June 26, 2023

Plaintiff(s):

- Shannon Castro, (Female, 48 Years)

Plaintiff Attorney(s):

- Christopher Montes de Oca; Law Offices of Christopher Montes de Oca; Whittier CA for Shannon Castro
- Artin Yadegarian; Law Offices of Artin Yadegarian; Glendale CA for Shannon Castro
- Gregory E. Nassar; Nassar Law; Brea CA for Shannon Castro

Plaintiff Expert(s):

- David M. Lechuga Ph.D.; Neuropsychology; Lake Forest, CA called by: Christopher Montes de Oca, Artin Yadegarian, Gregory E. Nassar
- Bradley A. Jabour M.D.; Neuroradiology; Santa Monica, CA called by: Christopher Montes de Oca, Artin Yadegarian, Gregory E. Nassar
- Michael A. Lobatz M.D.; Neurology; Carlsbad, CA called by: Christopher Montes de Oca, Artin Yadegarian, Gregory E. Nassar
- Michael A. Callahan B.S.M.E.; Accident Reconstruction; El Segundo, CA called by: Christopher Montes de Oca, Artin Yadegarian, Gregory E. Nassar

Defendant(s):

- Nicanor Gonzalez
- Aurelio Gonzalez-De La Torres
- Nick's Tire & Brake Service, Inc.

Defense Attorney(s):

- Lisa L. Renaud; Homan, Stone & Rossi; Redlands, CA for Nick's Tire & Brake Service, Inc., Nicanor Gonzalez, Aurelio Gonzalez-De La Torres

Defendant Expert(s):

- Dean C. Delis Ph.D.; Neuropsychology; San Diego, CA called by: for , Lisa L. Renaud
- Donald D. Kim M.D.; Orthopedic Surgery; Riverside, CA called by: for , Lisa L. Renaud
- Gabriel E. Hunt M.D.; Neurosurgery; Los Angeles, CA called by: for , Lisa L. Renaud
- Jeffrey A. Suway M.S., P.E.; Ergonomics/Human Factors; Long Beach, CA called by: for , Lisa L. Renaud

Insurers:

- Progressive Casualty Insurance Co.

Facts:

On Dec. 6, 2019, at 5:50 a.m., plaintiff Shannon Castro, 48, an accounting clerk, was driving her vehicle on Mission Boulevard and San Sevaie Way in Jurupa Valley, when her vehicle was broadsided by a truck driven by Aurelio Gonzalez-De La Torres. Following the accident Castro claimed injuries to her head, left shoulder and knee.

Castro sued Gonzalez-De La Torres, as well as Gonzalez-De La Torres' employers, Nick's Tire & Brake Service Inc. and the business' owner Nicanor Gonzalez.

Castro alleged that Gonzalez-De La Torres was negligent in the operation of his vehicle and that Nick's Tire & Brake Service Inc. and Nicanor Gonzalez were vicariously liable for Gonzalez-De La Torres' actions. Castro also alleged claims of negligent entrustment against Nick's Tire & Brake Service Inc. and Gonzalez.

Plaintiff's counsel contended that Gonzalez-De La Torres was driving on a suspended license and driving an illegally modified overweight truck in an intersection. Plaintiff's counsel further argued that Gonzalez-De La Torres' employer knew of his suspension and employed him to drive in conscious disregard of the public's safety.

The defense countered that Castro ran a red light and was therefore liable for the accident.

Injury:

Castro was immediately transported to the hospital following the accident. Castro was found to have suffered a traumatic brain injury, an incomplete rotator-cuff tear or rupture of her left shoulder and a complex tear of the lateral meniscus of her knee. She underwent surgery on her right knee and left shoulder. She also underwent rehabilitation for her traumatic brain injury. Castro claims she will need future medical care for her traumatic brain injury including further testing, therapy and rehabilitation.

Castro still works, but her boss and co-workers have reported that she is no longer the same employee as she had been prior to the accident. She has claimed difficulty with concentration and memory issues as well as difficulty staying on task.

Castro claimed past medical specials of \$34,371. She sought recovery for her past and future medical expenses and her past and future pain and suffering.

Defense counsel noted that plaintiff claimed past medical expenses at \$94,176.43 with an allegation of a future life care plan.

Result:

The parties agreed to settle prior to trial for Nick's Tire & Brake Service Inc.'s insurer agreeing to pay Castro its \$1 million policy limit.

Trial Information:

Judge: Daniel A. Ottolia

Trial Length: 0

**Trial
Deliberations:** 0

**Editor's
Comment:** This report is based on information that was provided by plaintiff's and defense counsel.

Writer pidiculla