

Operator of forklift not certified, says plaintiff

Type:	Settlement
Amount:	\$2,500,000
State:	California
Venue:	Riverside County
Court:	Superior Court of Riverside County, Riverside, CA
Injury Type(s):	• <i>neck</i> - fracture, neck; fracture, cervical • <i>brain</i> - traumatic brain injury • <i>mental/psychological</i> - cognition, impairment; memory, impairment
Case Type:	• <i>Workplace</i> - Forklift
Case Name:	Brian Rhodes v. Moreno Valley Unified School District and Sports Facilities Group Inc., No. CVRI2105429
Date:	April 21, 2023
Plaintiff(s):	• Brian Rhodes, (Male, 60 Years)
Plaintiff Attorney(s):	• Christopher Montes de Oca; Law Offices of Christopher Montes de Oca; Whittier CA for Brian Rhodes • Artin Yadegarian; Law Offices of Artin Yadegarian; Glendale CA for Brian Rhodes • Justin P. Dixon; Dixon Law, APC; La Habra CA for Brian Rhodes

Plaintiff Expert(s):

- V. Paul Herbert C.P.S.A.; Trucks; Quincy, CA called by: Christopher Montes de Oca, Artin Yadegarian
- David M. Lechuga Ph.D.; Psychology/Counseling; Lake Forest, CA called by: Christopher Montes de Oca, Artin Yadegarian
- Daniel T. Franc M.D., Ph.D.; Neurology; Santa Monica, CA called by: Christopher Montes de Oca, Artin Yadegarian
- Steven F. Galarza D.O.; Psychiatry; Murrieta, CA called by: Christopher Montes de Oca, Artin Yadegarian

Defendant(s):

- Sports Facilities Group, Inc.
- Moreno Valley Unified School District

Defense Attorney(s):

- Jennifer S. Perdigao; Tressler LLP; Los Angeles, CA for Sports Facilities Group, Inc.

Defendant Expert(s):

- John Johnson P.E.; Forklifts; Portland, OR called by: for Jennifer S. Perdigao
- Robin Rogers; Helicopters; Fresno, CA called by: for Jennifer S. Perdigao
- Arnold D. Purisch Ph.D.; Neuropsychology; Laguna Hills, CA called by: for Jennifer S. Perdigao
- Bonnie Dean R.N., C.P.M.A.; Coding & Billing (Medical); Upland, CA called by: for Jennifer S. Perdigao
- Heather H. Xitco M.B.A., C.P.A.; Economics; San Diego, CA called by: for Jennifer S. Perdigao
- Sylvain Palmer M.D.; Neurology; Mission Viejo, CA called by: for Jennifer S. Perdigao

Insurers:

- Great American Insurance Group

Facts:

On Nov. 17, 2020, plaintiff Brian Rhodes, 60, a fuel truck driver for Heli-Flite Inc., was part of the subcontracted ground crew hired by the Moreno Valley Unified School District to move and install a scoreboard at Valley View High School in Moreno Valley. Rhodes claims to have told the district and Sports Facilities Group Inc., the maker of the scoreboard, that the job was unsafe to do with a forklift but was told there was no alternative method, such as using a crane, and the job had to be completed that day.

Subsequently, Grant Warner, owner of Sports Facilities Group Inc., drove the forklift and attempted to move the scoreboard. The forks that were supporting the scoreboard were reportedly removed too soon by employees before there was any tension on the straps. The 2,600-pound scoreboard fell on Rhodes, who was standing near the scoreboard during the installation process. Rhodes claimed injuries to his head, neck and back.

Rhodes sued the Moreno Valley Unified School District and Sports Facilities Group Inc., alleging negligence. The school district was dismissed from the case.

Plaintiff's counsel contended that federal law requires forklift operators to receive certification and proper training, standards that Warner had not met. Additionally, the plaintiff's counsel argued that defendants' actions and inactions fell below the standard of care by failing to use reasonable care in the operation of the forklift.

Defense denied all allegations and maintained that Rhodes was liable for his own injuries for signaling the forklift operator to remove the supports, which resulted in the scoreboard falling on him.

Injury:

Rhodes was immediately transported to the hospital following the accident. Rhodes claimed he suffered a traumatic brain injury, as well as cervical and thoracic fractures. He required neck surgery.

He claims he is left with memory loss and altered mental status due to his TBI. Rhodes has not returned to work since the accident and claims that he will not be able to return to work due to his injuries. Rhodes believes he will require long term cognitive behavioral therapy for his brain injury and possible revision surgery of his cervical fusion. He has sought medical special damages of \$136,998.46, and recovery of his past and future medical costs, as well as his past and future pain and suffering.

Result:

The parties settled prior to trial for \$2.5 million, paid by Sports Facilities Group Inc.'s insurer.

Trial Information:

Judge: Harold W. Hopp

Trial Length: 0

**Trial
Deliberations:** 0

**Editor's
Comment:** This report is based on information that was provided by plaintiff's counsel. Defense counsel for Sports Facilities Group Inc. did not respond to the reporter's phone calls. The school district was not asked to contribute.

Writer pidiculla