

Cyclist struck by work truck in private driveway

Type: Settlement

Amount: \$1,625,000

State: California

Venue: Los Angeles County

Court: Superior Court of Los Angeles County, CA

Injury Type(s):

- *back*
- *chest* - fracture, rib; hemopneumothorax
- *elbow*
- *other* - laceration; fracture, displaced; compression fracture
- *shoulder* - separation; acromioclavicular joint separation
- *pulmonary/respiratory* - emphysema; pneumothorax; contusion, pulmonary

Case Type:

- *Motor Vehicle* - Truck; Bicycle

Case Name: Bradley Galindo v. Universal Awning & Shade, Inc. and Cody Clapp, No. 24CHCV00548

Date: December 20, 2024

Plaintiff(s):

- Bradley Galindo, (Male, 61 Years)

Plaintiff Attorney(s):

- Christopher Montes de Oca; Law Offices of Christopher Montes de Oca; Whittier CA for Bradley Galindo
- Artin Yadegarian; Law Offices of Artin Yadegarian; Glendale CA for Bradley Galindo

Plaintiff Expert(s):

- Gerald P. Bretting P.E.; Bicycles; Torrance, CA called by: Christopher Montes de Oca, Artin Yadegarian

Defendant(s):

- Cody Clapp
- Universal Awning & Shade Inc.

Defense Attorney(s):

- William O. Woodland; Ford, Walker, Haggerty & Behar, LLP; Long Beach, CA for Universal Awning & Shade Inc., Cody Clapp
- Ben G. Gage; Ford, Walker, Haggerty & Behar, LLP; Long Beach, CA for Universal Awning & Shade Inc., Cody Clapp
- Danielle D. Mittskus; Law Offices of Beth M. Henderson; Saint Paul, MN for Universal Awning & Shade Inc., Cody Clapp

Defendant Expert(s):

- Nicholas E. Rose M.D.; Orthopedic Surgery; Newport Beach, CA called by: for William O. Woodland, Ben G. Gage, Danielle D. Mittskus

Insurers:

- Travelers Property Casualty Corp.

Facts:

On Oct. 13, 2023, at 8:25 a.m., plaintiff Bradley Galindo, 61, self-employed, was riding his bicycle in the bicycle lane on Devonshire Street approaching the Balboa Boulevard intersection in Los Angeles. Galindo was struck by a Universal Awning & Shade Inc. work truck operated by Cody Clapp, who had been attempting a left turn into a private driveway. Galindo was ejected from his bicycle due to the impact, and landed on the pavement. Galindo was wearing a helmet at the time of the collision, but claimed injuries to his back and chest.

Galindo sued Clapp, as well as Universal Awning & Shade Inc. Galindo alleged that Clapp was negligent in the operation of the truck. Galindo further alleged that as Galindo's employers, Universal Awning & Shade Inc. was vicariously liable for Clapp's actions.

Galindo's counsel claimed that Galindo was a helmeted bicyclist lawfully in the bike lane and Clapp was negligent, as he allegedly made an unsafe left turn into the private driveway.

Defendants originally disputed liability, but after extensive discovery, defendants admitted to negligence and being the cause of the accident.

Injury: Following the accident, Los Angeles Fire Department medical personnel found Galindo complaining of excruciating pain and transported him to Northridge Hospital Medical Center's ER where he was admitted for six days. Galindo was diagnosed there with L1 superior endplate compression fracture with vertebral height loss, a left acromioclavicular joint separation; multiple displaced left rib fractures, ribs four-through-nine; left lung lacerations with pneumatoceles, traumatic left hemopneumothorax, traumatic left pneumothorax, subcutaneous emphysema his near left lung, traumatic pulmonary contusion and blunt chest trauma.

As a result of the severe trauma, Galindo had to undergo a left thoracostomy tube insertion on Oct. 13, 2023 which was removed five days later on Oct. 18, 2023. On March 28, 2024, Galindo had to undergo left shoulder and left elbow surgery, which included the removal of loose bone fragments in the left elbow.

Galindo claimed he had successfully recovered from the surgery and was still able to work but that he'd been slow to get back to his pre-accident self due to ongoing pain and discomfort with outdoor activities, which contributed to his inability to continue his regular hikes, cycling, golf and exercise in the manner he'd used to.

Galindo's medical treatments were all paid through health insurance, with the total paid amount by insurance being \$90,389.72. Galindo sought recovery for his past and future medical costs and past and future pain and suffering.

Defense counsel claimed Galindo had conditions in his left elbow, left clavicle and left shoulder which were preexisting. Defense counsel further claimed that the loose bone fragments which were removed during the surgery to the left elbow on March 28, 2024 were found to be consistent with an old injury.

Result: The parties agreed to settle prior to trial for \$1,625,000, paid to Galindo by Universal Awning & Shade Inc.'s insurer.

Bradley Galindo

Trial Information:

Judge: Andrew E. Cooper

Trial Length: 0

Trial 0
Deliberations:

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

Writer Priya Idiculla