



May 24, 2007

TRIAL IN NEGLIGENCE LAWSUIT AGAINST THE MTA BEGINS TOMORROW PASSENGER SEVERELY INJURED WHEN MTA BUS COLLIED WITH PARKED VEHICLE WILL CHALLENGE CREDIBILITY OF MTA'S TRAINING PROGRAM FOR BUS DRIVERS

Santa Monica, CA (May 24, 2007) – Trial starts on Friday, May 25, 2007 at 9:30 AM in Los Angeles Superior Court/West Division (Santa Monica Courthouse), Department “I”, 1725 Main Street, Santa Monica, CA. 90401 in Joseph L. Garcia’s negligence lawsuit against the Los Angeles County Metropolitan Transportation Authority (MTA). Mr. Garcia was a passenger in an MTA bus driven by co-defendant Sylvia Delana Fairfax which struck a parked vehicle, causing him to violently strike his head within the interior of the bus and which resulted in severe and permanent injury to his brain. His attorneys will argue that the MTA is clearly liable for Mr. Garcia’s injuries because it licensed and permitted an inadequately trained individual to drive an MTA bus.

The trial is expected to last two weeks and will be heard before the Hon. Jacqueline A. Connor. Opening statements are anticipated to begin on Thursday, May 31, 2007. Mr. Garcia is represented by Browne Greene and Geoffrey S. Wells with the Santa Monica, CA. law firm of Greene Broillet & Wheeler, LLP and Kenneth E. Ostrove. *Joseph L. Garcia v. Los Angeles County Metropolitan Transportation Authority*, Case No. SC088830.

On June 25, 2005, Joseph L. Garcia (now age 58) was a passenger on an MTA bus driven by Sylvia Delana Fairfax that was traveling on Santa Monica Boulevard in Santa Monica, CA. when the bus collided with a vehicle parked on the northbound side of the street, causing him to violently strike his head within the bus. He underwent an emergency craniotomy and, among other injuries, now suffers from permanent brain damage, paralysis on his left side, respiratory failure and a tracheostomy. Mr. Garcia has been treated at UCLA Medical Center, Rancho Los Amigos, Pacific Care Hospital and Care Meridian. He requires 24-hour attendant care for the remainder of his life and a conservator was appointed by the Court to handle his financial affairs. Mr. Garcia filed suit on March 3, 2006.

“The MTA allowed Sylvia Delana Fairfax to matriculate through its bus driver training program,” stated Browne Greene, “even though it was revealed through our discovery process that during her training period, she failed on at least four occasions to control an MTA bus so that it maintained proper right-side clearance from parked vehicles as required by the MTA’s own rules. We intend to hold the MTA accountable for its failure to properly train and supervise Ms. Fairfax and for depriving Joseph Garcia of the ability to enjoy and appreciate the nuances of his life.”

Geoffrey S. Wells added that: “As a member of the public, Joseph Garcia trusted the MTA to allow only properly trained drivers on the road. The MTA failed in its duty of care to Mr. Garcia as a bus passenger, and let him down again when it failed to meet our settlement demands of \$29 million. At trial, we will show that the MTA has no viable defense and that it is clearly responsible for Joseph Garcia’s horrific injuries.”

Editor’s Note #1:

The MTA’s own rule states that a bus must maintain right-side clearance of 3-4 ½ feet from parked vehicles.

Editor’s Note #2:

Plaintiff Joseph L. Garcia is represented by Browne Greene and Geoffrey S. Wells with the Santa Monica, CA. law firm of Greene Broillet & Wheeler (Tel: 310.576.1200; www.greene-broillet.com) and Kenneth E. Ostrove with the North Hollywood, CA. Law Offices of Kenneth E. Ostrove (Tel: 818.505.9532).

Defendants the MTA and Sylvia Delana Fairfax are represented by Mark A. Weinstein and Barry Hassenberg with Veath Carlson (Tel: 213.381.2861) and Dana Alden Fox with Lynberg & Watkins (Tel: 213.624.7800).

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