



June 7, 2007

MTA MUST PAY ALMOST \$14 MILLION IN DAMAGES TO INJURED BUS PASSENGER

Santa Monica, CA (June 7, 2007) – This afternoon, a Santa Monica Superior Court jury awarded \$13,820,000 in damages to Joseph L. Garcia in his negligence case against the MTA (Los Angeles County Metropolitan Transportation Authority). Mr. Garcia was a passenger in an MTA bus which hit a parked vehicle, causing him to suffer injuries which include brain damage and paralysis. The trial began on May 25, 2007 and was heard before the Hon. Jacqueline A. Connor. On May 31, 2007 the MTA admitted liability, and the trial moved forward on the issue of damages, with the case going to the jury on June 6, 2007. Mr. Garcia was represented by Browne Greene and Geoffrey S. Wells with the Santa Monica, CA. law firm of Greene Broillet & Wheeler, LLP (www.greene-broillet.com) and Kenneth E. Ostrove. *Joseph L. Garcia v. Los Angeles County Metropolitan Transportation Authority*, Case No. SC088830.

“As an ordinary member of the public, Joseph Garcia had every right to expect that the person driving the MTA bus he boarded was properly trained,” stated Geoffrey S. Wells. “But the driver was not and that’s why the MTA admitted liability in this case and only the damages issue alone was tried. We thank the jury for doing the right thing by Mr. Garcia who was so horribly injured that he requires 24-hour attendant care for the rest of his life.” “It is good that this case has resolved,” explained Browne Greene, “but it is a far cry from being over because it raises serious concerns about the fallibility of the MTA’s driver training program. It’s frightening to think that the MTA is allowing unsafe drivers on the road and potentially jeopardizing the public’s safety.”

“In Joseph Garcia’s name and on behalf of the greater public,” continued Greene, “we ask that Mayor Villaraigosa and our city leaders take notice of this case and use it to spearhead an investigation of the MTA. Until then, the MTA is the equivalent of a five-alarm fire burning out of control. No man, woman or child who ‘goes Metro’ should ever have to ride in fear of who is behind the wheel. The public deserves better.”

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 interior of the bus. As a result of the accident, Mr. Garcia suffers from permanent brain injury and is paralyzed on his left side. Mr. Garcia requires 24-hour attendant care for the rest of his life and the Court appointed a conservator to handle his financial affairs. He filed suit on March 3, 2006. The case was tried in Los Angeles Superior Court/West Division (Santa Monica Courthouse) in Santa Monica, CA.

Through the discovery process in this case, it was ascertained that the MTA allowed Sylvia Delana Fairfax to matriculate through its bus driver training program even though she failed on at least four occasions to control an MTA bus so that it maintained proper right-side clearance from parked vehicles. The MTA’s own rules state that a bus driver must maintain right-side clearance of 3-4 ½ feet from parked vehicles. Before the trial started, the MTA offered \$5 million to settle the case.

Editor’s Note :

Plaintiff Joseph L. Garcia was 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 were 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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