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Injured MD Gets Big Award

LAPD is ordered to pay \$14.2 million, rental-car firm \$18.8 million in the 2001 incident.

November 20, 2003 | Jean Guccione | Times Staff Writer

A Miami surgeon was awarded \$33 million in damages Wednesday after jurors found that Los Angeles Police Department officers handcuffed him so tightly that he suffered permanent nerve damage, partially ending his ability to perform surgery.

"I hope that the police take this verdict as an opportunity to revisit safety measures when handling the citizens of Los Angeles," said Dr. Angelo E. Gousse.

The jury ordered the LAPD to pay \$14.2 million. Budget Rent-a-Car, which placed license plates on the car Gousse rented that erroneously had been reported stolen, was ordered to pay the remaining \$18.8 million.

It was one of the largest negligence verdicts ever against the LAPD.

The jury of seven women and five men took 2 1/2 days to reach the verdict in the monthlong trial before Los Angeles County Superior Court Judge Elizabeth Grimes.

Gousse was awarded \$31 million for past and future medical expenses, lost earning capacity, physical pain and mental suffering. His wife, Marie May Gousse, was awarded \$2 million for loss of consortium.

"That was far more than I asked for," said Gousse's attorney, Browne Greene.

It's "\$15 million we don't have," said Los Angeles City Councilman Tony Cardenas, when told of the verdict. "I support the city attorney [in] looking to see if we can appeal it."

Los Angeles police had pulled Gousse over as he drove the car carrying the suspect plates on the Santa Monica Freeway in February 2001.

Gousse testified that he complained that the handcuffs were hurting his wrists, but officers did nothing to help him as he sat in the back of the police car. Attorney Greene contended that the officers also failed to lock the cuffs, and said that locking would have prevented them from ratcheting Gousse's wrists more tightly when he moved.

Greene convinced jurors that police did not follow proper procedure that would have resolved the records mix-up within minutes, rather than more than an hour.

Greene also blamed Budget for switching the license plates on Gousse's rented car with those that belonged on another vehicle reported stolen months earlier.

Gousse was in Los Angeles on February 2001 to attend a medical conference at UCLA. His injuries, which are permanent, require Gousse, an associate professor of clinical urology at the University of Miami School of Medicine, to get help to perform the urological reconstructive surgery that is his specialty, Greene said.

"He lost his entire career in private practice," the lawyer said.

Marie May Gousse said she hopes the verdict will make her husband feel better. "The jury has said he didn't deserve [that treatment]," she said.

Some jurors said they believed police had a legitimate right to stop Gousse, but believed the officers did not follow policy when they forced him to lie face down in the street, handcuffed him too tightly and took him to the Rampart station.

"I think the police have a right to protect themselves," juror Ricardo Ayala said. But he added that he believed Greene's contention that the entire incident could have been quickly and easily resolved at the scene if the deputies had checked the car rental agreement in the glove compartment or the vehicle identification number.

Another juror, Wendy Ortega, said she didn't believe Gousse should have been forced to lie in the street. But she also blamed Budget for putting Gousse in that situation.

"I totally believe that this incident would not have happened" without Budget putting the wrong license plates on the Gousse car, Ortega said.

Ayala said the jury had difficulty calculating the damage award. "For a doctor, the hands are the most valuable part of the body. How do you put a price on them?"

The city has not yet decided if it would appeal, said Eric Moses, spokesman for City Atty. Rocky Delgadillo.

"The verdict and assessment of damages are very disappointing," he said. "In taking this case to trial, the city felt it had to do everything possible to fight excessive payouts and to defend officers on the street who are doing the best they can in very tense situations."

Gousse's last settlement demand, made just before trial, was for \$17 million, Moses said, so by going to trial "we saved about \$3 million."

Despite the verdict, Moses blamed Budget for the incident. "We believe that under the circumstances, the officers' actions were consistent with LAPD policy, which attempts to ensure the safety of the person stopped, as well as the safety of the public and the officers," Moses said.

Gousse said the verdict also shows that rental-car companies must "be more responsible ... and not put customers in harm's way."

Representatives at Budget were unavailable for comment Wednesday

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Times staff writer Jessica Garrison contributed to this report.