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Jury: property manager must pay \$12M in employee DUI crash

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A Los Angeles County Superior Court jury found a property management company vicariously responsible for a crash caused by an intoxicated employee, resulting in a \$12 million payout for the plaintiff.

The jury delivered its verdict Wednesday after four weeks of trial, having found the defendant, FirstService Residential LLC, negligent in its hiring and supervision of Lance Sandman. Sandman had been convicted of driving under the influence of alcohol before his employment with the defendant. *George v. FirstService Residential California, LLC; Lance Sandman*, BC548489 (LA Super. Ct., filed June 13, 2014).

Sandman settled out of the case approximately two years before trial and is serving a six-year prison sentence after being convicted of a DUI.

In March 2013, the plaintiff, Tom George, was with Sandman at an Irish pub and restaurant. George was a board member of a homeowners' association at an upscale condominium in Pasadena, the Prado, and was meet-

ing with Sandman to plan upcoming events to be organized by the defendants and held at the residence.

The two left the pub with Sandman driving. Sandman crashed, and George suffered severe injuries to his right arm. George, then 49, has required nearly 30 surgeries over the last four years.

Attorney for George, Bruce A. Broillet of Greene Broillet & Wheeler LLP, said his client feels justice has been served.

"This money will help for his health care and for his earnings losses that he will be suffering in the future," he said. "The verdict holds this company accountable for the conduct of its employee. ... That kind of accountability increases safety for all of us."

Broillet said he and co-counsel, Alan Van Gelder, also with Greene Broillet & Wheeler, successfully contended that FirstService was independently negligent in the way it hired, supervised and retained Sandman to do his work.

"We put on evidence that six months after [Sandman] had been hired, five years before the incident involving George, that Sandman had been con-

victed of driving under the influence," Broillet said.

Apparently, this information was not disclosed to the defendants. However, one year before the incident, the defendants initiated a policy that all of its employees would register with the Department of Motor Vehicles Pull Program. This allows an employer to receive their employees' driving records.

Broillet added that an expert in the trial told the jury that, had this information been made known to the defendant, it would have resulted in Sandman's termination at the company or a restriction in driving privileges.

Gary L. Hoffman of Koeller, Nebeker, Carlson & Haluck LLP represented the management company and could not be reached for comment Thursday. Broillet said that the defendant contended that the plaintiff also had too much to drink at the bar and should not have gotten in the car with their employee. As a result, George was found to be 20 percent at fault and is expected to receive \$12 million, \$3 million less than a full recovery.

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