



GBW | OUR METHOD FOR SUCCESS

**HOW DID YOU
WIN THAT CASE?**

\$7.5 MILLION SETTLEMENT

METRO BUS ACCIDENT

Segal vs. LACMTA

PRESENTERS



Geoffrey Wells

As one of the leading trial lawyers in the state, Geoff Wells has obtained more than 250 multimillion-dollar verdicts and settlements in complex legal actions. Geoff's practice focuses on personal injury, wrongful death, motor vehicle accidents, product liability, premises liability, motor vehicle accidents and product defect cases. Geoff was named a Finalist for CAOC's Consumer Attorney of The Year Award in 2018 and also named a CAALA Trial Lawyer of the Year Finalist.



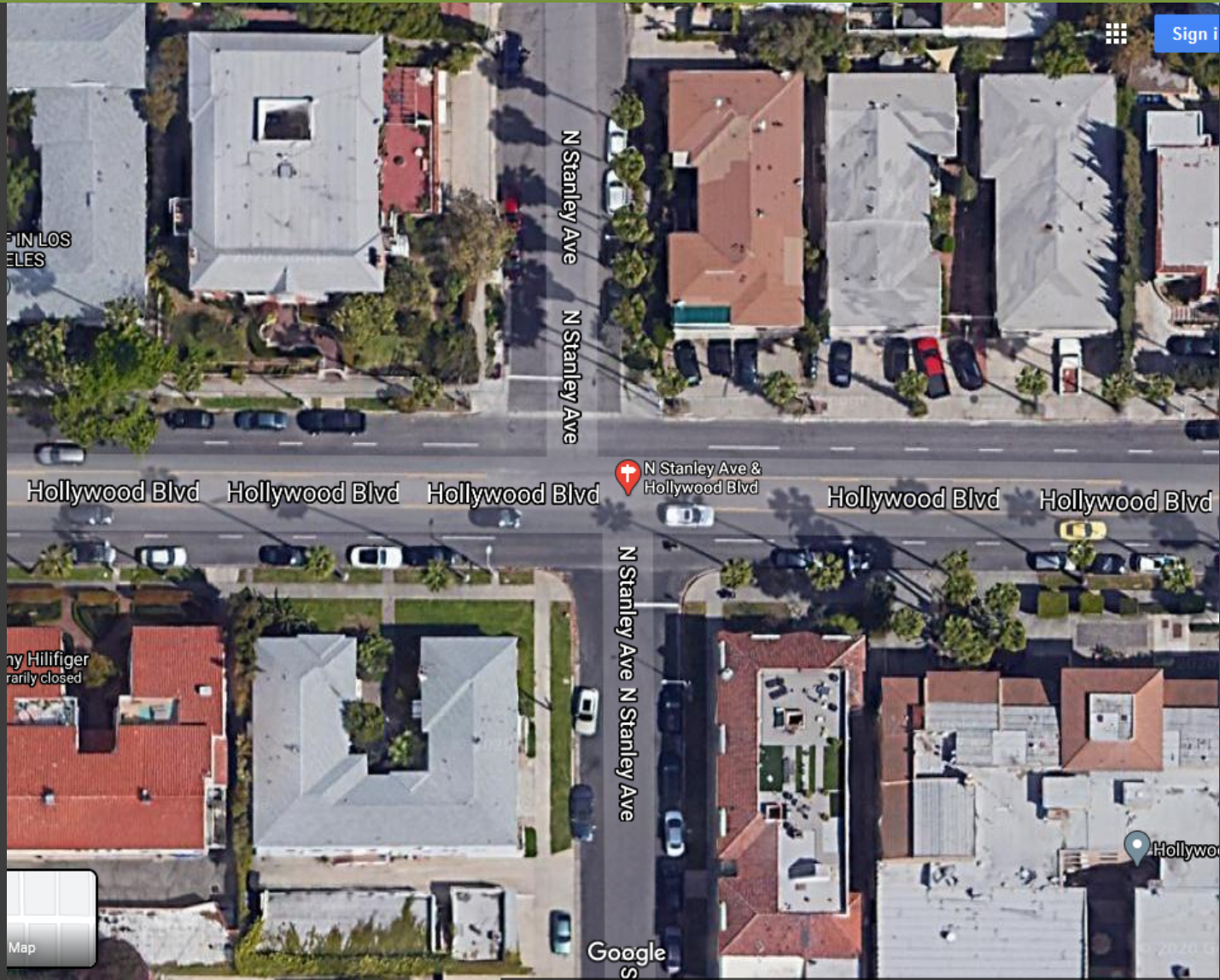
Christian Nickerson

is a trial attorney specializing in employment litigation, business litigation, catastrophic personal injury, and wrongful death cases. He has achieved over \$160 million in jury verdicts and negotiated settlements on behalf of clients, and is a two-time finalist for CAOC's Consumer Attorney of the Year Award. Christian was named Top 40 under 40 by the National Trial Lawyers and recognized as a Southern California Rising Star, 2015 - 2020.

THE ACCIDENT



THE ACCIDENT



THE ACCIDENT



THE ACCIDENT



THE ACCIDENT



THE ACCIDENT



THE ACCIDENT



THE ACCIDENT



THE ACCIDENT



THE ACCIDENT



THE ACCIDENT



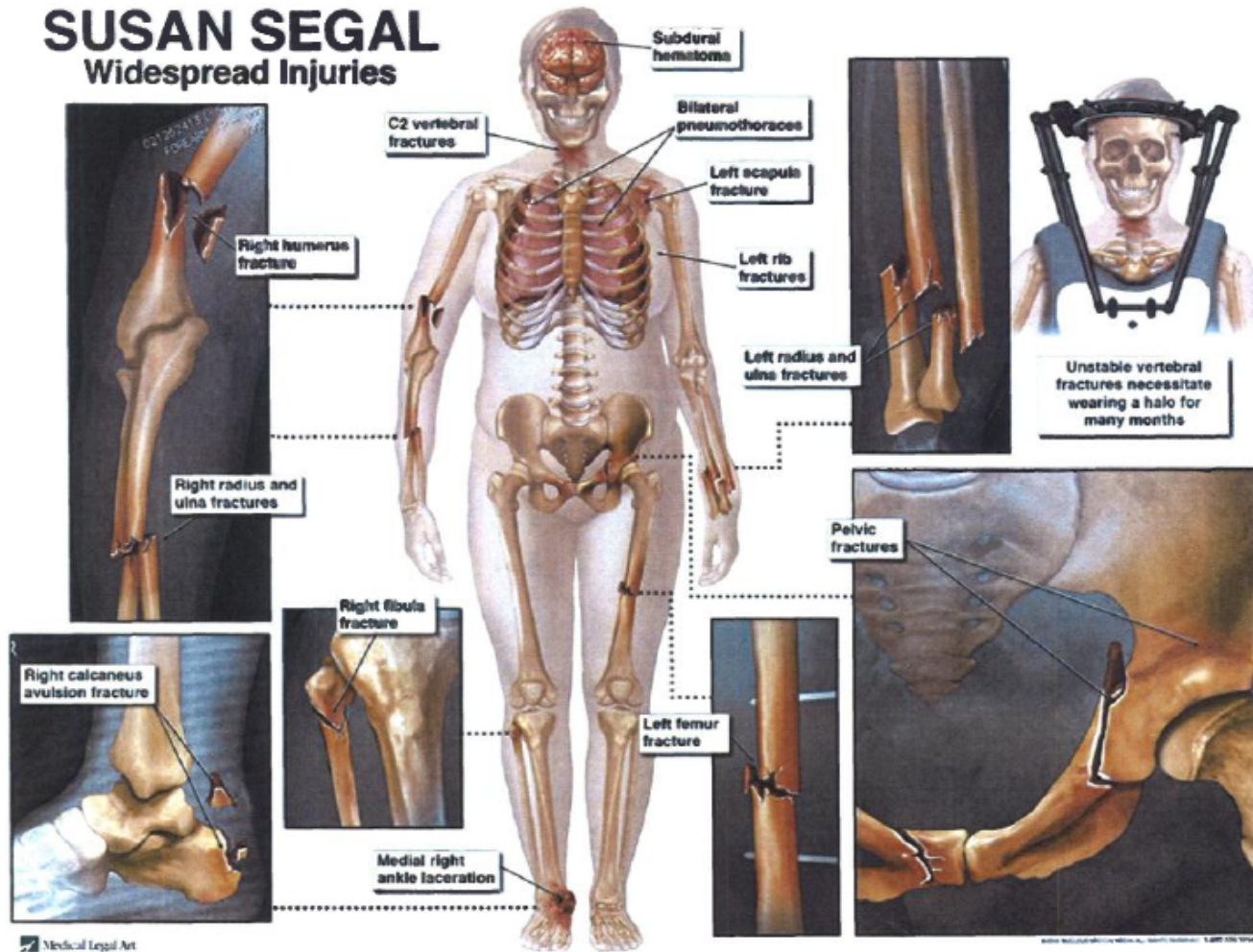
THE INJURIES

SUSAN

- Fractured pelvis;
- Bleeding in the brain;
- Broken C2 vertebrae;
- Broken scapula;
- 12 broken ribs;
- Broken right and left forearms;
- Broken right upper arm;
- Broken left femur;
- Broken right knee;
- Beveled Achilles tendon and deep laceration on right ankle;
- Vision/muscular problems with right eye;
- Numbness due to nerve damage;
- Traumatic Brain Injury

THE INJURIES

SUSAN SEGAL Widespread Injuries



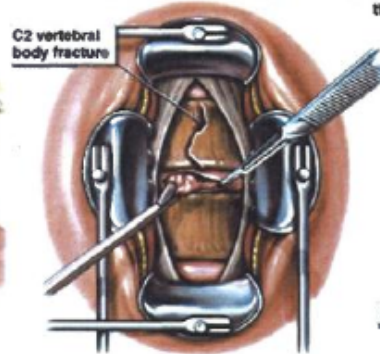
THE INJURIES

SUSAN SEGAL Cervical Spine Surgery (11/6/12)

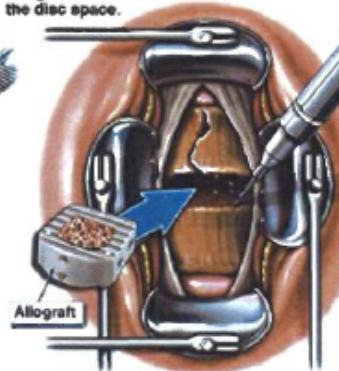
A. An incision is made in the anterior neck.



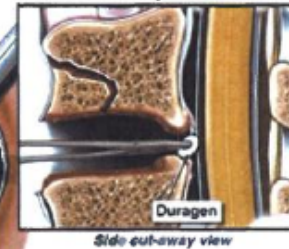
B. The C2-3 disc is removed.



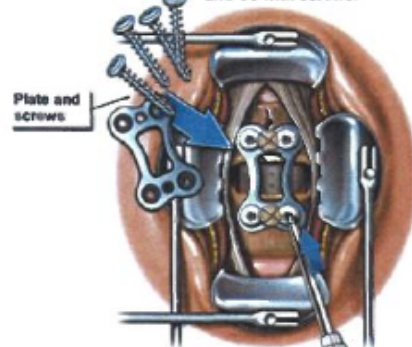
C. Allograft is inserted into the disc space.



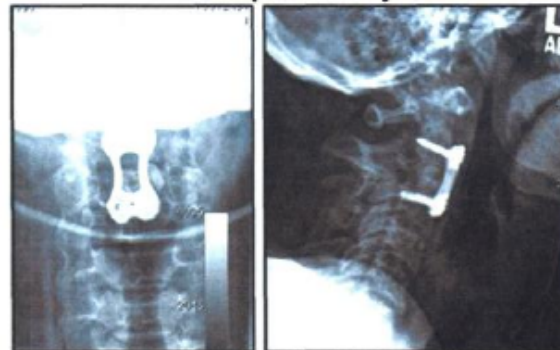
D. Duragen is used to repair a cerebrospinal fluid leak.



E. A plate is affixed to C2 and C3 with screws.



Post-operative X-rays



Medical Legal Art

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THE INJURIES

ALYCE

- Negligent Infliction of Emotional Distress
- Soft Tissue Injuries

DOUG

- Loss of Consortium



THE DEFENDANTS

- **Los Angeles County Metropolitan Transportation Authority**
- **LACMTA Bus Driver**
- **JG Demolition and Cleanup Inc.**
- **Dump Truck Driver**
- **Peterbilt Motors Company / Paccar Inc.**

THE GOVERNMENT CLAIM

Claim for Damages

Los Angeles County Metropolitan Transportation Authority
One Gateway Plaza, Mail Stop 99-31, Los Angeles, CA 90013-2952

Please type or print.

CLAIMANT INFORMATION

Segal Susan, Alyce, Doug
Last Name First Name Middle Name/Initial
Available on Request
Occupation Social Security Number Birth date
1556 N. Orange Grove Ave.
Street Address
Los Angeles, CA 90048 310-576-1200 (Attorney #)
City | State | Zip Telephone Number

FOR OFFICE USE ONLY

Claim number & Receipt date

IF CLAIMANT IS A MINOR: PARENT OR GUARDIAN INFORMATION

Last Name First Name Middle Name/Initial
Street Address
City | State | Zip Telephone Number

IF YOU HAVE AN ATTORNEY: ATTORNEY INFORMATION

Wells Geoffrey S.
Last Name First Name Middle Name/Initial Telephone Number
100 Wilshire Blvd., 21st Floor
Street Address Santa Monica, CA 90407
City | State | Zip

INCIDENT INFORMATION

Please indicate if you were a Metro bus or Metro rail passenger: Yes No

09/14/13 12:31 LGL SU

- bus rail platform parking lot bus stop terminal other
- Other than bus or rail car, vehicle description
- Accident date 10/23/12 Time Approximately 7:45 A.M. Location Los Angeles, CA
- Direction Eastbound On which street Hollywood Blvd. Cross-street Stanley Ave.
- Speed N/A Weather N/A Bus or Rail Car # N/A Line # N/A
- Boarding point N/A Operator Name or Badge # Lakshya Traylor

OWNER OF PRIVATE VEHICLE PLEASE COMPLETE THIS SECTION:

7. Name Susan / Douglas Segal Driver License # A9294403
Address See Above
Telephone See Above Vehicle: Year 1998 Make BMW Model 528i
Insured? Yes No Vehicle Lic. # 4A0F697 Injured? Yes No Insurance Tel. #
Carrier Available on Request Policy # Available on Request

CONTINUED

THE GOVERNMENT CLAIM

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SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES

SUSAN SEGAL, an individual; ALYCE
SEGAL, a minor, by and through her guardian
ad litem DOUGLAS SEGAL; and DOUGLAS
SEGAL, an individual,

Claimants,

vs.

LOS ANGELES COUNTY METROPOLITAN
TRANSPORTATION AUTHORITY, a public
entity; LAKISHA TRAYLOR, an individual;
and DOES 1 through 100, inclusive.

Respondents.

CASE NO.

**SECOND AMENDED GOVERNMENT
CLAIM PURSUANT TO
GOVERNMENT CODE SECTIONS 905
AND 910, ET SEQ.**

Pursuant to the provisions of §§ 905 and 910 *et seq.* of the California Government Code, demand is hereby made against the LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION AUTHORITY (hereinafter "MTA"), a public entity, LAKISHA TRAYLOR, an individual, and DOES 1 through 100 inclusive, in an amount in excess of the jurisdictional limits of the Superior Court of the State of California.

In support of said claim, the following information is submitted:

1. **Claimants:** SUSAN SEGAL, an individual; ALYCE SEGAL, a minor, by and through her guardian ad litem DOUGLAS SEGAL; and DOUGLAS SEGAL, an individual.

THE GOVERNMENT CLAIM

GREENE BROILLET & WHEELER, LLP
GREENE BROILLET & WHEELER, LLP
GREENE BROILLET & WHEELER, LLP

- 1 2. **Address:** 1556 N. Orange Grove Ave., Los Angeles, CA 90048.
- 2 3. **Address to which claimants wish correspondence to be mailed:** c/o Geoffrey S.
- 3 Wells, Esq., GREENE, BROILLET, & WHEELER, P.O. Box 2131, Santa Monica, California
- 4 90407-2131; (310) 576-1200.
- 5 4. **Nature of Injuries:** As a result of the subject incident, SUSAN SEGAL, ALYCE
- 6 SEGAL, and DOUGLAS SEGAL (the husband of SUSAN SEGAL and father of ALYCE
- 7 SEGAL) sustained severe and permanent injuries including, but not limited to, broken ribs,
- 8 punctured lungs, broken scapula, fractured vertebrae, burns, lacerations, head injuries, brain
- 9 injuries, broken arms, broken pelvis, property damage, severe emotional distress, loss earning
- 10 capacity, loss of earnings, and loss of earning potential, as well as the loss of consortium and the
- 11 loss of love, companionship, comfort, care, assistance, protection, affection, society, moral
- 12 support, and services. Claimants further allege that DOUGLAS SEGAL and SUSAN SEGAL
- 13 have sustained the loss of enjoyment of sexual relations as a result of the subject incident.
- 14 5. **Amount of claimed damages:** Based on the severe and permanent nature of their
- 15 injuries, Claimants demand damages in excess of the jurisdictional limits of Superior Court. The
- 16 exact amount of said losses will be stated according to proof, pursuant to Code of Civil Procedure
- 17 Section 425.10.
- 18 6. **Date damage occurred:** October 23, 2012
- 19 7. **Place Where Damage Occurred:** The subject incident occurred at the intersection
- 20 of Stanley Avenue and Hollywood Boulevard in Los Angeles, CA. *See* Traffic Collision Report,
- 21 attached hereto.
- 22 8. **Governmental Entities Alleged to Be at Fault:** LOS ANGELES COUNTY
- 23 METROPOLITAN TRANSPORTATION AUTHORITY (MTA), LAKISHA TRAYLOR, and

THE GOVERNMENT CLAIM

GREENE BROILLET & WHEELER, LLP

6 Bah, 6635 Elmp Ave., North Hollywood, CA 91606, 818-689-3557; Anora Valenzuela, 1942
7 Transient, Los Angeles, CA 90004, 323-608-0646; Rachel Rath, 2411 North Beachwood Dr., Los
8 Angeles, CA 90068, 323-962-3133; Irene Haglund, 1840 North Kenmore Ave., #312, Los
9 Angeles, CA 90027, 323-913-2058; Arturo Ramos, 2512 West Ave. 35, Los Angeles, CA, 323-
10 254-2453; Officer Cole #32723; Officer Brown #33836; Officer Lai, #31668; Sergeant Pettway #
11 25990; Officer Ayala #36527; Officer Hill #38576; Officer Ragland # 27334; Officer Singhanate
12 #27347; Officer Ortiz # 40057; Officer Gallegos #30702; Officer Pollack #26686; Officer Lee
13 #30002; Officer Redd #25008; Officer Benioff #32821; Officer Bowden #25615; Officer
14 Mackiewicz #40370; Officer Elsdon #36810; Officer Park #37976; Officer Stroway #26262;
15 Officer Zapatka #34903; Officer Millan #35272; Officer Lawrence #26740. See Traffic Collision
16 Report, attached hereto.

17 10. **Nature of the Case:** On or about October 23, 2012, at approximately 7:45 a.m.,
18 Claimants Susan Segal and Alyce Segal were lawfully travelling eastbound in their vehicle on
19 Hollywood Blvd. in the City of Los Angeles. At or around the same time and location, driver and
20 MTA employee LAKISHA TRAYLOR, while traveling westbound, operated the subject MTA
21 bus in a negligent, reckless, and/or careless manner, causing it to swerve into the eastbound lanes
22 of Hollywood Blvd. into oncoming traffic in the wrong direction. As a result of this negligent,
23 reckless and/or careless conduct, the subject MTA bus collided head-on with Claimants' vehicle,
24 causing severe and permanent injuries to Claimants. Discovery and investigation continues.

25 Claimants are informed and believe and thereupon allege that respondents LOS ANGELES
26 COUNTY METROPOLITAN TRANSPORTATION AUTHORITY, LAKISHA TRAYLOR, and
27 DOES 1 through 100, inclusive, and their employees, agents, servants and independent
28 contractors, negligently, carelessly, recklessly, or in some other actionable manner operated the

THE GOVERNMENT CLAIM

- **Must be submitted within 6 months**
- **What do I do if the 6 month period has expired or the Government Claim is defective and past the 6 months?**

THE GOVERNMENT CLAIM

- **Application for Leave to Present a Late Claim**

911.4.

(a) When a claim that is required by Section 911.2 to be presented not later than six months after the accrual of the cause of action is not presented within that time, a written application may be made to the public entity for leave to present that claim.

(b) The application shall be presented to the public entity as provided in Article 2 (commencing with Section 915) within a reasonable time not to exceed one year after the accrual of the cause of action and shall state the reason for the delay in presenting the claim. The proposed claim shall be attached to the application.

THE GOVERNMENT CLAIM

- **Application for Leave to Present a Late Claim**

911.6.

(a) The board shall grant or deny the application within 45 days...

(b) The board shall grant the application where one or more of the following is applicable:

(1) The failure to present the claim was through mistake, inadvertence, surprise or excusable neglect and the public entity was not prejudiced in its defense....

(2) The person who sustained the alleged injury, damage or loss was a minor during all of the time specified in Section 911.2 for the presentation of the claim.

(3) The person who sustained the alleged injury, damage or loss was physically or mentally incapacitated during all of the time specified in Section 911.2 for the presentation of the claim and by reason of such disability failed to present a claim during such time.

(4) The person who sustained the alleged injury, damage or loss died before the expiration of the time specified in Section 911.2 for the presentation of the claim.

(c) If the board fails or refuses to act on an application within the time prescribed by this section, the application shall be deemed to have been denied on the 45th day...

THE GOVERNMENT CLAIM

• Petition for Leave to Present a Late Claim

(a) If an application for leave to present a claim is denied or deemed to be denied pursuant to [Section 911.6](#) , a petition may be made to the court for an order relieving the petitioner from [Section 945.4](#) . The proper court for filing the petition is a superior court that would be a proper court for the trial of an action on the cause of action to which the claim relates. If the petition is filed in a court which is not a proper court for the determination of the matter, the court, on motion of any party, shall transfer the proceeding to a proper court. If an action on the cause of action to which the claim relates would be a limited civil case, a proceeding pursuant to this section is a limited civil case.

(b) The petition shall show each of the following:

(1) That application was made to the board under [Section 911.4](#) and was denied or deemed denied.

(2) The reason for failure to present the claim within the time limit specified in [Section 911.2](#) .

(3) The information required by [Section 910](#) .

The petition shall be filed within six months after the application to the board is denied or deemed to be denied pursuant to [Section 911.6](#) .

NEGLIGENCE AGAINST GOV. ENTITIES

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GREENE BROILLET & WHEELER, LLP

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P.O. BOX 2131
SANTA MONICA, CALIFORNIA 90407-2131
TEL. (310) 578-1200
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(SPACE BELOW FOR FILING STAMP ONLY)

BROWNE GREENE, State Bar No. 38441
GEOFFREY S. WELLS, State Bar No. 126498
TOBIN M. LANZETTA, State Bar No. 228674
CHRISTIAN T. F. NICKERSON, State Bar No. 281084

Attorneys for Plaintiffs

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES

SUSAN SEGAL, an individual; ALYCE
SEGAL, a minor, by and through her guardian
ad litem DOUGLAS SEGAL; and DOUGLAS
SEGAL, an individual,

Plaintiffs,

vs.

JG DEMOLITION & CLEANUP, INC., a
California Corporation; IGNACIO GURROLA,
an individual; PETERBILT MOTORS
COMPANY, a Corporation; PACCAR INC. a
Corporation; LOS ANGELES COUNTY
METROPOLITAN TRANSPORTATION
AUTHORITY, a public entity; LAKISHA
TRAYLOR, an individual; and DOES 1
through 50, inclusive,

Defendants.

CASE NO.

COMPLAINT FOR DAMAGES

1. NEGLIGENCE
2. STRICT PRODUCT LIABILITY
3. NEGLIGENT PRODUCT LIABILITY
4. BREACH OF EXPRESS AND IMPLIED WARRANTIES
5. NEGLIGENCE (GOVERNMENT CODE §§ 820(a), 815.2(a) and 815.4)
6. NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS
7. LOSS OF CONSORTIUM

DEMAND FOR JURY TRIAL

**AMOUNT DEMANDED EXCEEDS
\$25,000.00**

NEGLIGENCE AGAINST GOV. ENTITIES

815: Except as otherwise provided by statute:

(a) A public entity is not liable for an injury, whether such injury arises out of an act or omission of the public entity or a public employee or any other person.

- **SO HOW DO YOU ALLEGE NEGLIGENCE AGAINST A GOVERNMENT ENTITY?**

NEGLIGENCE AGAINST GOV. ENTITIES

820 (a): Except as otherwise provided by statute (including Section 820.2), a public employee is liable for injury caused by his act or omission to the same extent as a private person.

815.2 : (a) A public entity is liable for injury proximately caused by an act or omission of an employee of the public entity within the scope of his employment if the act or omission would, apart from this section, have given rise to a cause of action against that employee or his personal representative.

815.4 : A public entity is liable for injury proximately caused by a tortious act or omission of an independent contractor of the public entity to the same extent that the public entity would be subject to such liability if it were a private person

NEGLIGENCE AGAINST GOV. ENTITIES

820 (a): Except as otherwise provided by statute (including Section 820.2), a public employee is liable for injury caused by his act or omission to the same extent as a private person.

815.2 : (a) A public entity is liable for injury proximately caused by an act or omission of an employee of the public entity within the scope of his employment if the act or omission would, apart from this section, have given rise to a cause of action against that employee or his personal representative.

815.4 : A public entity is liable for injury proximately caused by a tortious act or omission of an independent contractor of the public entity to the same extent that the public entity would be subject to such liability if it were a private person

NEGLIGENCE AGAINST GOV. ENTITIES

GREENE BROILLET & WHEELER, LLP
P.O. BOX 2131
SANTA MONICA, CA 90407-2131

FIFTH CAUSE OF ACTION

NEGLIGENCE

(Pursuant to *Government Code* §§ 820(a), 815.4 and 815.2(a), as against defendants
**LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION AUTHORITY,
LAKISHA TRAYLOR and DOES 41 through 50, inclusive.**)

60. Plaintiffs reallege and incorporate herein by reference each and every allegation contained in paragraphs 1 through 23, inclusive, of the General Allegations, paragraphs 24 through 30, inclusive, of the First Cause of Action, paragraphs 31 through 44, inclusive, of the Second Cause of Action, paragraphs 45 through 52, inclusive, of the Third Cause of Action, and paragraphs 53 through 59, inclusive, of the Fourth Cause of Action, above.

61. Plaintiffs are informed and believe, and thereupon allege that at all times mentioned herein, defendants LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION AUTHORITY and DOES 41 through 50, inclusive, and each of them, were and are public entities pursuant to *Government Code* § 811.2, and therefore were and are vicariously liable for the tortious acts and omissions of an independent contractor pursuant to *Government Code* § 815.4.

62. Plaintiffs are informed and believe, and thereupon allege that at all times mentioned herein, defendants LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION AUTHORITY and DOES 41 through 50, inclusive, and each of them, were and are public entities pursuant to *Government Code* § 811.2, and therefore were and are vicariously liable for the tortious acts and omissions of their employees pursuant to *Government Code* § 815.2(a).

63. Plaintiffs are informed and believe and thereupon allege that Defendant LAKISHA TRAYLOR is, and at all times mentioned herein was, a public employee, agent, servant, and/or independent contractor of Defendant LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION AUTHORITY and DOES 41-50, inclusive, and was acting within the course, scope, purpose and authority of such agency and employment with the full knowledge,

NEGLIGENCE AGAINST GOV. ENTITIES

GREENE BROILLET & WHEELER, LLP
P.O. BOX 2131
SANTA MONICA, CA 90407-2131

1 permission and consent of LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION
2 AUTHORITY and DOES 41-50, inclusive, inclusive and each of them.

3 64. Plaintiffs are informed and believe, and thereupon allege, that on or about October
4 23, 2012, Defendant LAKISHA TRAYLOR, while in the course and scope of her agency and/or
5 employment with Defendants LOS ANGELES COUNTY METROPOLITAN
6 TRANSPORTATION AUTHORITY and DOES 41-50, inclusive, and each of them, so
7 negligently, recklessly, and/or carelessly drove, controlled and/or operated the SUBJECT BUS so
8 as to be a cause of the collision more fully described in paragraphs 18-23, which resulted in
9 serious and permanent injuries to Plaintiffs.

10 65. Plaintiffs are informed and believe and thereupon allege that on or about October
11 23, 2012, defendants LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION
12 AUTHORITY, LAKISHA TRAYLOR., and DOES 41 through 50, inclusive, and each of them,
13 negligently, carelessly, recklessly, or in some other actionable manner, owned, maintained,
14 entrusted, leased, serviced, repaired, controlled, supervised, and/or operated the SUBJECT BUS
15 so as to directly, proximately, and legally cause or contribute to the accident, as more fully
16 described above in paragraphs 18-23, thereby inflicting the severe and permanent injuries and
17 damages to Plaintiffs as more fully described above in herein .

18 66. As a result of the above-described conduct, defendants LOS ANGELES COUNTY
19 METROPOLITAN TRANSPORTATION AUTHORITY, LAKISHA TRAYLOR., and DOES 41
20 through 50, inclusive, and each of them, as common carriers, breached their duty of care to
21 Plaintiffs.

22 67. Plaintiffs are informed and believe and thereupon allege that at all times mentioned
23 herein, defendants LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION
24 AUTHORITY and DOES 41 through 50, inclusive, and each of them, permitted the SUBJECT
25 BUS to be used, controlled, and/or operated by defendant LAKISHA TRAYLOR, who defendants
26 LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION AUTHORITY and DOES
27 41 through 50, inclusive, and each of them, knew, or from facts known to them should have

DISCOVERY – SCENE INSPECTION



DISCOVERY – SCENE INSPECTION



DISCOVERY – SCENE INSPECTION



DISCOVERY – VEHICLE INSPECTION



DISCOVERY – VEHICLE INSPECTION



DISCOVERY – VEHICLE INSPECTION

What did the Vehicle Inspection tell us?

- **Brakes on Dump Truck Working Properly**
- **No Product Liability Case**
- **Dismiss Manufacturer (Peterbilt / Paccar)**

REMAINING DEFENDANTS

- **Los Angeles County Metropolitan Transportation Authority / LACMTA Bus Driver**
- **JG Demolition and Cleanup Inc. / Dump Truck Driver (750k Insurance Policy).**

REMAINING DEFENDANTS

- **More than one party can be jointly responsible for the full amount of Plaintiff's economic damages, but only separately (severally) liable for non-economic damages proportion to percentage of fault.**
- **1 percent at fault? On the hook for full amount of Economic Damages**

MTA Discovery

What to ask for? (CONTACT US FOR SAMPLES)

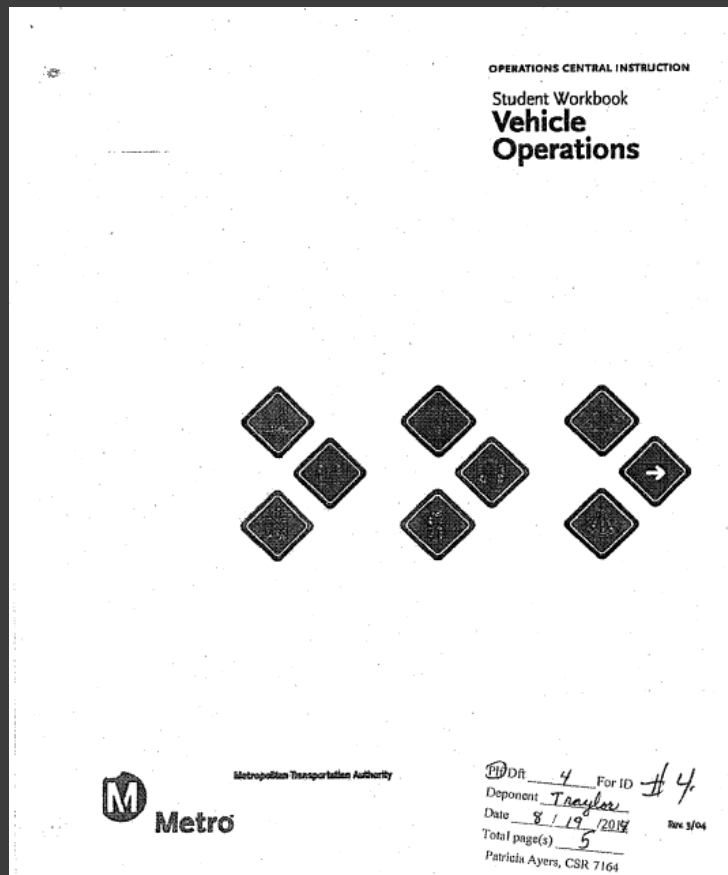
- Incident Reports
- Photographs
- Video
- Onboard Data Recorders / SmartDrive Video
- Maintenance Records
- Driver Training Materials
- Safety Materials
- Policies and Procedures
- Driver file
- Records re: Route / Timing

MTA DEFENSE

- BLAME THE DUMP TRUCK
- NO FORESEEABILITY

THE LIABILITY PICTURE


The MTA's own manual for vehicle operations states:
“Wet roads can double stopping distance, so **reduce your speed about one third.**”



Module 3: Basic Bus Maneuvers

Effects on Stopping Distance

Wet roads can double stopping distance, so reduce your speed about one-third. On packed snow, reduce your speed by half. On ice, reduce your speed to a crawl.



Road Conditions:

- Rain
- Snowy or icy
- Gravel, sand, or wet leaves
- Oil

Operator:

- Illness
- Emotions
- Stress
- Fatigue

Bus:

- Equipment type
- Weight

48

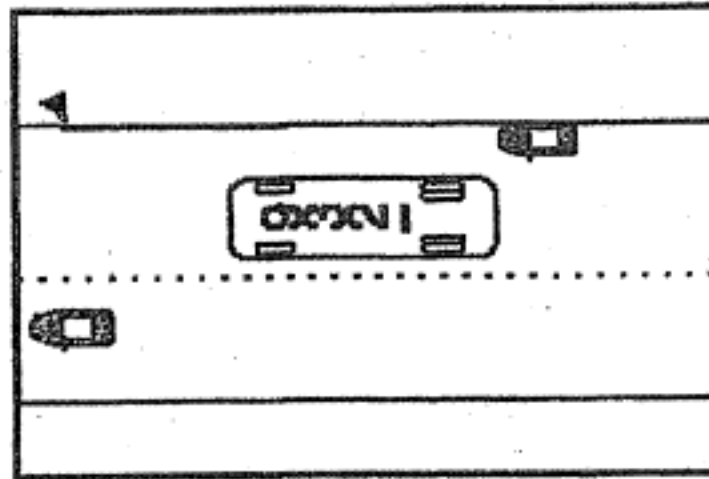
Wet roads can double stopping distance. To counteract this effect - reduce your speed by a third.

THE LIABILITY PICTURE

The MTA Manual also instructs drivers to “Leave yourself a way out.” MTA drivers are also trained to “Slow down and cover your brake as you approach the intersection.” Additionally, the MTA manual on Smart Driving instructs drivers to “think defensively” and “[e]xpect other vehicles to pull out in front of you.”. The manual further provides that “you need to anticipate the actions of others and plan your defense”, and that one “of the most dangerous areas in any route is the intersection.”

THE LIABILITY PICTURE

Sharing the Road



Precautions:

- Leave yourself a way out
- Other drivers may turn in front of the bus
A bus is considered a parked vehicle and it is legal for cars to turn in front of the bus.
- Watch for strong winds when passing other vehicles
- Beware of pedestrians on sidewalk
- You should not go over the centerline
- Leave 3-4½ feet between the bus and the curb or parked cars

You should normally drive in the right lane because you will:

- Need to make fewer lane changes when making bus stops
- Prevent cars from passing the bus on the right

Pull up or drop back to be sure other drivers can see you.
Leaving room will give you an escape route.

THE LIABILITY PICTURE

Crossing Intersections

Steps for crossing intersections

1. Slow down and cover your brake as you approach the intersection
2. Obey the traffic lights and signs
3. Check for pedestrians and vehicles
4. Pull-up to the corner for a clear view
5. Stop or yield for traffic even if you have the right-of-way
6. Cover the brake as you go through the intersection

Be alert and prepared to stop for yellow lights. Slow, smooth stops can prevent rear-end collisions and customer injuries

NOTES:

THE LIABILITY PICTURE

Think Defensively

As a defensive driver you need to "think defensively" which means:

- Be prepared for other drivers who disobey the traffic laws.
- Expect other vehicles to pull out in front of you.
- Expect other vehicles to pull around you.

A defensive driver knows that other drivers don't like to be behind buses and is prepared for other drivers who will make dangerous maneuvers to avoid being behind the bus.

Notes:

THE LIABILITY PICTURE

Intersections

One of the most dangerous areas in any route is the intersection. Cross traffic, turning vehicles and pedestrians can make getting across an intersection dangerous.

Many intersection accidents occur when drivers fail to use their turn signals or don't know the right-of-way laws. Aggressive drivers will try to beat the red light and speed dangerously through an intersection.

Using defensive driving techniques can minimize the hazards at intersections. These techniques can be summarized in the phrase:

"Know, Show, Slow, Go".

THE LIABILITY PICTURE

Advanced Defensive Driving

Visual Techniques

Defensive driving is about identifying possible hazards and using the information you collect to prevent accidents. There are two visual techniques that will help you accomplish this task:

Look Around

Develop a routine where you look around and survey your immediate surroundings. Check your mirrors; look just in front of the bus. Then scan forward every few seconds.

Scan Forward

In the city, scan forward into the next block. On the expressway, scan forward as far as you can see. Watch for brake lights and other signs of trouble.

Visually identifying the hazards is not enough; you need to anticipate the actions of others and plan your defense.

THE LIABILITY PICTURE

MTA acknowledges that it is foreseeable that other vehicles will enter the roadway in front of their buses, especially at intersections. In her deposition, Defendant driver Lakisha Traylor acknowledged that she received this training.

THE LIABILITY PICTURE

MORAL OF THE STORY: USE
THE DEFENDANT'S OWN
TRAINING AND SAFETY
DOCUMENTATION AND
POLICIES AND PROCEDURES TO
SET STANDARD OF CARE AND
ESTABLISH FORESEEABILITY

THE LIABILITY PICTURE

The Smart Drive video obtained from the Subject Bus, as well as the testimony of Ms. Traylor, demonstrate that the MTA breached the standard of care in this case, and that its negligent conduct was a cause of the violent collision.

- **The area of Hollywood Boulevard where the collision occurred is a 35 mph zone.**
- **The Smart Drive video establishes that Ms. Traylor was travelling at a speed of 38 mph prior to the Subject Incident.**
- **The Smart Drive video also establishes that instead of slowing down as she approached the intersection as she was trained, Ms. Traylor accelerated.**

THE LIABILITY PICTURE

- Further, due to the wet road conditions, and as established by the MTA manuals, Ms. Traylor should have been travelling at a reduced speed of “about one third”, or approximately 25 mph in a 35 mph zone.
- Additionally, in her deposition, Ms. Traylor acknowledged that she was trained to brake before swerving when a hazard is encountered.
- However, in this instance, Ms. Traylor swerved into oncoming traffic before braking. Ms. Traylor testified that she does not have any explanation as to why she didn't brake before swerving when she saw the runaway dump truck coming down the street.

THE LIABILITY PICTURE

DRIVE

EVENT HNAH-9N2QT Tuesday, Oct 23, 2017 DRIVER RAMOS, ARTURO [16519]

PLVDft 6 For ID
Deponent Traylor
Date 8 / 19 / 2017
Total page(s) 1
Patricia Ayers, CSR 7164



with Vehicle in

BRAKE N/A THROTTLE N/A

0 1500 3000 4500 6000
N/A
rpm

25 31 75
Low mph ECU 100

FORWARD / BACKWARD 0.00
SIDE TO SIDE 0.00

7:54:11.90 AM

MAP CHART SELECT ANY 2 OPTIONS

SPEED FORWARD / BACKWARD SIDE TO SIDE

THE LIABILITY PICTURE

RIVE EVENT HNAH-9N2QT Tuesday, Oct 23, 2 DRIVER RAMOS, ARTURO [16519] P170 Drt 7 For ID
Deponent Traylor
Date 8 / 19 / 2014
Total page(s) 1
Patricia Ayers, CSR 7164



BRAKE N/A THROTTLE N/A

3000
1500 4500
N/A
0 6000
rpm

50
25 34 75
Low mph 100
Ecu

FORWARD / BACKWARD
-0.10
SIDE TO SIDE
-0.10

7:54:19.90 AM

CHART SELECT ANY 2 OPTIONS ▾

SPFED FORWARD / BACKWARD SIDE TO S

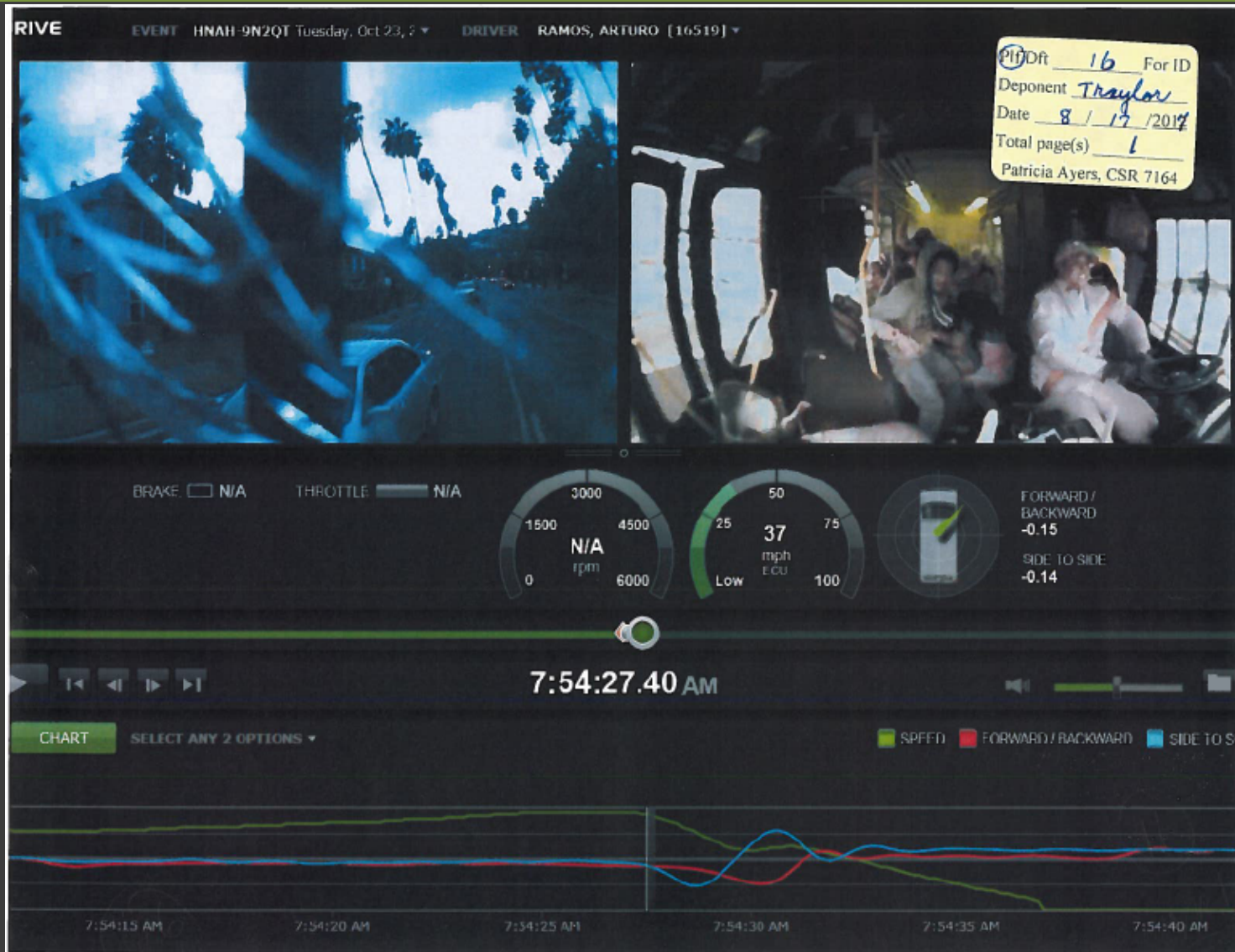
THE LIABILITY PICTURE



THE LIABILITY PICTURE



THE LIABILITY PICTURE



THE LIABILITY PICTURE

- EXPERTS
 - ACCIDENT RECONSTRUCTIONIST
 - BUS EXPERT
 - HUMAN FACTORS

THE LIABILITY PICTURE

ACCIDENT RECONSTRUCTIONIST OPINION:

- Had the MTA followed its own policies and procedures, the incident could have been avoided.
- A bus travelling at 25 mph with an operator perception/reaction time of 1 second would have at one extreme stopped well short of striking the encroaching runaway dump truck, or slowed to permit the dump truck to clear its path, or, at the other extreme, struck the dump truck at a very low speed prior to coming to rest.

THE LIABILITY PICTURE

March 18, 2016

MEA File Number: 508638

Greene Broillet & Wheeler
100 Wilshire Boulevard, 21st Floor
Santa Monica, CA 90401

Attention: Geoffrey Wells, Esq

**Re: Segal v JG Demolition and Cleanup
Incident Date: October 23, 2012
Preliminary Report of Findings**

I was asked to analyze the SmartDrive video recorded on MTA bus 8065 during this incident to assess the effect of bus speed on the crash between bus 8065 and the unmanned, runaway dump truck that rolled down Stanley Avenue.

This incident occurred on October 23, 2012. An MTA bus was being driven westbound by Lakisha Traylor on Hollywood Boulevard approaching the Stanley Avenue intersection, when an unmanned dump truck, owned by JG intersection. The dump truck had been stopped on Stanley 550 ft north of Hollywood Boulevard before rolling downhill report the vehicle left tire friction marks on the road, with 100 ft long and the left rear mark about 540 ft long.

The crash site was scanned on June 13, 2013, and a point positioning the MTA bus on the approach to the crash. The indicates the bus speed in the moments leading up to impact speed is consistent with the speed determined by positioning stills. The dump truck speed was calculated to be about 9 mph can be seen in the video prior to impact.

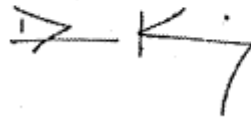
For example, the video image in Figure 1 was used to position impact. The front of the dump truck can be seen in the video had a clearer view than is shown in the video) as indicated virtual recreation of the bus and dump truck positions 2.75 seconds in Figure 2.

Similarly, the video image in Figure 3 shows the dump truck at impact, and the virtual match is shown in Figure 4.

In summary, based on the declared assumptions, a bus traveling at 25 mph with an operator PRT of 1 s could have at one extreme stopped well short of striking the encroaching runaway dump truck, or slowed to permit the dump truck to clear its path, or, at the other extreme, struck the dump truck at a very low speed prior to coming to rest.

If you have questions or additional requirements, please call. Thank you for asking us to assist you in this matter.

Yours very truly,
MEA Forensic Engineers & Scientists, Inc.



David J. King, PE
Principal, Senior Engineer



GBW | OUR METHOD FOR SUCCESS

**HOW DID YOU
WIN THAT CASE?**

\$7.5 MILLION SETTLEMENT

METRO BUS ACCIDENT

Segal vs. LACMTA

THE TODAY SHOW



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NEW YORK POST

NEW YORK POST

How a devastating bus crash made this couple's marriage stronger

By Jane Ridley

October 1, 2018 | 6:14pm | Updated



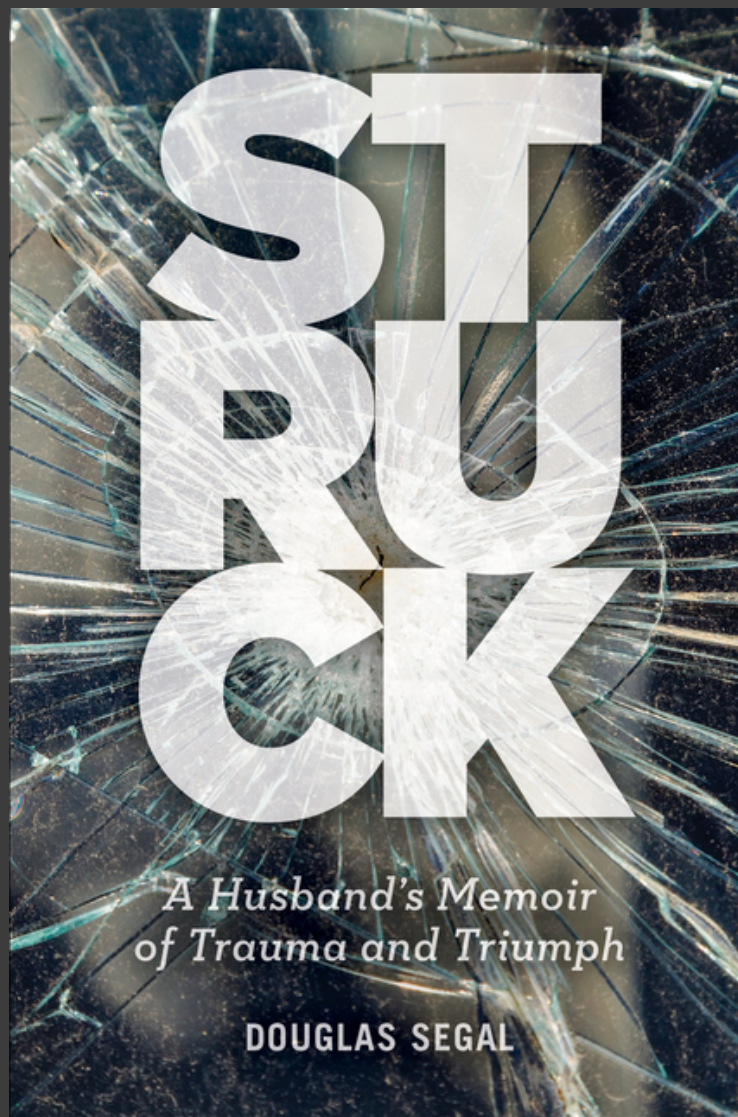
Susan and Doug Segal. Right: Susan re-learns how to walk, a process that took nine months.

READER'S DIGEST

Reader's
Digest



PUBLISHED BOOK - STRUCK



PUBLISHED BOOK - STRUCK



<https://www.youtube.com/watch?v=JXr46I4C898>

A HOLLYWOOD HAPPY ENDING



CONCLUSION / QUESTIONS

Geoff Wells – gwells@gbw.law

Christian Nickerson – cnickerson@gbw.law