

LOS ANGELES

Daily Journal

— SINCE 1888 —

TUESDAY, MARCH 22, 2005

Jurors Award \$7 Million to Woman Hurt in Crash

By Draeger Martinez
Daily Journal Staff Writer

A Los Angeles jury awarded \$7 million late last week to Jane Lin in a lawsuit stemming from injuries she suffered after a transit bus hit and knocked over a streetlight pole, which struck her in the head.

Defense attorneys said their client is unsure whether to appeal the decision. *Lin v. First Transit*, BC309663 (L.A. Super. Ct. March 18, 2005).

David Lira, who, along with veteran litigator Thomas Girardi, represented Lin, says the accident happened on Jan. 2, 2004, as Lin walked to work on a sidewalk near the intersection of Grand Avenue and West Fifth Street in Los Angeles.

A Metropolitan Transportation Authority bus driver lost control of her bus and struck the light pole, which fell and hit Lin.

Lin suffered a skull fracture, blood clots on the surface of her brain, fractured teeth and facial fractures.

"Since her initial hospital release, Ms. Lin has returned for regular cognitive

therapy and speech therapy treatments for injuries to her brain's frontal lobe," said Lira, a litigation partner in the Los Angeles office of Girardi & Keese. "She has not worked in over a year, and she depends on her mother to help her plan and organize her life."

Before the accident, Lin, 40, worked as a budget analyst for the health maintenance organization L.A. Health Care, Lira said.

Lin immigrated to the United States from China in 1989, then earned a bachelor's degree in accounting from San Francisco State University, followed by a master's degree in business administration from Golden Gate University.

"This is a closed-head injury case with residual cognitive deficits," Lira said, "which means [Lin] looks normal and talks normally but suffers from cognitive damage.

"The injury left her unable to process complex data or even to understand two people talking at once. The defense claimed that, with enough therapy, she would be able to return to fulltime accounting-type work and independent living.

"But we disagreed, and so did the jury."

The award for Lin included \$3.3 million for future lost earnings and medical expenses, \$3 million for future pain and suffering, and \$750,000 for lost earnings, medical expenses and pain and suffering since the accident.

Lead defense attorney Stephen Lax said he was "gratified" by the jury's decision, in the sense that the verdict against First Transit could have been much higher.

First Transit contracted with the MTA to provide trained bus drivers and maintain their skills.

"This is a case where we admitted liability, and we always knew that there would be an award," said Lax, a partner in the Los Angeles office of Schaffer, Lax, McNaughton & Chen.

Although Girardi believes his client could have won up to \$10 million, he saw the verdict as a decisive win for Lin.

"The client is ecstatic," Girardi said. "Although some of the physicians painted a future for her that was less-than-optimistic, she believed that with her recall and her testimony."