

## SOUTHERN CALIFORNIA

**MOTOR VEHICLE****Bicycle****Bicyclist hit head-on by newspaper carrier's car****MEDIATED SETTLEMENT****\$1,475,000**

**CASE** Robert S. Campbell and Kay Campbell v. Roe Newspaper Co. and Roe Newspaper Carrier, No. Confidential

**COURT** Judicate West - Santa Ana, CA

**NEUTRAL(S)** James Jackman (Ret.)

**DATE** 4/21/2003

**PLAINTIFF ATTORNEY(S)** Daniel J. Callahan, Callahan & Blaine Santa Ana, CA  
David K. Ng, Callahan & Blaine, Santa Ana, CA  
Sarah C. Serpa, Callahan & Blaine, Santa Ana, CA

**DEFENSE ATTORNEY(S)** Confidential

**FACTS & ALLEGATIONS** On July 25, 2001, plaintiff Robert Campbell, a 67-year-old director of support services for the Orange Unified School District, was taking his routine early morning bicycle ride westbound on Island Way in the Dana Point Harbor.

At that time, a newspaper carrier was making his daily deliveries in the area for a newspaper company. As Campbell made a right turn onto northbound Dana Drive, he claimed that the newspaper carrier was traveling southbound on Dana Drive, on the wrong side of the traffic lane, across the centerline into the northbound lane. The newspaper carrier's vehicle then collided head-on into Campbell's bicycle, propelling him head first into the windshield of the vehicle. Campbell was found unconscious in the street. Campbell sued the newspaper carrier and the newspaper company, alleging vehicular negligence. Campbell's wife, plaintiff Kay Campbell, filed a claim for loss of consortium.

The plaintiffs contended that the newspaper carrier was negligent in the operation of his vehicle and was the sole cause of this accident. The plaintiffs claimed that the police report indicated that the rear wheels of the newspaper carrier's vehicle were on the wrong side of the roadway at the time of the accident.

The defendants contended that the newspaper carrier was not negligent in the operation of his car. The defendants argued that Campbell failed to stop at the stop sign before making his right turn and was traveling too fast when he made his right turn onto Dana Drive, which caused him to come too close to

the centerline. The newspaper company also contended that the newspaper carrier was an independent contractor and not an employee.

**INJURIES/DAMAGES** *Traumatic brain injury; abrasions; knee; lacerations; loss of consortium*

Robert Campbell sustained a traumatic frontal and temporal brain injury, torn ligaments in his left knee and numerous abrasions and lacerations on his left leg, hip, arm and shoulder. He underwent a total knee replacement and will need a subsequent knee replacement in 10 to 15 years. He was treated for nearly a month at Mission Regional Medical Center in Mission Viejo, in its specialized acute rehabilitation unit, where he received occupational, speech and physical therapy. Campbell was then transferred to Winways Rehabilitation Center in Orange, where he continued with his post-acute rehabilitation for the next four months. He continued to have residual problems such as short-term memory loss, mild personality changes and loss of organizational skills. He claimed past medical specials of \$225,000, past lost wages of \$64,000 and future loss of earnings of \$412,000.

**RESULT** After two days of mediation with retired Judge James Jackman of Judicate West in Santa Ana, the parties agreed to settle the case for \$1,475,000 with the newspaper company paying \$1,425,000 and the newspaper carrier paying \$50,000.

**PLAINTIFF EXPERT(S)** Harry J. Krueper, P.E., accident reconstruction, San Bernardino, CA  
Jan Roughan, R.N., life care planning, Arcadia, CA  
Barry I. Ludwig, M.D., neurology, Los Angeles, CA  
Arnold D. Purisch, Ph.D., neuropsychology, Laguna Hills, CA  
Christopher Ingalls, Ph.D., neuropsychology, Costa Mesa, CA  
Steven Nagelberg, M.D., orthopedic surgery, Tustin, CA

**DEFENSE EXPERT(S)** Gerald P. Bretting, P.E., accident reconstruction, El Segundo, CA  
Edwin C. Amos, M.D., neurology, Santa Monica, CA  
Charles J. Furst, Ph.D., neuropsychology, Santa Monica, CA  
Sharon Kawai, M.D., physical medicine, Fullerton, CA  
Michael Abdalla, M.D., orthopedics, Orange, CA