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Truck v. Truck **S \$1,000,000**

For the plaintiff: Kern Superior
Roger E. Booth Hon. Steven M. Katz
Christopher J. Capalbo
For the defendant:
Stephen A. Lax
David M. Frishman

RESULT DATE: April 14, 2014

Modesta Perez, Martin Perez, Marco Antonio Perez, Lorenzo Perez, Cesar Perez v. Andrew Mateut, Roland Transport Inc., Aquila Motor Freight Inc. (S-1500-CV-279524-DRL) 14-JV_1454

FURTHER DESCRIPTION: Wrongful Death

SETTLEMENT: \$1,000,000

ATTORNEY Plaintiff - Roger E. Booth (Booth & Koskoff, Torrance);
Plaintiff-in-Intervention - Christopher J. Capalbo (Siegel, Moreno & Stettler, San Diego) for California Insurance Co.
Defendant - Stephen A. Lax, David M. Frishman (Schaffer, Lax, McNaughton & Chen, Los Angeles).

FACTS: On Jan. 4, 2013, at 5 p.m., Plutarco Perez, 73, and defendant Andrew Mateut were both driving tractor-trailers, going the same direction on a two-lane rural road in Kern County. Perez was up ahead of Mateut. As Perez began to make a left turn at an intersection, the two trucks collided. Both tractors became engulfed in flames. Mateut was able to exit his truck, but Perez burned to death at the scene. There were no independent witnesses to the crash.

Plaintiffs are the decedent's widow and four adult sons.

CONTENTIONS: PLAINTIFF'S CONTENTIONS: Plaintiffs alleged that Mateut had tried to pass Perez by moving into the opposite lane of traffic near an intersection before Perez could impede his path. Plaintiffs claimed that Mateut's illegal maneuver caused the crash. This version of events was supported, according to plaintiffs, by the physical damage to the two trucks, the location where the trucks came to rest, the skid marks on the road and the analysis of plaintiff's accident reconstructionist.

Plaintiffs contended that defendants Roland Transport and Aquila Motor Freight were also liable because they employed Mateut and/or owned the tractor-trailer that he was driving.

DEFENDANT'S CONTENTIONS: Mateut told the investigating California Highway Patrol officer that the decedent had been parked along the shoulder near the intersection and then suddenly pulled out, right in front of Mateut, forcing Mateut to take evasive action.

DAMAGES: Perez was semi-retired and earning only about \$8,000 a year, so the bulk of plaintiffs' damages were non-economic damages.

Plaintiff-in-intervention, California Insurance Co., sought to recover the \$233,239 in workers' compensation death benefits that it paid to the Perez family.

RESULT: The case settled for defendants' \$1 million insurance policy limits. Plaintiffs received \$780,000, California Insurance received \$200,000, and \$20,000 went to resolve a property damage claim by decedent's employer.

OTHER INFORMATION: The case settled before any depositions had been taken.

FILING DATE: June 3, 2013.