

**JAMES D. SEVERA vs BALWANT KAUR GREWAL AND GURDEV GREWAL**

**Number:** H-120821-4

**Plaintiff Attorney:** Gillin, Jacobson and Ellis, Berkeley, by Guy D. Borges

**Defendant Attorney:** Jageman, Jageman and McLemore, Kensington, by George D. McLemore

**Plaintiff Medical:** Paul S. D. Berg Ph.D. (Psychologist) Oakland

**Defendant Medical:** Floyd D. Fortuin M.D. (Neurologist) San Francisco

**Trial Judge:** Hon. Henry Ramsey, Jr.

**PEDESTRIAN-AUTO ACCIDENT**

February 11, 1986 at about 4:00 P.M. plaintiff, 18 years of age and unemployed while living in Hayward, was injured when he was struck by the defendants' auto at an uncontrolled intersection in Hayward. The plaintiff was crossing a four-lane road in a marked crosswalk.

Plaintiff contended that the defendant driver was inattentive and failed to yield the right of way to a pedestrian in a crosswalk.

Two independent witnesses testified that the plaintiff was running across the intersection, in pursuit of one or more other pedestrians who had crossed ahead of him; that the defendant driver was traveling in the fast lane of two westbound lanes at approximately 35 miles per hour; that a vehicle to the defendant driver's right, in the slow lane, had stopped to allow the plaintiff and others to cross within the crosswalk; and that the plaintiff was struck by the defendant's auto after crossing the slow lane and entering the fast lane.

Defendants denied liability, contending that the plaintiff was solely responsible for his injuries as a result of darting out into traffic; and that the defendant driver did not see either the stopped vehicle to her right or the other pedestrians who had crossed her lane ahead of the defendant.

Plaintiff attorney asked the jury to award \$117,745.

Jury out four hours after a five-day trial.

**Injuries:** Dr. Berg testified that as a result of the subject accident, the plaintiff suffered soft tissue injuries to the left side and head, with a post-traumatic syndrome and a post-traumatic stress disorder, which was compounded by the plaintiff's low I.Q.

Residual post-traumatic stress disorder with intermittent headaches, dizziness, and blurred vision. Plaintiff also claimed some residual physical pain.

Dr. Fortuin testified that the plaintiff suffered only minor physical injuries in the subject accident; and that his post-traumatic stress syndrome lasted only approximately two months.

**Specials:** Medical to date \$2,745. Future Psychological Counseling \$10,000 to \$15,000.

**Settlement talks:** Demand \$50,000 (policy). Offer \$15,000.

**Result:** **PLAINTIFF VERDICT \$117,745**

Motion for new trial not made.