

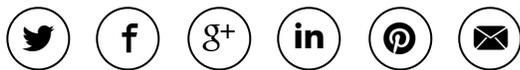
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Thursday, May 21, 2020



# Court documents reveal a jury award of \$990,438.90 in a truck vs. vehicle collision where the Plaintiff had been drinking and driving

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Attorney Alex Galindo with [Curd, Galindo & Smith, LLP](#) announces a jury verdict in truck vs. auto case.

### LOS ANGELES, CALIFORNIA (PRWEB) NOVEMBER 24, 2016

#### Facts and Background:

Court records in the case titled Minjarez vs. Guss, after a 9 day jury trial in Los Angeles Superior Court Case No.: NC057708; a jury rendered a \$990,439.90 verdict in favor of Ruben Minjarez.

The complaint states that Plaintiff Ruben Lee Minjarez, who was represented by [Alex Galindo](#) of [Curd, Galindo & Smith, LLP](#) sued defendant Jerry Abasta and his employer, defendant Fastrucking.com, LLC, and defendant Robert G. Guss, in connection with an automobile collision that occurred on June 8, 2010 at approximately 10:10 p.m. The trial transcript shows that prior to the accident, plaintiff admitted that he went to a sports bar in Huntington Beach where he drank alcohol.

#### Plaintiff's Contentions:

At trial Plaintiff alleged that when he was traveling northbound in the far right lane on Interstate 405 in Long Beach, near the Pacific Ave. onramp, a truck driven by defendant Jerry Abasta made an unsafe lane change from the #3 to #4 lane, hitting the plaintiff's vehicle on the rear driver's side, which caused the plaintiff's vehicle to spin and move across all of the northbound lanes, coming to rest perpendicular in the HOV lane after hitting the center divider.

Shortly thereafter, plaintiff's vehicle was struck by a white Mercedes, driven by former defendant Marshall Golden, causing plaintiff's vehicle to rotate again, coming to rest between the HOV and #1 lanes. After



Trial Exhibit

plaintiff attempted to start his vehicle to no avail, he saw headlights coming his way and exited his vehicle.

Plaintiff alleged at trial that defendant Robert G. Guss failed to exercise reasonable care in traveling at an unsafe speed for the traffic conditions, as a multi-vehicle collision had already occurred with Golden's Mercedes stopped in the #3 lane ahead and several vehicles slowing or stopping to assist on the shoulder. Plaintiff also contended that Guss was tailgating and failed to brake or execute any precautionary swerving maneuver, which caused plaintiff's car to be crushed under Guss's GMC Yukon.

At trial Plaintiff argued that he was injured when the vehicle driven by Guss struck the plaintiff, causing his body to be catapulted into the southbound lanes of traffic, leading to multiple facial, head and bilateral tibia/fibula fractures, internal injuries, and a facial de-gloving injury.

Court records revealed medical records showed that Plaintiff's blood alcohol was a 0.13. Plaintiff contended that his alcohol consumption did not contribute to his harm. Defendant's expert Dr. Stein agreed that if the truck driven by Mr. Abasta came into contact with plaintiff's vehicle, nothing plaintiff could have done would have prevented the accident.

Defendant's Contentions:

At trial Fastrucking.com, LLC denied liability for employee Jerry Abasta's negligence, claiming that the truck driven by Abasta did not make contact with the plaintiff's vehicle, while claiming that the plaintiff alone was negligent in driving while under the influence of alcohol. Fastrucking.com, LLC also contended that the plaintiff made an unsafe lane change, which caused the plaintiff's car to collide with the center divider from the far right lane of traffic, leading to the plaintiff's subsequent injuries.

During the trial defendant Robert G. Guss claimed that the plaintiff alone was negligent in driving under the influence of alcohol, denying liability. Guss's main contention was that he acted reasonably under the circumstances and was unable to avoid collision with the plaintiff's vehicle after it had come to rest between the HOV and #1 lanes.

Both defendants stipulated that the plaintiff's past medical expenses totaled \$125,438.90.

Injuries and Other Damages

Physical Injuries claimed by Plaintiff:

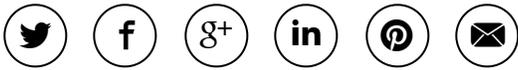
Plaintiff claimed he sustained bilateral tibia and fibula fractures which required open reduction and internal fixation, a left orbital wall fracture, nasal bone fracture, facial head injuries, and a facial de-gloving injury. He underwent several surgeries to correct these injuries. Plaintiff also had a subsequent rodding surgery on his left tibia, which had not properly healed and caused pain. Plaintiff was unable to work for approximately one year as he healed and learned to walk again.

Plaintiff also claimed past and future pain, mental suffering, disfigurement, physical impairment, inconvenience, grief, anxiety, humiliation, and emotional distress.

Mr. Galindo is a founding member of Curd, Galindo & Smith, LLP which is a full service law firm that represents both corporate and professional clients and those who have been seriously injured or have lost a family member due to an accident, defective product, police misconduct or negligence. The law firm has recovered millions of dollars for its thousands of clients since 1995 by winning complex and challenging business disputes, death and injury cases involving police misconduct, traffic collisions, work place injuries and defective products, including defective automobiles, against some of the world's largest companies and governmental agencies.

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