



Curd, Galindo & Smith, LLP

A t t o r n e y s A t L a w

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A STORY ABOUT OUR RECENT TRIAL

THE CASE

Our most recent trial took place in Los Angeles, at the LA Central Courthouse. The matter was entitled *Hernandez vs. Los Angeles County*. As the attorney for the Hernandez family, my partner (Joseph Curd) and I were responsible for representing the surviving children and parents of decedent Luis Hernandez. It was an emotion-filled case and was particularly close to my heart, since the decedent was also my friend.

On May 15, 2001, at approximately 9:00 p.m., Ms. Villagomez and Mr. Hernandez were driving northbound on Doty Ave. on their way to work at the Hollywood Park Casino. Ms. Villagomez was driving a 2000 Neon, and sitting next to her in the passenger seat was the father of three children, Mr. Luis Hernandez. Both of them worked as porters in the VIP Poker section of the casino's card club.

As they approached the intersection of Doty and Century Blvd., a large commercial truck was backing into a parking complex located on Doty, about 200 feet from Century Blvd. The sound of the truck's engine combined with the beeping a commercial truck makes when backing up was the loudest sound that driver Villagomez remembers.

As Ms. Villagomez approached Century Blvd., she could clearly see that she had a green light, and she began to enter the intersection. Her view to the right was obscured by a large commercial building that had posted various "For Lease" signs at the corner. Ms. Villagomez was a scant 35 feet from the casino's parking entrance when the unthinkable happened.

At the same time Ms. Villagomez was entering the intersection on a green light, firefighter Gilbert Esparza was also entering the intersection driving an LA County Fire Dept. firetruck. Witness accounts varied, but according to the LA County firefighters seated on the



truck, the engine had its lights and sirens activated.

The firetruck was traveling down Century Blvd. at a speed that approached 60 mph. As firefighter Esparza entered the intersection, he downshifted, slowing to approximately 40 mph. He was speeding through the same intersection on a RED light.

During the trial, under cross-examination, firefighter Esparza admitted that he noticed the Neon traveling north on Doty. He assumed that she would yield, and on that assumption, instead of slowing down through the RED light intersection, he accelerated. This caused him to hit the passenger door of the Neon, critically injuring Mr. Hernandez.

Mr. Hernandez was rushed to the hospital, where he was in critical condition and attached to a respirator that kept him breathing. His family rushed to his side only to be told that his brain had stopped functioning. The family was told by the doctor that in his opinion, Luis would not survive, and permission should be obtained to remove the life support. The family agreed, the respirator was removed, and Mr. Luis Hernandez succumbed to his massive injuries a few minutes later.

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THE TRIAL

As the attorneys chosen to represent Ms. Villagomez and the Hernandez family, **Curd, Galindo & Smith, LLP**'s investigation of the facts surrounding this tragic accident started immediately. Within a few days, we were able to obtain a piece of evidence that would clearly show what happened the night of the incident. As it turns out, the Hollywood Park Casino has video cameras that film each and every vehicle as it enters or exits the casino. One such camera was trained on the Doty/Century entrance and captured the accident on video. Although there was no sound, we did have a videotape of the actual accident. We also obtained witness statements, some of which said that although the firetruck's lights were on, the siren was never activated. Experts were retained to calculate the approximate speed of each vehicle. An animated film was produced to help the jury understand the dynamics of the scene from multiple angles.

Those representing the county of Los Angeles were cold and unfeeling. They were sure that they were not at fault and even sued Ms. Villagomez for the damage done to the firetruck. As trial approached, the representatives of LA County were so positive they would win in trial that they never made a reasonable offer to settle the case. Instead, they spent hundreds of thousands of dollars hiring a law firm that was more than well-equipped to take this case to a jury.

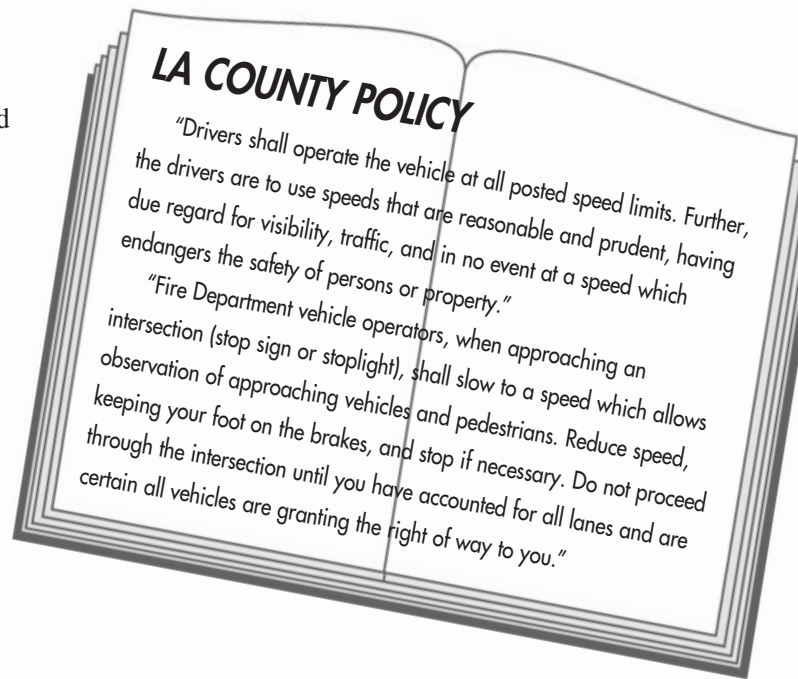
Trial commenced and continued for *two* weeks. Presiding over the trial was Judge Alexander Williams III, a pro-government judge who let our office know that we should settle this case and take the meager amount offered by the county. He was incredulous that we had the audacity to go forward with our lawsuit and repeatedly warned us of our folly.

The County put on a brutal fight, but we stuck to our guns. With the videotape and the County's own policy, we were ready for the fight. What the LA County policy provides is as follows:

"Drivers shall operate the vehicle at all posted speed limits. Further, the drivers are to use speeds that are reasonable and prudent, having due regard for visibility, traffic, and in no event at a speed which endangers the safety of persons or property."

"Fire Department vehicle operators, when approaching an intersection (stop sign or stoplight), shall slow to a speed which allows observation of approaching vehicles and pedestrians. Reduce speed, keeping your foot on the brakes, and stop if necessary. Do not proceed through the intersection until you have accounted for all lanes and are certain all vehicles are granting the right of way to you."

It was clear from the videotape, and all the other physical evidence, that the fire engine's driver, Esparza, failed to



follow the LA County policy. As an employee of the County, Esparza was immune; however, his negligence was imputed to the County. He admitted in his police statement that he was exceeding the posted speed limit of 40 mph.

After years of legal maneuvers and countless hours of investigation, the jury for *Hernandez vs. LA County* was impaneled and included, for the first time in my career, a Los Angeles County Superior Court judge. Judge Highberger, who sits in another courtroom across the hall, was called for jury duty. He was 1 of 12 members who would decide the fate of my clients and Ms. Villagomez.

The trial itself was long and painstaking. The emotional issues were affecting all of us, but the biggest surprise of all was yet to come. After weeks of testimony, evidence, objections, and cross-examinations, the matter was finally winding down to the closing arguments. As we came back from our noon break, the jury was called in to listen to what should have been the final instructions before they were to begin deliberating.

Suddenly, Alexander Williams III, the judge who had been presiding over this case, had a minor stroke. He loosened his signature bow tie, and his head slumped down. Since our case was against the LA County Fire Department, there were always uniformed fire personnel sitting with the County's attorneys. They jumped up and began treating Judge Williams III, right in front of the jury. A call was made to the LA County paramedics. Approximately 12 firemen, paramedics, and other fire department employees came rushing into the courtroom and wheeled Judge Alexander Williams III out on a gurney.

An alternate judge came in, gave the jury their final instructions, and deliberations began that very same day.

THE EVIDENCE

It was clear from the videotape, and all the other physical evidence, that the fire engine's driver, Esparza, failed to follow the LA County policy.



THE VERDICT

The jury returned after a few days of deliberation. We were summoned back to the court. I could feel my heart beating through my shirt as the culmination of so much work was about to be announced. The jury foreman (surprisingly not Judge Highberger) gave the verdict to the court clerk, who handed the verdict to Judge Williams, who by now had been released from the hospital.

Judge Williams (well-versed in the art of a poker face) looked over the verdict and handed it back to the court clerk, who read the jury's unanimous verdict to the now packed courtroom.

*"In the matter entitled *Hernandez vs. the County of Los Angeles*, we the jury find the County of Los Angeles was...negligent."*

We won! We won! It all came to a glorious and justified end when the County was at last held to answer. The Hernandez family burst into tears as finally, after all these years, the County Fire Department was unanimously found to be negligent. It was a long and bitterly contested trial. We had prevailed. Justice was finally done.



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IN CONCLUSION



Alex Galindo, Judge Williams III, and Joseph Curd

costs and fees to ensure that your case gets the best results. All of the costs advanced will be reimbursed to the firm after the case is resolved. Therefore, there is no cost to you if your case does not resolve in a verdict or settlement in your favor.

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If you are interested in what the monetary award was for this case or are interested in other matters, please call us at **800-300-2300**.

In these types of cases, there are no up-front costs or fees. Our fees are contingent on the final outcome of your case. We advance all



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Referrals are a very important part of our law practice and have been a vital component in our growth.

We greatly appreciate each of our clients, and we take special pride in referrals since they mean someone went out of their way to help us and liked us enough to give our name to a relative or friend.

Our past clients, current clients, other attorneys, accountants, bankers, friends, and families have all been instrumental in building our firm.

If someone you know asks you for the name of an attorney, we hope that you will consider giving them our name and have them contact us.

Thank you.