

# Fast Food Worker Obtains Major Settlement from Bus Accident in Southern California

*Only a few days before trial Penney and Associates obtains a substantial settlement for a 40 year old fast food employee*

SACRAMENTO, CA, USA, September 12, 2023 /EINPresswire.com/ -- In May of 2022 the Penney and Associates litigation team led by Kevin L. Elder and Garrett Penney reached a settlement immediately before trial with three defendants for a substantial amount for their clients.



Garrett Penney, Rising Star Super Lawyer Designee

<https://www.penneylawyers.com/locations/roseville/> One client's settlement

was by far the largest. A humble, kind individual that was 40 years old and worked much of his life as a fast food restaurant cook. The parties are not identified and facts of the case are stated in general terms.

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Though a significant and satisfying result we feel for those parties, friends and family members that have been detrimentally affected by this unfortunate accident.”

*Kevin Elder*

An injured fast food restaurant cook is financially set for life. The settlement was reached when defendants finally agreed the day before trial to pay plaintiffs demands after many hard fought years of litigation which included more than 72 depositions (over 20 retained experts) 2 accident reconstructions and a night time driver visibility study.

The visibility study was quite the spectacle with almost all lawyers and experts involved recreating the accident to some degree at the same area on the roadway. This

included using a like bus and at the same time using cameras and computers in attempt to recreate the accident. The team at Penney and Associates included more than the trial team of Mr. Elder and Penney, attorney Kent Luckey and Seth Madden also contributed to the case.

The litigation arose out of a 2 vehicle collision occurring at dawn between a public transportation bus and a stopped tractor trailer rig on a dark desert highway outside of Los Angeles on federal land. The issue arose immediately concerning which of a number of defendants were at fault for the accident. California is a comparative negligence state where a judge or jury can apportion fault of the parties. <https://www.justia.com/trials-litigation/docs/caci/400/405/>

The eight Plaintiffs were passengers on the bus all of whom sustained significant injuries including death, upper extremity amputation, fractured pelvis, compound leg fractures, among other injuries. Penney and Associates represented 7 of the 8 plaintiffs (a number of whom their attorneys requested that the Penney and Associates litigation team handle the trial for their clients). The eighth plaintiff was represented by other counsel who settled the wrongful death case months before trial.

Litigation costs were in excess of \$400,000 most of which was spent in evaluating and proving causation of the damages with apportionment between the defendants all of whom blamed one another. This was the main issue of the pre-trial arguments, determining which of the numerous defendants was comparatively at fault.

Through retention of appropriate experts The Penney and Associates litigation team were able to uncover significant evidence that the driver who caused the bus to collide with a stopped tractor trailer rig was suffering from diabetic retinopathy, an eye condition that greatly affected her ability to see at night and specifically the early morning driving conditions at the time of the loss. There was conflicting evidence of whether or not there were traffic emergency cones placed near the semi tractor-trailer at the time of the incident.

In addition, evidence was uncovered that tractor trailer rigs had often parked in the same location on the roadway at night prior to the date of loss all of which was known to defendants before the crash.

Penney and Associates was also able to obtain substantial settlements for the other individuals injured in the bus accident.

Because of the multiple cross claims, judicial approval of each of the settlements was necessary. Concerning the case Mr. Elder commented. "Though a significant and satisfying result we feel



Kevin Elder Esq.

**PENNEY & ASSOCIATES**  
INJURY ATTORNEYS

Penney and Associates

for those parties, friends and family members that have been detrimentally affected by this unfortunate accident." United States District Court, Central District of California; Case #5:15-CV-00703-JGB (spx).

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