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## Attorneys At Law



WINTER  
2010

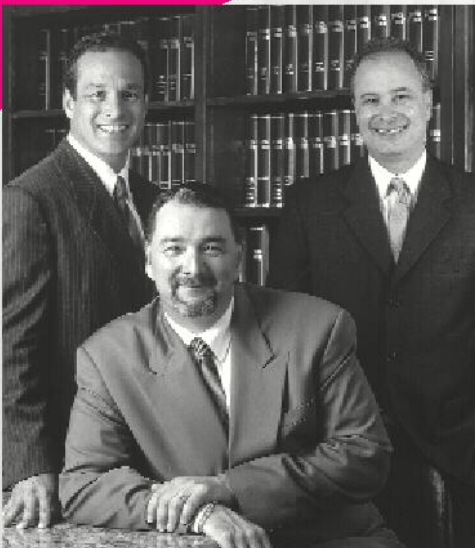


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## FIGHTING FOR JUSTICE

Mariann Perry was on her way home with her two grandchildren in tow. A dutiful and concerned grandmother, Mariann made sure that both children were in their car seats and that each was strapped in.

As Mariann traveled east on Wardlow Street at approximately 35 mph, U.S. Postal employee Maya, a mail carrier for the United States Postal Service (USPS), edged out into the intersection of a large street (six lanes) and attempted to make a left turn. When Postman Maya took a cursory glance to the left, he saw Mariann coming but thought he had enough time to pull out past his stop sign and to turn westbound onto Wardlow. As Maya looked to the right, he noticed a break in traffic and before he looked to the left once again, he slowly pulled out, right in front of Mariann.

With scant seconds to try to avoid the collision, Mariann hit her brakes and turned her car to the left. She did all she could to avoid the accident, but to no avail. The car containing the children and the postal vehicle collided, causing a collision that triggered the airbags and totaled Mariann's vehicle.

As the smoke from the exploding airbags began to dissipate, Mariann struggled to regain her senses.

Thank goodness the children's car seats held true and they were not seriously hurt. Mariann, however, was injured, and after checking on the welfare of the kids, she collapsed on the side of the road. Police and rescue personnel were dispatched to the scene and so was someone else.

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*We, too, can help you,  
a friend, or a loved one  
who has been injured by  
the negligence of a  
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### Curd, Galindo & Smith, LLP Attorneys At Law

301 East Ocean Boulevard  
Suite 1700  
Long Beach, CA 90802  
562-624-1177  
1-800-300-2300  
FAX: 562-624-1178

e-mail:  
agalindo@cgsattys.com

OFFICE HOURS  
Monday-Friday  
8:00 a.m.-5:00 p.m.  
Saturdays and Sundays  
by appointment.

Jeffrey S. Smith  
State Bar of California  
Bankruptcy Specialist

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## **FIGHTING FOR JUSTICE**

*(continued from front)*

The U.S. Postal Service has had hundreds of years of postal-accident experience. Dating back to the days of the Pony Express, the mail must go through, and sometimes that has meant running over or into citizens with a horse or a vehicle. To the USPS, it's just another accident, and after years of experience, they do all they can to limit their liability. They seek to avoid any and all recoveries to citizens hurt by their negligence. Minutes after the police arrived, a representative from the U.S. Postal Service accident investigation unit was also dispatched to the scene. The agent from the U.S. Postal ASI (Accident Scene Investigation) documented the scene with pictures and advised Postman Maya on the postal regulations and procedures.

Mariann was being examined by paramedics, who insisted that she allow them to transport her to the hospital. She declined because her grandchildren were with her and her daughter was on the way.

Minutes later, her daughter arrived and together they went to La Palma Emergency Hospital. X-rays were taken and the emergency-room physician advised Mariann to follow up with her personal physician. He prescribed pain medication and muscle relaxers. When the airbags deployed, they did so with such force that Mariann's face was burned and her right hand sustained a painful injury. Her initial complaints of injuries included right-hand numbness, headaches, and neck and chest pains.

Our office arranged for her to see Beverly Hills neurologist Cynthia Chabay, M.D. Dr. Chabay performed an examination and sent Mariann out for further diagnostic testing. When the results came back, Dr. Chabay diagnosed Mariann with closed head trauma, traumatic injuries to the right upper extremity, traumatic cervical and lumbar sprains, knee pain, and a crush injury to the chest. Mariann endured 16 months of rehabilitation, which included a right-hand carpal tunnel release surgery that was performed with great success. As Mariann's care was directed by a team of doctors, my office prepared for the litigation that was inevitable with any case filed against the federal government.

As noted earlier, the USPS knows what to do in case of an accident. They routinely take the same position in almost any accident involving their personnel. It is almost always the fault of the other party. This case was no different. The Long Beach Police traffic investigation, which included witness statements, measurements, sketches, pictures, and a detailed report, was very clear. The official report concluded that the USPS was 100 percent at fault in this accident. That made NO difference to the powers that be in the federal government. They offered nothing. The USPS alleged that Mariann had plenty of time to avoid the accident and that her failure to do so was negligence on her part.



*The USPS alleged that Mariann had plenty of time to avoid the accident and that her failure to do so was negligence on her part.*

*The case of Mariann Perry vs. United States of America* was filed, served, and litigated for months. As I predicted, the USPS was able to retain a reconstruction expert who opined in his deposition that it was all Mariann's fault. The government's expert said that it was clear that Ms. Perry was speeding and that she failed to prevent the accident. The government's expert testified, "Ms. Perry had the last reasonable chance to avoid the collision by braking faster. If she had braked 1.5 seconds sooner, this whole accident could have been avoided." After taking the expert's deposition, we pressed forward with depositions, expert meetings, and a re-review of every piece of evidence the government planned on presenting at trial. As is the custom in all cases, a pretrial settlement conference was arranged with the Honorable Justice Paul Abrams at the United States District Courthouse in Los Angeles.

Justice Abrams, who had reviewed the briefs of both sides, spent the better part of an hour with the U.S. Attorney. After a few rounds of mediation, Mariann agreed to a very generous settlement that included money for all of the damages she sustained. Mariann's award was ten times more than was first offered.

It was enough to pay her past medical bills, and it included money for future medical billing and a large portion for her pain and suffering. Mariann put her faith and trust in this office, and we were proud to represent her.

*For an attorney who has experience in cases against the federal, state, or local government and is not afraid to fight for your rights, call this office at 800-300-2300.*

# WHO'S REALLY AT FAULT?

All I can say is that everyone thought it was his fault...except me.

Jeffrey Gryde is a very lucky man. An adventurer, scuba diver, parachutist, football player, and world traveler, Jeffrey Gryde believes in living his life to the fullest. Jeffrey, who has many passions, had one particular one throughout his whole life. Jeffrey loved to fly, whether it be in a plane as a pilot or as an avid model-plane-flying hobbyist. On Feb. 27, 2007, Jeffrey arrived at the city of Costa Mesa model-plane airfield. The airfield is a parcel of land set aside so that model-plane hobbyists can fly their planes in a safe and controlled manner.

Jeffrey opened his trunk and couldn't wait to see his new plane fly. It was a sophisticated plane—a fighter jet. He admired its aerodynamic shape, the shine from the new paint job, and the hand controller, which would allow him to maneuver the plane in the air just like a bird. With a smile on his face and the plane and controller in his hand, Jeffrey walked toward the designated launch area, a mere 100 feet from where he parked. As Jeffrey came to the edge of the parking area, he felt his foot slip, and as his foot slipped, Jeffrey lurched forward with the plane and the controller in his hands. Jeffrey impaled himself on a wooden post called a bollard that marked the end of the parking area.

## ***What is a bollard, you ask?...***

Think of a telephone pole that is cut down, leaving the bottom three feet of the pole. Now imagine a line of them used to mark the end of spaces in a parking lot. The bollard that Jeffrey impaled himself on was not a clean-cut, level-edge bollard. It was a bollard that was cut at an angle.

As Jeffrey fell, he had no idea what he was falling on. He had not noticed the bollard because he was looking at his plane as he was walking. When he fell on the bollard, he was quickly attended to by other hobby pilots. Jeffrey was embarrassed and thought he was OK. Fortunately, one of the witnesses knew that Jeffrey was badly hurt, and he immediately called 911. An ambulance arrived and as Jeffrey was loaded into the ambulance, he was bleeding internally. He lost so much blood that he lost consciousness. When he awakened, he was told that the fall over the bollard had caused massive internal injuries. Jeffrey was hospitalized and required four surgeries that left him in excruciating pain for months.

Jeffrey contacted our office and retained us to take his case. We contacted the city of Costa Mesa, which immediately denied our claim. They said that Jeffrey had caused the accident and that he was responsible for his own actions. Jeffrey admitted that he wasn't watching where he was walking, and as far as the city was concerned, they had no liability whatsoever. I begged to differ and set out to prove that the negligence was not only



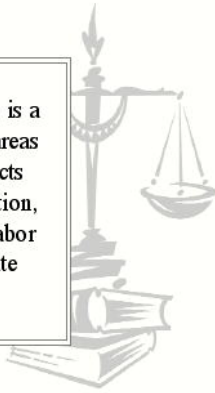
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**Curd, Galindo & Smith, LLP**, is a full-service firm. Our practice areas include personal injury, products liability, general business litigation, bankruptcy, employment and labor law, real estate litigation, estate planning, and criminal law.



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*The bollards were out of line, they had rough edges, and they were clearly not maintained.*

*After the depositions were completed, the city knew it had no choice but to resolve the case with a fair settlement.*



## ***WHO'S REALLY AT FAULT?***

*(continued from page 3)*

Jeffrey's, it was also the city's. I visited the scene and was immediately struck by the way the bollards were placed. They were out of line, they had rough edges, and they were clearly not maintained. Upon inspection, you could see that the original diagonal cuts on the bollards had chipped off and sharpened. There was also the fact that the bollards that marked the other part of the parking lot were cut straight across and were lined up straight. It seemed to me that an airport, of all places, should be extremely careful when it comes to putting low objects in the way of people whom you could expect to be looking up. There were almost no restrictions on who could fly their planes. That meant those who were flying could be experienced and safe, but it also meant that a new flyer may easily lose control of his plane. It was clear to me that if you wanted to be safe, you should, for your own protection, be looking up so as not to get hit by a plane that could do serious damage to your body.

I filed the case against the city of Costa Mesa and started the discovery process. What I found out was that the bollards were not installed according to the original plans, which dated back to 1988. The contractor did a poor job with the installation, but even worse, the city accepted the project as installed.

I also located documents that proved that the city had a maintenance budget of millions of dollars, and they still chose not to maintain the airport in a proper manner. The city fought hard and used a variety of legal maneuvers to try and have the case dismissed. They argued to the court that the city had no duty to change the bollard and that since this accident happened in broad daylight, it was not their fault. The court disagreed and set the case for trial. Now the city really started fighting. They hired expert witnesses, engineers,

and a human factors professor who testified that Jeffrey Gryde was completely at fault. We, too, retained experts, and after the depositions were completed, the city knew it had no choice but to resolve the case with a fair settlement.

***Our office is proud to have represented Jeffrey Gryde.***

***We, too, can help you, a friend, or a loved one who has been injured by the negligence of a governmental agency.***