



CALIFORNIA VERDICT REPORT

MOTOR VEHICLE—DEFENSE PREVAILS

TRANSPORTATION / NEGLIGENCE

Woman killed when she rear-ended a tractor trailer

VERDICT Defense

CASE Jennifer Moss, As Guardian Ad Litem for Victor Ruiz Jr., DeAngelo Ruiz and Elias Caraska, Minors and Successors in Interest of Renee Caraska, Decedent v. State of California; California Department of Transportation; California Highway Patrol; Amrik Bagri; Manohar Purewal and MSP Trucking, No. FCS 026325

COURT Superior Court of Solano County, Solano, CA

JUDGE R. Michael Smith

DATE 9/20/2006

PLAINTIFF

ATTORNEY(S) **Amanda Uhrhammer**
Mastagni, Holstedt, Amick, Miller & Uhrhammer
Sacramento, CA

DEFENSE

ATTORNEY(S) **Paul Caleo**
Burnham Brown
Oakland, CA
Patrick Perez
Burnham Brown
Andrew Shalauta
Burnham Brown

FACTS & ALLEGATIONS

At approximately 10:20a.m. on November 4, 2003 plaintiff's decedent, Renee Caraska, a 34 year-old customer service representative, was driving eastbound in the number four lane of Interstate 80 in Solano County when she rear ended the tractor trailer that Amrik Bagri was driving. Bagri was waiting in line at that lane in order to enter the Cordelia truck scales. Caraska's car struck the empty trailer that was attached to Bagri's vehicle. As a result, she died from the accident. Claiming that Bagri's negligent operation of his tractor trailer led to

the death of the plaintiff's mother, Renee Caraska, the guardian ad Litem for Caraska's children sued Bagri, Manohar Purewal, the owner of the tractor trailer, and his company MSP Trucking, Merced for vicarious liability. Plaintiffs sued the State of California and the California Department of Transportation for creating a dangerous condition on the highway because the weigh station was placed in a dangerous position being that there were only two lanes that led into the weigh station. Finally they also sued the California Highway Patrol for posting a sign that negligently directed motorists operating tractor trailers to decrease their speed to five m.p.h. when utilizing the fourth lane to enter the weigh station.

Plaintiff's counsel argued that Bagri was negligent in his operation of the tractor trailer because he used the fourth lane to enter the truck scales rather than the far right fifth lane. They argued that there was a triable issue of fact as to whether the lead vehicle was negligent in a rear end collision.

Counsel for Bagri, Purewal and MSP Trucking contested the allegations by asserting that the signage approaching the scales specifically directed drivers of tractor trailers with empty trailers to enter the scales by using the fourth lane. Therefore, they asserted that Bagri was not negligent when operating the tractor trailer.

INJURIES/DAMAGES *death*

Caraska died. Her three minor children sought the future wage loss damages and damages for the loss of care, comfort and society of their decedent.

RESULT On Sept. 20, 2006, Judge R. Michael Smith granted Bagri's, Purewal's and MSP Trucking's motion for summary judgment on the grounds that the plaintiffs failed to present evidence sufficient to create any triable issue of material fact as to their negligence.

INSURER **Lincoln General Insurance Company** for Bagri, Purewal and MSP Trucking

POST-TRIAL The issue is continuing forward regarding the dangerous condition allegations against the State of California, the Department of Transportation and the California Highway Patrol.

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