

**NORTHERN****SAN FRANCISCO COUNTY****WORKER/WORKPLACE NEGLIGENCE**

Negligent Maintenance

**Plaintiff claimed head injury from bus's disengaged pole****VERDICT** \$266,740  
**ACTUAL** \$351,740**CASE** Justin Zanders v. The City and County of San Francisco and Does 1 through 25, inclusive, No. CGC-17-557682**COURT** Superior Court of San Francisco County, San Francisco**JUDGE** Charles F. Haines**DATE** 10/3/2018**PLAINTIFF****ATTORNEY(S)** R. Boone Callaway, Callaway & Wolf, San Francisco, CA  
Vadim A. Nebuchin, Callaway & Wolf, San Francisco, CA**DEFENSE****ATTORNEY(S)** David A. Delbon, Office of the City Attorney, San Francisco, CA  
Christopher B. Whitman, Office of the City Attorney, San Francisco, CA

**FACTS & ALLEGATIONS** On July 9, 2016, plaintiff Justin Zanders, 19, a student and a caterer's part-time employee, was walking down a sidewalk in San Francisco when a power pickup pole on an electric municipal bus became disengaged from an overhead wire, swung around, and struck him on the head. Zanders claimed he suffered an injury of his head and was briefly knocked unconscious. A video camera on the bus partially capture the incident.

Zanders sued the bus's owner, the city and county of San Francisco. Zanders alleged that the city was negligent in the maintenance of the bus, creating a dangerous condition.

Zanders' counsel contended that the overhead power pickup was never supposed to be able to swing down and strike pedestrians and that discovery showed that the subject bus was recently repaired for the same issue.

The city stipulated to liability at trial.

**INJURIES/DAMAGES** *brain damage; chiropractic; head; laceration; neck; sutures; traumatic brain injury; unconsciousness*

Zanders sustained a mild traumatic brain injury and was knocked unconscious, but regained consciousness in about

30 seconds. He was taken by ambulance to Zuckerberg San Francisco General Hospital and Trauma Center, in San Francisco, where a laceration was sutured, and he underwent X-rays and a CT of the head. Zanders then had two neurology visits, and underwent many chiropractic treatments for an alleged neck injury.

During pre-trial workup, the plaintiff's retained neurology expert ordered advanced-technique MRI sequences, which showed four white matter lesions on the frontal lobe. He opined that the white matter lesions were evidence of Zanders' brain injury.

Zanders claimed he sustained a lifelong injury, which will require future neurological and mental health care. He also claimed he requires counseling to help him cope with ongoing mild traumatic brain injury issues. He alleged that as a result, he had to quit both his job and a position on his college's football team, as he could no longer play because of the head injury. He claimed his doctors advised him to avoid further contact sports, so he lost the opportunity to build a football career.

Plaintiff's counsel asked the jury to award Zanders damages as high as \$1.6 million, including almost \$45,000 in past medical costs for emergency room services and follow-up care with a neurologist and chiropractor, as well as unspecified damages for his past and future pain and suffering.

Defense counsel contended that Zanders only sustained a laceration and very mild concussion, noting that Zanders' X-rays and CT scans at the hospital were negative. Counsel also contended that Zanders only required some minimal, reasonable chiropractic treatment.

The defense's expert neurologist opined that the white matter lesions shown on the MRI were incidental findings, which could be typically be benign and seen in anyone.

The defense's medical experts opined that Zanders recovered well from his injury and would not require any future care.

**RESULT** The jury determined that Zanders' damages totaled \$266,740.

**JUSTIN**

**ZANDERS** \$36,740 past medical cost  
\$180,000 past noneconomic damages  
\$50,000 future noneconomic damages  
\$266,740

**DEMAND** \$600,000 (\$200,000 C.C.P. § 998 demand expired well before trial)

**OFFER** \$275,000

**TRIAL DETAILS** Trial Length: 9 days  
Trial Deliberations: 5 days  
Jury Vote: 9-3

**PLAINTIFF**

**EXPERT(S)** Jerome Manos, football, Hayward, CA  
(football assistant coach)  
Fernando G. Miranda, M.D., neurology,  
San Francisco, CA  
Dawn A. Osterweil, Ph.D., neuropsychology,  
San Francisco, CA

**DEFENSE**

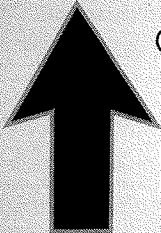
**EXPERT(S)** Joanna L. Berg, Ph.D., neuropsychology,  
Oakland, CA (neuropsychological testing)  
George M. Rush, football, San Francisco, CA  
James Y. Soong, M.D., neurology,  
San Francisco, CA

**POST-TRIAL** The plaintiff was awarded an additional \$85,000 in costs, including costs per C.C.P. § 998. As a result, Zanders' recovery totaled \$351,740.

**EDITOR'S NOTE** This report is based on information that was provided by plaintiff's and defense counsel.

—Priya Idiculla

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