



JURY AWARDS FULL DEFENSE VERDICT IN \$22 MILLION AIRPORT SHUTTLE CASE

Tyson & Mendes Law Firm Successfully Defends Airline Coach Service, Inc.

SAN FRANCISCO (April 18, 2019) – Following a 5-week jury trial, a San Francisco County jury on April 18, 2019, found an airport shuttle service and one of its drivers not liable for injuries the plaintiff alleged he suffered while riding on an airport shuttle. Attorneys in Tyson & Mendes LLP's Northern California office, Partner Jim Sell and Senior Counsel Brian Johnson, represented the two defendants and secured a full defense verdict in a case in which the injured plaintiff sought \$22 million in damages. "We successfully framed this trial around responsibility," Mr. Sell said. "By acknowledging and accepting our client's responsibility for providing accessible safety features in our vehicles, we exposed plaintiff's refusal to accept any of his own responsibility for his injuries."

The case arose from a Dec. 20, 2012, incident in which plaintiff Richard Wayne Kozel was riding in the rear bench seat of a 12-passenger van. Plaintiff claimed the driver slammed on the brakes at one point, causing plaintiff to fly toward the front of the van and hit his knees, wrist, shoulder and head on the interior of the van. Plaintiff, a 57-year-old commercial airline pilot, sued the defendants for general negligence and sought compensation for a variety of alleged injuries and lost income.

Plaintiff alleged the van service was negligent for allegedly not providing seatbelts, but Mr. Sell and Mr. Johnson showed the jury evidence that the van's seatbelts were present and accessible to plaintiff. Plaintiff also never reported the incident to the airport van service and waited nearly two years to file a lawsuit. During those two years, he told his employer and treating doctors the van driver had stopped suddenly to avoid an accident. Later on, he claimed the van stopped for no apparent reason.

Mr. Sell and Mr. Johnson referred to these discrepancies throughout trial, further highlighting plaintiff's failure to accept any responsibility for his own actions that may have led to his injuries. "If plaintiff could not decide or convince the jury as to the availability of seatbelts or why the van driver suddenly stopped, then surely the jury could not be asked to speculate on those issues," Mr. Johnson said.



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While Mr. Sell sought a full defense verdict, he asked the jury to award a total of \$75,000 if they were to find any liability on behalf of the airport shuttle service for the initial three months during which plaintiff treated following the incident, and \$2.5 million should they agree plaintiff's knee and subsequent shoulder injuries actually relate to the 2012 sudden braking incident. "The jury was asked to determine liability, causation, and damages," said Mr. Sell. "We had a responsibility to address all three issues and ensure any damages the jury did decide to award were reasonable."

After deliberating for 4 hours, the jury found the defendants not liable for negligence and issued a full defense verdict.

"While we all felt great sympathy for the plaintiff and his family, he failed to carry his burden of proof. The jury ultimately agreed and justice prevailed for the defense," said Mr. Sell.



About Tyson & Mendes LLP

Headquartered in San Diego with offices throughout the country, Tyson & Mendes LLP is an AV-rated litigation firm specializing in insurance defense. Firm principals Robert Tyson and Patrick Mendes, seasoned trial attorneys who collectively have a nearly 50-year background, have grown the firm to more than 130 attorneys defending corporations, insurance companies, and their clients in civil litigation matters throughout California, Arizona, Colorado, Nevada, Washington and Florida. The firm is most widely recognized for winning the landmark *Howell v. Hamilton Meats* California Supreme Court case on the "billed vs. paid" medical damages issue, which forever changed the state's litigation landscape by significantly impacting the damages a plaintiff may recover. Visit www.tysonmendes.com.

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