

Daily Journal

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TOP VERDICTS

THE LARGEST & MOST SIGNIFICANT
VERDICTS AND APPELLATE REVERSALS
IN CALIFORNIA IN 2020

TOP PLAINTIFF'S VERDICT BY DOLLAR

Singh et al. v. Capay Inc.

Video footage put plaintiffs in a tough position.

Their client, a truck driver who arrived at a warehouse in Capay, near Sacramento, to pick up a load of produce, was seen walking across the warehouse with his back turned to an active forklift, apparently not following direction from the machine's operator to stay in a corner.

Plaintiff Bhupinder Singh, 37, told his attorneys he was concerned about how the forklift operator was loading pallets of tomatoes on his truck and wanted to get a better view. Before he knew it, the forklift had run over his right leg, crushing it and requiring an amputation below the knee.

"No matter how you looked at it, both sides had strong arguments to make," said plaintiffs' attorney Ricardo Echeverria of Shernoff Bidart Echeverria LLP.

"That was one of the concerns we had," he added. "You could get a big jury award, but then the comparative fault could come squarely against you."

That didn't happen. The plaintiff's attorneys got exactly what they asked for after presenting evidence that the forklift driver was operating out of company policy. They also showed that the warehouse company, Capay Inc., failed

to save all of the surveillance video that captured the incident. That reinforced their position that their client was not entirely at fault, said sole practitioner Stuart R. Chandler of Fresno.

"We emphasized how the company could have, should have, but didn't save surveillance video," Chandler said. "That helped the jury understand that the full story to be told was in the hands of the company, but they didn't save the evidence."

Plaintiffs had another significant obstacle to proving their case, though this one was invisible.

Four days before closing argument, the pandemic shut courts down throughout the state, delaying the trial for nearly four months and causing concern that once operations resumed, there would be a mistrial due to a lack of juror presence.

Again, that didn't happen. Of the 14 jurors who began the trial, 12 returned after the break, deliberated for a day after closing arguments and returned a verdict that was exactly what Echeverria's last demand was. The total payout was \$10,556,489.

Plaintiffs were held 25% responsible and netted \$7,917,367 of the payout. Defendants were held 75% responsible. *Singh et al. v. Capay*

case INFO

Personal injury

Yolo County

Superior Court Judge Samuel T. McAdam

\$10.556 million

Plaintiff's Lawyers: Shernoff Bidart Echeverria LLP; Ricardo Echeverria and Kristin Hobbs; Stuart R. Chandler, Fresno

Defense Lawyers: Taylor & Anderson, Brent D. Anderson; McCormick, Barstow, Sheppard, Wayte & Carruth LLP, Victoria R. Bernhardt

Inc., 17-2105 (Yolo County Sup. Ct., filed Dec. 12, 2017).

"I have to say I was so pleasantly surprised that we had 12 jurors come back to finish the job three and half months later because it would have been so easy for any one of them to just say, 'I don't want to risk it,' and they were not going to be forced," Echeverria said.

"It certainly was an interesting trial with the long Covid break," said Brent D. Anderson, who represented defendants at trial. "The judge and his staff worked very hard to keep the case going and to look out for everyone's safety — an experience I won't soon forget."



ECHEVERRIA



CHANDLER

After the verdict, the case was settled confidentially.

— Tyler Piolet

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