



# METRO VERDICTS MONTHLY

Your Essential Guide To Case Evaluation Since 1987

It is our understanding that you participated as trial counsel in Orellana v. WMATA, a summary of which follows. This summary has been compiled using information provided by at least one participating attorney. We are faxing a copy to you as a courtesy to ensure accuracy in our verdict reporting. Your assistance in reviewing this summary within the next two days is sincerely appreciated. Please fax any corrections or additions to us at 502-241-2763 as soon as possible after receipt of this notice. Should you prefer, you can also email corrections to me at cscott64@bellsouth.net.

This summary will be published electronically on LEXIS-NEXIS, WestLaw and [www.verdicts.com](http://www.verdicts.com). It may also appear in Metro Verdicts Monthly.

## District of Columbia Superior Court

**Verdict:** \$27,000 plus \$1,685 in costs for a total judgment of \$28,685. See Editor's Note.

**Judge:** Gerald I. Fisher

**Date of Verdict:** 2/2/2006

**Plaintiff's Attorney(s):** Douglas R. Sparks, Washington

**Defendant's Attorney(s):** Jay R. Goldman, Washington

**Facts:** A Hispanic man claimed he was injured when he attempted to board a Washington Metro Area Transit Authority (WMATA) bus. Defendant denied the incident occurred as plaintiff alleged. The jury awarded the plaintiff \$27,000 after deliberating 30 minutes.

On September 19, 2001, Plaintiff Luis Orellana and three friends boarded a Defendant WMATA bus en route to work. They had to transfer buses to get to their destination. Plaintiff and his friends exited the first bus and waited approximately five minutes for the second bus. Plaintiff allowed five or six other individuals to get on the bus before him. As he stepped onto the first step, defendant's driver allegedly closed the door and began driving away. Plaintiff's foot was trapped in the bus door and his foot and knee twisted. He banged against the side of the bus and fell. He was transported via ambulance to a local hospital after the incident.

Plaintiff alleged defendant's driver was negligent in failing to observe him and driving away without ensuring all passengers were safely aboard the bus. He claimed to have sustained a torn medial collateral ligament that left him with residual pain and stiffness.

Defendant contended plaintiff was not attempting to board the bus. Rather, as she drove away from the curb, defendant's driver claimed plaintiff kicked the bus and faked his fall. Another bus driver who claimed to have seen the incident when he drove up behind this bus testified that plaintiff ran down the hill, kicked the bus and fell.

**Plaintiff Personal Data:** Plaintiff was a 31 year old married Hispanic male employed as a bricklayer.

**Alleged Injury:** Torn medial collateral ligament that did not require surgery. Plaintiff required two to three months of treatment after a positive MRI, including orthopedic exams and physical therapy. Plaintiff sought \$5,500 in medicals and five weeks of lost wages. He was unable to return to work as a bricklayer because of his injury, but obtained other employment.

**Jury Deliberations:** 30 minutes

**Insurance Carrier:** Self-insured

**Settlement Efforts:** Last Demand: \$15,000

Last Offer: None

**Case Caption:** Luis Orellana v. WMATA **Case Number:** 2002CA008996B

**Editor's Note:** Per plaintiff's counsel, plaintiff required an interpreter during the course of this trial, which was part of the costs awarded by the court.