

VERDICTS & SETTLEMENTS

FRIDAY, OCTOBER 10, 2025

VERDICT: \$5,028,000

PERSONAL INJURY

AUTO V. TRUCK Wrongful Death

VERDICT: \$5,028,000

CASE/NUMBER: Leo Serrano-Loera v.
Olson Precast Company / CVRI2300355

COURT/DATE: Riverside Superior /
Aug. 28, 2025

JUDGE: Daniel A. Ottolia

ATTORNEYS:

Plaintiff – Molly M. McKibben, Christine D. Spagnoli (Greene, Broillet & Wheeler, LLP); Omar E. Dardon (Greene, Broillet & Wheeler LLP); Arnoldo Casillas, Leonel C. Mojica (Casillas & Associates)

Defendant – William O. Woodland (Behar, Gibbs, Savage & Paulson LLP); Christopher R. Mordy, Nadina A. Beach (Taylor Anderson LLP); Jim M. Mikhail (Ford, Walker, Haggerty & Behar LLP)

FACTS:

The case arose out of the death of a 22-year-old young man on Aug. 1, 2022. Leo Serrano, and his son, Hector, were driving to work early that morning on I-215 S. At the same time, a 70,000-pound boom truck with a flatbed trailer owned by a concrete infrastructure company called Olson Precast was traveling on the same freeway. As the two vehicles were side by side in the #1 and #2 lanes, the left front steer tire of the boom truck failed in a massive blowout. This caused the truck to veer into Serrano's lane, causing him to take evasive action, which led to his truck rolling. Despite both being belted,

Hector was killed, and Leo sustained a severe shoulder injury.

OPC did not retain the carcass of the blown-out tire even though they knew Hector had been killed (a fact Plaintiffs were allowed to put before the jury and include a modified CACI 204 instruction on), and we only had about 5% of the tire tread pieces left to analyze along with some photographs taken at the scene by CHP and an OPC supervisor who came out.

Serrano brought this case for his personal injuries and the wrongful death of his son. Hector's mother, Evelia Hernandez, also brought her own claim for Hector's wrongful death.

A unanimous jury awarded plaintiffs \$2 million to each for the death claim, and \$1 million to Serrano for his shoulder injury, for a total of \$5 million. They also gave Ms. Hernandez \$28,000 for the loss of economic support from her son, who was living with her and helping to pay the rent. The verdict was more than the last offer of \$1.3 million and just below OPC's policy limits, which the plaintiffs demanded, but they never paid.

Plaintiffs argued that the tire failed due to poor maintenance. Plaintiffs' tire expert, Bill Woehrl, testified that, based on the photos of the carcass and the tread pieces that came off, the blowout occurred due to underinflation, and that the OPC driver should have discovered it during his pre-trip inspection the morning of the accident. Plaintiffs also had other photos of other tires on the rig that had their own problems, as well as a violation the driver received from driving

with a broken light, which he admitted to CHP he knew was broken but didn't put on his pre-trip form, bolstering their claim that the driver did a bad inspection.

The defense argued that their driver was not negligent, that the tire failed because of a manufacturing defect - "liner pattern marks" indicating poor adhesion - which were visible on the remaining piece of tread. They argued that the tire manufacturer (who was not a party) was at fault. They also argued that Serrano was at fault because he was driving above the speed limit and should have braked instead of accelerating when the 70,000-pound rig encroached into his lane and forced him to take evasive action by steering into the dirt median.

DAMAGES:

Future economic damages \$28,000; total non-economic damages: \$5 million

INSURER:

Primary layer of \$1 million was through Traveler's Insurance Company; umbrella of \$5 million was through Great American Insurance Company.

SETTLEMENT DISCUSSIONS:

Plaintiffs demanded the policy limits of \$6 million. The last offer by defendant was \$1.3 million.

RESULT:

\$5 million jury verdict. The jury assigned 100% fault to the defendant, 0% to the tire manufacturer, and 0% to the plaintiff.

FILING DATE: Jan. 23, 2023