

2008 WL 4635319 (Cal.Superior) (Verdict and Settlement Summary)

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Superior Court, Solano County, California.

Kathleen **Threlfall**, Rosa E. **Threlfall** and Wilding **Threlfall** v. Scan Vino, LLC doing business as Cherokee Freight Lines; Rick Lee Methvan; Swift Transportation Corporation Inc.; Swift Leasing Co. Inc.; John William Jackson; California Department of Transportation; County of Solano; and Solano Transportation Authority

No. FCS8030274

DATE OF VERDICT/SETTLEMENT: June 26, 2008

TOPIC: MOTOR VEHICLE - REAR-ENDER - MOTOR VEHICLE - TRACTOR-TRAILER - WRONGFUL DEATH - SURVIVORSHIP ACTION - MOTOR VEHICLE - MULTIPLE IMPACT - MOTOR VEHICLE - MULTIPLE VEHICLE  
High-speed Rear-ender Led to Fatal Crash on Highway

**SUMMARY:**

RESULT: Mediated Settlement

The case settled for \$3 million prior to trial.

**EXPERT WITNESSES:**

Plaintiff: Barry Ben-Zion, Ph.D.; Economics; Santa Rosa, CA

**ATTORNEYS:**

Plaintiff: David M. Zeff; Law Offices of David M. Zeff; San Francisco, CA (David Phillip Solari **Threlfall**, Kathleen **Threlfall**, Rosa E. **Threlfall**, Wilding **Threlfall**)

Defendant: Aaron Hancock; Sellar, Hazard, McNeely, Alm & Manning; Concord, CA (Cherokee Freight Lines, Rick Lee Methvin)

JUDGE: Scott L. Kays

RANGE AMOUNT: \$2,000,000-4,999,999

STATE: California

COUNTY: Solano

**INJURIES:** **Threlfall** was taken by helicopter to John Muir Hospital, where he died later that morning.

**Facts:**

On March 6, 2007, plaintiffs' decedent David Phillip Solari **Threlfall**, 58, a geologist and rancher, was stopped on Highway 12 in Solano County, waiting for traffic to clear so he could make a left turn onto a road leading to his ranch. His van was rear-ended by a tractor-trailer traveling at highway speed. The collision pushed the van across the highway and into the lane of oncoming traffic, where it was hit again by another tractor-trailer traveling at highway speed. The second hit demolished the car, and **Threlfall** was thrown from the van, alive but unconscious and with massive injuries.

He died shortly thereafter.

**Threlfall's** widow and two children sued Scan Vino, LLC, operating as Cherokee Freight Lines, the first truck's owner; Rick Lee Methvin, the first truck's driver; Swift Transportation Corporation Inc., the second truck's operator; Swift Leasing Co., the second truck's owner; John William Jackson, the second truck's driver; the California Department of Transportation; the county of Solano; and the Solano Transportation Authority.

The plaintiffs claimed that **Threlfall** was obeying all applicable traffic laws, and was not at all at fault for the accident.

The California Highway Patrol officer who responded to the accident held Methvin to be at fault in his report. He recommended that Methvin be prosecuted for vehicular manslaughter, but the district attorney declined.

The plaintiffs also claimed that the accident occurred on a dangerous stretch of highway. There were two other people killed on that same stretch of highway that week, allegedly.

Methvin stated earlier that he did not see **Threlfall's** van waiting to turn.

Scan Vino immediately admitted liability for the accident, taking full responsibility for causing it. Thus, the other defendants were dismissed.

His widow, Kathleen **Threlfall**, 58, heard the two crashes coming from the highway, and ran out to the road, where she saw her husband dying on the shoulder. The two had been married for 25 years.

The decedent's children were Rosa E., 21, and Wilding, 17.

The plaintiffs claimed that **Threlfall** was known for being enthusiastic about everything he did, including photography, writing, mountaineering and coaching, organizing and promoting youth baseball.

**Threlfall** was employed as a geologic consultant for a local natural gas exploration firm, where he worked three days a week. He spent two days with his wife, operating and maintaining their sheep and cattle ranch.

The family's lost earnings and benefits as of a likely trial date were estimated to be \$707,292.

Kaiser Permanente, which treated **Threlfall**, submitted bills of \$62,865.90.

The plaintiffs also submitted bills of \$1,841 for the funeral; \$14,654.69 in property damage to the van; \$105 for the John Muir Hospital co-pay; \$910 for the ambulance bill; and \$600 for the loss of personal property, such as baseball equipment and uniforms, that was in the van.

The plaintiffs' total economic loss was estimated at about \$788,268.59.

The plaintiffs sought damages for economic losses and for loss of care, comfort and society.

Insurer:

National Interstate for Scan Vino and Methvin

ALM Properties, Inc.  
Superior Court of California, Solano County, at Solano

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