

AC Transit ordered to pay \$15.3 million for speed bump snafu

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A passenger boards an AC Transit bus along Broadway on Oct. 16, 2013, in Oakland. (Aric Crabb/Bay Area News Group)

OAKLAND -- AC Transit has been ordered to pay \$15.3 million to a Richmond woman and her daughter for back injuries the young mother suffered when a bus driver sped over a speed bump in San Pablo in 2011.

The verdict reached Tuesday by an Alameda County jury is the largest personal injury award against the transit system.

"We are still mulling over the verdict as it were and deciding what the steps may be," AC Transit spokesman Clarence Johnson said, noting the transit agency had no other comment.

Maria Francisco was 20 years old and on her way to the Hilltop mall with her 4-year-old daughter on Aug. 27, 2011, when an AC Transit bus driven by Dollie Gilmore hit a speed bump going 30 mph in a 15 mph school zone on Church Lane.

Jurors saw video of a petite Francisco flying up and hitting her back on the edge of the plastic of the bus's rear seating, followed by Gilmore accusing her of faking and threatening prosecution as she was crying out in pain.

Francisco suffered severe traumatic burst fracture to her L1 vertebra, for which she's had three surgeries and medical bills so far nearing \$1 million, according to her attorneys from the Los Angeles-based firm Panish Shea & Boyle.

AC Transit refused to admit any liability until it was time for the trial start in March and then offered her a \$2.75 million settlement, said attorney Brian Panish for the plaintiffs.

At the trial, AC Transit attorney conceded that Francisco's injuries were AC Transit's fault but argued that they, along with Francisco's inability to work, were exaggerated.

"This is a test on how AC Transit would treat one of its patrons injured on the bus. They fought it in every way instead of trying to reach a reasonable settlement early on," said Ivan Golde, Francisco's local attorney. "It's perplexing why AC Transit fought this case so hard when there was nothing to gain by doing so."

The jury awarded Francisco \$10 million for pain and suffering, \$3.38 million for past and future medical expenses, and more than \$800,000 for future lost earnings. Another \$1 million was awarded to Mia, Francisco's daughter, for emotional distress from witnessing the accident.

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