

Panish Shea & Boyle LLP Announces Record \$10 Million Verdict for Death of Boy on School Bus

December 7, 2012

An Orange County, California jury has awarded \$10,000,000 (ten million) in a wrongful death case against the Capistrano Unified School District (“Capistrano”) for the 2011 death of three-year-old Kevin Cisler who died on a bus ride home from school a result of Capistrano employees’ negligence. Kevin’s parents, Melissa and Daniel Cisler, were represented by Brian Panish and Tom Schultz of Panish Shea & Boyle LLP, and Keith More of Berman More Gonzalez. This verdict is believed to be a record in Orange County for the wrongful death of a child.

Kevin was a special needs child who had been diagnosed as a baby with Angelman Syndrome, a neuro-genetic disorder that is characterized by developmental delay, lack of speech, seizures, and walking and balance disorders. Despite his substantial disability, Kevin was a happy three year old boy who brought joy to his parents’ lives. To ensure Kevin received early intervention and therapy, Kevin was enrolled in a special education preschool. As part of the program, Capistrano was to provide Kevin with safe and secure transport to and from

preschool in a school bus equipped for the transportation of a wheelchair, which Kevin was required to use.

Despite knowing of Kevin's special needs and physical limitations, while placing him on the school bus on March 25, 2011, Capistrano employees failed to properly strap Kevin into his wheelchair or ensure that his chest harness was in place and that the lap belt and pommel required to keep him in his seat were secured. Further compounding these mistakes, even though there were only two children on the bus, Kevin's wheelchair was positioned directly behind the bus driver's seat where he could not be seen in the driver's rearview mirrors. During an almost hour long bus ride, because he was not being properly restrained, Kevin slid down in his chair until the chest harness was around his neck and obstructed his breathing. The weight of his body and the position of the chest harness caused Kevin to slowly suffocate to death.

Despite overwhelming evidence available early in the case, the Capistrano refused to admit fault in Kevin's death for 18-months. Although Capistrano later admitted liability, it initially took the position that the value of Kevin's life and the loss suffered by his parents should somehow be "discounted" because of Kevin's developmental disability.

Trial attorney Brian Panish stated: "The slogan of the Angelman Syndrome Foundation is, 'We may not speak but we have much to say.' And with this verdict it is clear that young Kevin Cisler had a lot to say. The family is overwhelmed and honored that

the jury recognized how much love they had for their son. This is a great moment in the law – the jury was able to look beyond disability and recognize the damage that the loss of any young child does to a family.”

Case No. 30-2011-00498422

Melissa and Daniel Cisler v Capistrano Unified School District

Superior Court of the State of California, Orange County

The Hon. Geoffrey T. Glass, presiding