

Dunu et al. V. Griffith Company et al.

September 22, 2023 – Bakersfield Metropolitan Division Justice Building, Bakersfield, CA

Last week, **Yukevich | Cavanaugh** obtained a full defense verdict for its clients in Sobenna Dunu et al. v. Griffith Company et al., Kern County Superior Court Case No. BCV-19-101754.

Sobenna Dunu, a Caltrans safety inspector, was hit by a dump truck on the I-5 freeway in July 2017. Mr. Dunu was overseeing a repaving project and was Caltrans' head of safety for the project. Griffith Company was completing a night shift of roadway repaving under contract with Caltrans. Mr. Dunu was walking alone in the dark on the right shoulder with his back away from the dump truck that was backing up in his direction with its alarm sounding.

Mr. Dunu went to urgent care as a precaution and was diagnosed with a sprained strain. He was released the same day. Months later, he began complaining of significant injuries, requiring extensive surgery and lifelong future care. Mr. Dunu and his wife sued claiming Griffith Company and its dump truck operator were negligent and should have used a spotter while the dump truck was moving in reverse. They asked for \$4.3 million in damages. Defense counsel successfully argued that Mr. Dunu violated numerous Caltrans safety practices and placed himself at risk of severe injury. As Mr. Dunu was the head of safety at the work site, he had every opportunity to report Griffith Company to his supervisors.

Additionally, most if not all of Mr. Dunu's doctors reported no objective findings of a serious back injury. Most of his future care claims were based on subjective complaints of pain, bolstered, and relied upon by paid retained medical experts. Defense counsel argued that plaintiffs and their retained medical experts were simply not credible and their testimony regarding should not be relied upon.

After a 14-day trial, the jury returned a defense verdict in 25 minutes. Griffith Company and its dump truck operator were represented by partner Delmar S. Thomas, along with Chris Patton of the Patton Law Group.