

Yukevich Cavanaugh defeats \$48M unloading injury suit

By Skyler Romero
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Attorneys with Yukevich Cavanaugh successfully defended a trucking company against a \$48 million claim that they were responsible for a dock worker's injuries in a loading accident.

The defense of Estenson Logistics, doing business as Hub Group, was led by Yukevich partner Thomas Borncamp in Los Angeles.

"The plaintiff claims he was injured when a truck that was dropping off a trailer parked the trailer crooked to the dock, leaving a gap between the dock and the trailer's edge," Borncamp said in a phone call on Friday.

During the three-week trial in Kern County, Borncamp argued that there wasn't any evidence indicating that the way the truck was parked was to blame, despite the presence of cameras at the scene.

"The plaintiff and his employer

had closed circuit TV footage of the accident, but neither preserved it until it was gone by the time we were brought into a lawsuit," he said.

The accident at a Bakersfield Home Depot when the plaintiff fell into the gap between a loading dock and a tractor trailer, sustaining severe, permanent injuries to one of his knees and his genitals. *Brown v. Estenson Logistics*, BCV-20-102014 (Kern Sup. Ct., filed Aug. 27, 2020).

"Obviously it was a very tragic case in terms of the severity of the injuries to the plaintiff," said Brian L. Poulter of Poulter & Co. Trial Attorneys Inc. in Beverly Hills, who represented the plaintiff. "We felt that we had a good case against the main defendant, Estenson."

"We thought that there was substantial evidence to support the fact that not only did they not train their driver properly to back up straight to the loading dock in Home Depot, but also that he just didn't do that on that particular

day either," Poulter said in a phone call on Friday. "But the jury obviously thought differently, and that's part of jury trials."

He added that his team is mulling post-trial motions and appeals, "but nothing has been decided one way or the other."

For the defense, Borncamp argued the plaintiff had failed to use a specialized ramp designed to bridge the gap between a dock and a trailer.

"They failed to use that because they had an unsafe work area with boxes cluttering the area that caused the plaintiff to have to step backward into the gap and also prevented the deployment of that dock ramp," he said.

"The Yukevich firm did a very good job defending their clients," Poulter said. "This is my first time having the opportunity to oppose them at trial, and I thought they did a good job defending their client."

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