



# HILDEBRAND McLEOD & NELSON LLP

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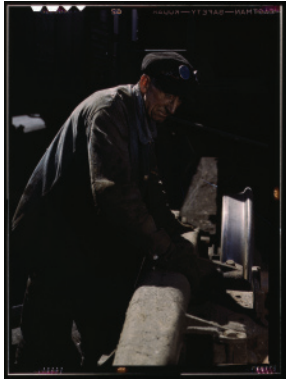
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## FE LA VERDICT: \$ 2,133,000.00

**\$2,133,000.00 Jury Verdict - March 25, 2010 | Jeffrey and Capitola Sommer vs. San Joaquin Valley Railroad  
Hildebrand McLeod & Nelson, LLP | Attorneys Anthony S. Petru & Kristoffer S. Mayfield  
Kern County Superior Court, Bakersfield, California**

On February 14, 2006, in Bakersfield, California, plaintiff Jeffrey Sommer was working as a Teamster truck driver en route in a Freightliner tractor-trailer rig. As he proceeded to cross a public railroad crossing, a free-rolling loaded railcar weighing 130 tons shot out from behind an adjacent building striking the driver's side of his truck at 30-40 mph. The impact drove the truck and trailer perpendicular to the road, through power poles, a cinderblock fence, and rail crossing apparatus.



Extensive investigation and expert testimony established that the railcar's air and handbrake system was rendered defective due to the improper addition of a non-conforming linkage ("clevis") in the braking system. This linkage added four inches to the brake rigging, improperly allowing a key brake lever to hit against the undercarriage of the railcar, resulting in insufficient application of the brakes.

The fuel tanks of Mr. Sommer's truck ruptured and he feared that his truck would ignite and he might burn to death. He suffered multiple physical and emotional injuries including PTSD, Post Concussion Disorder, and Dissociative Disorder. These injuries resulted in permanent disability from gainful employment. Mrs. Sommer also brought her own claim for loss of consortium.

Plaintiff's attorneys Anthony Petru and Kristoffer Mayfield presented evidence and testimony to the jury during a 5-week trial. Following a half-day of deliberations the Kern County jury returned a verdict of approximately \$2,133,000.00 for the plaintiffs.