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U.S., state agree to pay victim of accident

By Marty Schneider
Staff writer

A Hayward man has won \$1.2 million in a court settlement from the State of California and the U.S. government after a car accident in 1977 in which a National Guardsman ran a stop sign and struck the Hayward man's vehicle, leaving him with severe brain damage.

East Bay attorney Lewis Van Blois said he reached the settlement Tuesday on behalf of Daniel Kienitz, 52, just as a jury had been selected to hear the lawsuit in Contra Costa County Superior Court.

Kienitz, a Livermore resident at the time of the accident, has lived at a Hayward convalescent hospital since. He was not in court, and likely never will understand the details of the damages paid him by the government for his injuries.

Kienitz and his son, Daniel Jr., were driving from their Livermore home to Manteca and were at the intersection of Patterson Pass and Grant Line roads when the accident occurred in June 1977. As they passed through the intersection, they were struck by a car driven by Larry Lovelace of

Antioch, who reportedly ran a stop sign.

Lovelace had been at National Guard summer camp near Barstow and was returning home in his private car. But Van Blois argued that Lovelace was acting within the scope of his employment because the National Guard had asked him to perform duty at a Pittsburg National Guard armory during his last day of duty.

The state and federal governments initially rejected Van Blois's claim on behalf of Kienitz, but agreed Tuesday to pay \$1.2 million without admitting wrongdoing in the case rather than go to trial.

Named as defendants in addition to the state and federal governments were Lovelace and Thompson Chevrolet in Patterson. Lovelace's insurance carrier agreed to pay \$75,000 in damages, while Thompson agreed to pay \$20,000 for allegedly selling Kienitz a pickup truck without seat belts.

Kienitz was thrown 100 feet in the accident and remained in a coma for several weeks. He was treated for several months at St. Rose Hospital in Hayward and eventually was admitted to Sequoia Manor Convalescent Hospital at 26660 Patrick Ave., where he still lives.